

conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this chapter should rest with the States;

(g) surface mining and reclamation standards are essential in order to insure that competition in interstate commerce among sellers of coal produced in different States will not be used to undermine the ability of the several States to improve and maintain adequate standards on coal mining operations within their borders;

(h) there are a substantial number of acres of land throughout major regions of the United States disturbed by surface and underground coal on which little or no reclamation was conducted, and the impacts from these unreclaimed lands impose social and economic costs on residents in nearby and adjoining areas as well as continuing to impair environmental quality;

(i) while there is a need to regulate surface mining operations for minerals other than coal, more data and analyses are needed to serve as a basis for effective and reasonable regulation of such operations;

(j) surface and underground coal mining operations affect interstate commerce, contribute to the economic well-being, security, and general welfare of the Nation and should be conducted in an environmentally sound manner; and

(k) the cooperative effort established by this chapter is necessary to prevent or mitigate adverse environmental effects of present and future surface coal mining operations.

(Pub. L. 95-87, title I, §101, Aug. 3, 1977, 91 Stat. 447.)

REFERENCES IN TEXT

This chapter, referred to in pars. (e), (f), and (k), was in the original "this Act", meaning Pub. L. 95-87, Aug. 3, 1977, 91 Stat. 445, as amended, which enacted this chapter and amended section 1114 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-432, div. C, title II, §200, Dec. 20, 2006, 120 Stat. 3006, provided that: "This title [enacting section 1244 of this title, amending sections 1231 to 1233, 1236, 1238, 1240a, 1260, 1300, and 1302 of this title and sections 9701, 9702, 9704 to 9707, 9711, 9712, and 9721 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under section 1232 of this title and sections 9701, 9704, and 9712 of Title 26] may be cited as the 'Surface Mining Control and Reclamation Act Amendments of 2006'."

SHORT TITLE OF 1990 AMENDMENTS

Pub. L. 101-508, title VI, §6001, Nov. 5, 1990, 104 Stat. 1388-289, provided that: "This subtitle [subtitle A (§§6001-6014) of title VI of Pub. L. 101-508, enacting section 1240a of this title, amending sections 1231 to 1237, 1239, 1257, and 1302 of this title, and enacting provisions set out as notes under section 1231 of this title] may be cited as the 'Abandoned Mine Reclamation Act of 1990'."

Pub. L. 101-498, §1, Nov. 2, 1990, 104 Stat. 1207, provided that: "This Act [enacting section 1230a of this title] may be cited as the 'Strategic and Critical Minerals Act of 1990'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-483, §13, Oct. 12, 1988, 102 Stat. 2341, provided that: "This Act [amending sections 1221, 1222, 1224, 1226, 1229, and 1230 of this title and enacting provisions set out as notes under this section and section 1229 of this title] may be cited as the Mining and Mineral Resources Research Institute Amendments of 1988."

SHORT TITLE

Pub. L. 95-87, §1, Aug. 3, 1977, 91 Stat. 445, provided: "That this Act [enacting this chapter and amending section 1114 of Title 18, Crimes and Criminal Procedure] may be cited as the 'Surface Mining Control and Reclamation Act of 1977'."

Pub. L. 98-409, §11, as added by Pub. L. 100-483, §12, Oct. 12, 1988, 102 Stat. 2341; amended by Pub. L. 104-312, §1(b), Oct. 19, 1996, 110 Stat. 3819, provided that: "This Act [enacting subchapter III of this chapter] may be cited as the 'Mining and Mineral Resources Institutes Act'."

§ 1202. Statement of purpose

It is the purpose of this chapter to—

(a) establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations;

(b) assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are fully protected from such operations;

(c) assure that surface mining operations are not conducted where reclamation as required by this chapter is not feasible;

(d) assure that surface coal mining operations are so conducted as to protect the environment;

(e) assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with the surface coal mining operations;

(f) assure that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided and strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy;

(g) assist the States in developing and implementing a program to achieve the purposes of this chapter;

(h) promote the reclamation of mined areas left without adequate reclamation prior to August 3, 1977, and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public;

(i) assure that appropriate procedures are provided for the public participation in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by the Secretary or any State under this chapter;

(j) provide a means for development of the data and analyses necessary to establish effective and reasonable regulation of surface mining operations for other minerals;

(k) encourage the full utilization of coal resources through the development and application of underground extraction technologies;

(l) stimulate, sponsor, provide for and/or supplement present programs for the conduct of research investigations, experiments, and demonstrations, in the exploration, extraction, processing, development, and production of minerals and the training of mineral engineers and scientists in the field of mining, minerals resources, and technology, and the establishment of an appropriate research and training center in various States; and

(m) wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations.

(Pub. L. 95-87, title I, §102, Aug. 3, 1977, 91 Stat. 448.)

SUBCHAPTER II—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

§ 1211. Office of Surface Mining Reclamation and Enforcement

(a) Establishment

There is established in the Department of the Interior, the Office of Surface Mining Reclamation and Enforcement (hereinafter referred to as the "Office").

(b) Appointment, compensation, duties, etc., of Director; employees

The Office shall have a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule under section 5315¹ of title 5, and such other employees as may be required. Pursuant to section 5108 of title 5, and after consultation with the Secretary, the Director of the Office of Personnel Management shall determine the necessary number of positions in general schedule employees in grade 16, 17, and 18 to perform functions of this subchapter and shall allocate such positions to the Secretary. The Director shall have the responsibilities provided under subsection (c) of this section and those duties and responsibilities relating to the functions of the Office which the Secretary may assign, consistent with this chapter. Employees of the Office shall be recruited on the basis of their professional competence and capacity to administer the provisions of this chapter. The Office may use, on a reimbursable basis when appropriate, employees of the Department and other Federal agencies to administer the provisions of this chapter, providing that no legal authority, program, or function in any Federal agency which has as its purpose promoting the development or use of coal or other mineral resources or regulating the health and safety of miners under provisions of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742) [30 U.S.C. 801 et seq.], shall be transferred to the Office.

(c) Duties of Secretary

The Secretary, acting through the Office, shall—

(1) administer the programs for controlling surface coal mining operations which are re-

quired by this chapter; review and approve or disapprove State programs for controlling surface coal mining operations and reclaiming abandoned mined lands; make those investigations and inspections necessary to insure compliance with this chapter; conduct hearings, administer oaths, issue subpoenas, and compel the attendance of witnesses and production of written or printed material as provided for in this chapter; issue cease-and-desist orders; review and vacate or modify or approve orders and decisions; and order the suspension, revocation, or withholding of any permit for failure to comply with any of the provisions of this chapter or any rules and regulations adopted pursuant thereto;

(2) publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this chapter;

(3) administer the State grant-in-aid program for the development of State programs for surface and mining and reclamation operations provided for in subchapter V of this chapter;

(4) administer the program for the purchase and reclamation of abandoned and unreclaimed mined areas pursuant to subchapter IV of this chapter;

(5) administer the surface mining and reclamation research and demonstration project authority provided for in this chapter;

(6) consult with other agencies of the Federal Government having expertise in the control and reclamation of surface mining operations and assist States, local governments, and other eligible agencies in the coordination of such programs;

(7) maintain a continuing study of surface mining and reclamation operations in the United States;

(8) develop and maintain an Information and Data Center on Surface Coal Mining, Reclamation, and Surface Impacts of Underground Mining, which will make such data available to the public and the Federal, regional, State, and local agencies conducting or concerned with land use planning and agencies concerned with surface and underground mining and reclamation operations;

(9) assist the States in the development of State programs for surface coal mining and reclamation operations which meet the requirements of this chapter, and at the same time, reflect local requirements and local environmental and agricultural conditions;

(10) assist the States in developing objective scientific criteria and appropriate procedures and institutions for determining those areas of a State to be designated unsuitable for all or certain types of surface coal mining pursuant to section 1272 of this title;

(11) monitor all Federal and State research programs dealing with coal extraction and use and recommend to Congress the research and demonstration projects and necessary changes in public policy which are designated to (A) improve feasibility of underground coal mining, and (B) improve surface mining and reclamation techniques directed at eliminating adverse environmental and social impacts;

(12) cooperate with other Federal agencies and State regulatory authorities to minimize

¹ So in original. Probably should be section "5316".