

are authorized to be appropriated to the fund not to exceed \$50,000,000 annually, such sums to carry out the provisions of the loan guaranty program by the Project under subchapter II of this chapter.

(Pub. L. 93-410, title III, §304, Sept. 3, 1974, 88 Stat. 1089.)

CHAPTER 25—SURFACE MINING CONTROL AND RECLAMATION

SUBCHAPTER I—STATEMENT OF FINDINGS AND POLICY

Sec.

1201. Congressional findings.
1202. Statement of purpose.

SUBCHAPTER II—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

1211. Office of Surface Mining Reclamation and Enforcement.

SUBCHAPTER III—STATE MINING AND MINERAL RESOURCES RESEARCH INSTITUTES

1221. Authorization of State allotments to institutes.
1222. Research funds to institutes.
1223. Funding criteria.
1224. Duties of Secretary.
1225. Effect on colleges and universities.
1226. Research.
1227. Center for cataloging.
1228. Interagency cooperation.
1229. Committee on Mining and Mineral Resources Research.
1230. Eligibility criteria.
1230a. Strategic Resources Generic Mineral Technology Center.

SUBCHAPTER IV—ABANDONED MINE RECLAMATIONS

1231. Abandoned Mine Reclamation Fund.
1232. Reclamation fee.
1233. Objectives of fund.
1234. Eligible lands and water.
1235. State reclamation program.
1236. Reclamation of rural lands.
1237. Acquisition and reclamation of land adversely affected by past coal mining practices.
1238. Liens.
1239. Filling voids and sealing tunnels.
1240. Emergency powers.
1240a. Certification.
1241. Omitted.
1242. Powers of Secretary or State.
1243. Interagency cooperation.
1244. Remining incentives.

SUBCHAPTER V—CONTROL OF THE ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING

1251. Environmental protection standards.
1251a. Abandoned coal refuse sites.
1252. Initial regulatory procedures.
1253. State programs.
1254. Federal programs.
1255. State laws.
1256. Permits.
1257. Application requirements.
1258. Reclamation plan requirements.
1259. Performance bonds.
1260. Permit approval or denial.
1261. Revision of permits.
1262. Coal exploration permits.
1263. Public notice and public hearings.
1264. Decisions of regulatory authority and appeals.
1265. Environmental protection performance standards.

Sec.

1266. Surface effects of underground coal mining operations.
1267. Inspections and monitoring.
1268. Penalties.
1269. Release of performance bonds or deposits.
1270. Citizens suits.
1271. Enforcement.
1272. Designating areas unsuitable for surface coal mining.
1273. Federal lands.
1274. Public agencies, public utilities, and public corporations.
1275. Review by Secretary.
1276. Judicial review.
1277. Special bituminous coal mines.
1278. Surface mining operations not subject to this chapter.
1279. Anthracite coal mines.

SUBCHAPTER VI—DESIGNATION OF LANDS UNSUITABLE FOR NONCOAL MINING

1281. Designation procedures.

SUBCHAPTER VII—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

1291. Definitions.
1292. Other Federal laws.
1293. Employee protection.
1294. Penalty.
1295. Grants to States.
1296. Annual report to President and Congress.
1297. Separability.
1298. Alaskan surface coal mine study.
1299. Study of reclamation standards for surface mining of other minerals.
1300. Indian lands.
1301. Environmental practices.
1302. Authorization of appropriations.
1303. Coordination of regulatory and inspection activities.
1304. Surface owner protection.
1305. Federal lessee protection.
1306. Effect on rights of owner of coal in Alaska to conduct surface mining operations.
1307. Water rights and replacement.
1308. Advance appropriations.
1308a. Use of civil penalty funds to reclaim lands.
1309. Certification and training of blasters.
1309a. Subsidence.
1309b. Research.

SUBCHAPTER VIII—UNIVERSITY COAL RESEARCH LABORATORIES

1311. Establishment of university coal research laboratories.
1312. Financial assistance.
1313. Limitation on payments.
1314. Payments; Federal share of operating expenses.
1315. Advisory Council on Coal Research.
1316. Authorization of appropriations.

SUBCHAPTER IX—ENERGY RESOURCE GRADUATE FELLOWSHIPS

1321. Fellowship awards.
1322. Fellowship recipients.
1323. Distribution of fellowships.
1324. Stipends and allowances.
1325. Limitation on fellowships.
1326. Fellowship conditions.
1327. Authorization of appropriations.
1328. Research, development projects, etc., relating to alternative coal mining technologies.

SUBCHAPTER I—STATEMENT OF FINDINGS AND POLICY

§ 1201. Congressional findings

The Congress finds and declares that—

(a) extraction of coal and other minerals from the earth can be accomplished by various methods of mining, including surface mining;

(b) coal mining operations presently contribute significantly to the Nation's energy requirements; surface coal mining constitutes one method of extraction of the resource; the overwhelming percentage of the Nation's coal reserves can only be extracted by underground mining methods, and it is, therefore, essential to the national interest to insure the existence of an expanding and economically healthy underground coal mining industry;

(c) many surface mining operations result in disturbances of surface areas that burden and adversely affect commerce and the public welfare by destroying or diminishing the utility of land for commercial, industrial, residential, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods, by polluting the water, by destroying fish and wildlife habitats, by impairing natural beauty, by damaging the property of citizens, by creating hazards dangerous to life and property by degrading the quality of life in local communities, and by counteracting governmental programs and efforts to conserve soil, water, and other natural resources;

(d) the expansion of coal mining to meet the Nation's energy needs makes even more urgent the establishment of appropriate standards to minimize damage to the environment and to productivity of the soil and to protect the health and safety of the public.¹

(e) surface mining and reclamation technology are now developed so that effective and reasonable regulation of surface coal mining operations by the States and by the Federal Government in accordance with the requirements of this chapter is an appropriate and necessary means to minimize so far as practicable the adverse social, economic, and environmental effects of such mining operations;

(f) because of the diversity in terrain, climate, biologic, chemical, and other physical 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—

¹ So in original. The period probably should be a semicolon.