

Subsec. (b). Pub. L. 109-432, §202(b), substituted “September 30, 2021” for “September 30, 2007, after which time the fee shall be established at a rate to continue to provide for the deposit referred to in subsection (h) of this section”.

Pub. L. 109-234 substituted “September 30, 2007” for “June 30, 2006”.

Subsec. (g)(1)(D). Pub. L. 109-432, §202(c)(1), inserted “(except for grants awarded during fiscal years 2008, 2009, and 2010 to the extent not expended within 5 years)” after “this paragraph” and substituted “under paragraph (5)” for “in any area under paragraph (2), (3), (4), or (5)”.

Subsec. (g)(2). Pub. L. 109-432, §202(c)(2), added par. (2) and struck out former par. (2) which read as follows: “20 percent of the amounts available in the fund in any fiscal year which are not allocated under paragraph (1) in that fiscal year (including that interest accruing as provided in section 1231(e) of this title and including funds available for reallocation pursuant to paragraph (1)(D)), shall be allocated to the Secretary only for the purpose of making the annual transfer to the Secretary of Agriculture under section 1231(c)(2) of this title.”

Subsec. (g)(3). Pub. L. 109-432, §202(c)(3)(A), substituted “paragraph (5)” for “paragraphs (2) and (5)” in introductory provisions.

Subsec. (g)(3)(A). Pub. L. 109-432, §202(c)(3)(B), substituted “1231(c)(9)” for “1231(c)(11)”.

Subsec. (g)(3)(E). Pub. L. 109-432, §202(c)(3)(C), added subpar. (E).

Subsec. (g)(5). Pub. L. 109-432, §202(c)(4), designated existing provisions as subpar. (A), in first sentence, substituted “60” for “40”, in last sentence, substituted “Funds made available under paragraph (3) or (4)” for “Funds allocated or expended by the Secretary under paragraphs (2), (3), or (4)”, and added subpar. (B).

Subsec. (g)(6) to (8). Pub. L. 109-432, §202(c)(5), added pars. (6) to (8) and struck out former pars. (6) to (8) which related to authority of any State to receive and retain up to 10 percent of the total of grants, State authority to establish an acid mine drainage abatement and treatment fund and to implement plans for acid mine drainage abatement and treatment, and allocation of not less than \$2,000,000 annually for expenditure in each State and for each Indian tribe, having an approved reclamation program and eligible lands and waters.

Subsecs. (h), (i). Pub. L. 109-432, §202(d), added subsecs. (h) and (i) and struck out former subsec. (h) which related to transfer of funds to the United Mine Workers of America Combined Benefit Fund.

2005—Subsec. (b). Pub. L. 109-54 substituted “June 30, 2006” for “September 30, 2005”.

Pub. L. 109-13 substituted “September 30, 2005” for “June 30, 2005”.

2004—Subsec. (b). Pub. L. 108-447 substituted “June 30, 2005” for “September 30, 2004”.

1992—Subsec. (b). Pub. L. 102-486, §2515, which directed that subsec. (b) be amended by substituting “2004, after which time the fee shall be established at a rate to continue to provide for the deposit referred to in subsection (h) of this section” for “1995”, was executed by inserting “, after which time the fee shall be established at a rate to continue to provide for the deposit referred to in subsection (h) of this section” after “2004”, to reflect the probable intent of Congress and the intervening amendment by Pub. L. 102-486, §19143(b)(1). See below.

Pub. L. 102-486, §19143(b)(1), substituted “2004” for “1995” before period at end.

Subsec. (g)(1). Pub. L. 102-486, §19143(b)(3)(B), substituted “Except as provided in subsection (h) of this section, moneys” for “Moneys”.

Subsec. (h). Pub. L. 102-486, §19143(b)(2), added subsec. (h).

1990—Subsec. (b). Pub. L. 101-508, §6003(a), substituted “ending September 30, 1995” for “ending fifteen years after August 3, 1977, unless extended by an Act of Congress”.

Subsec. (c). Pub. L. 101-508, §6003(b), inserted at end “Such statement shall include an identification of the

permittee of the surface coal mining operation, any operator in addition to the permittee, the owner of the coal, the preparation plant, tripple, or loading point for the coal, and the person purchasing the coal from the operator. The report shall also specify the number of the permit required under section 1256 of this title and the mine safety and health identification number. Each quarterly report shall contain a notification of any changes in the information required by this subsection since the date of the preceding quarterly report. The information contained in the quarterly reports under this subsection shall be maintained by the Secretary in a computerized database.”

Subsec. (d). Pub. L. 101-508, §6003(c), designated existing provisions as par. (1) and added par. (2).

Subsec. (f). Pub. L. 101-508, §6003(d), inserted at end “Whenever the Secretary believes that any person has not paid the full amount of the fee payable under subsection (a) of this section the Secretary shall notify the Federal agency responsible for ensuring compliance with the provisions of section 4121 of title 26.”

Subsec. (g). Pub. L. 101-508, §6004, amended subsec. (g) generally, substituting present provisions for provisions relating to geographic allocation of expenditures from the fund, providing for allocation of 50 percent of funds collected annually in any State or Indian reservation to that State or Indian reservation pursuant to approved reclamation program, providing for special State set-aside for future expenditure, and authorizing expenditure of balance of funds collected at discretion of Secretary in order to meet the purposes of this subchapter.

1987—Subsec. (g)(3), (4). Pub. L. 100-34 added par. (3) and redesignated former par. (3) as (4).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-432, div. C, title II, §202(a)(1), Dec. 20, 2006, 120 Stat. 3008, provided that the amendment made by section 202(a)(1) [amending this section] is effective Oct. 1, 2007.

Pub. L. 109-432, div. C, title II, §202(a)(2), Dec. 20, 2006, 120 Stat. 3008, provided that the amendment made by section 202(a)(2) [amending this section] is effective Oct. 1, 2012.

Pub. L. 109-432, div. C, title II, §202(b), Dec. 20, 2006, 120 Stat. 3008, provided that the amendment made by section 202(b) [amending this section] is effective Sept. 30, 2007.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective Oct. 1, 1991, see section 6014 of Pub. L. 101-508 set out as a note under section 1231 of this title.

## § 1233. Objectives of fund

### (a) Priorities

Expenditure of moneys from the fund on lands and water eligible pursuant to section 1234 of this title for the purposes of this subchapter, except as provided for under section 1240a of this title, shall reflect the following priorities in the order stated:

(1)(A) the protection;<sup>1</sup> of public health, safety, and property from extreme danger of adverse effects of coal mining practices;

(B) the restoration of land and water resources and the environment that—

(i) have been degraded by the adverse effects of coal mining practices; and

(ii) are adjacent to a site that has been or will be remediated under subparagraph (A);

(2)(A) the protection of public health and safety from adverse effects of coal mining practices;

<sup>1</sup> So in original.

(B) the restoration of land and water resources and the environment that—

- (i) have been degraded by the adverse effects of coal mining practices; and
- (ii) are adjacent to a site that has been or will be remediated under subparagraph (A); and

(3) the restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity.

#### (b) Water supply restoration

(1) Any State or Indian tribe not certified under section 1240a(a) of this title may expend funds allocated to such State or Indian tribe in any year through the grants made available under paragraphs (1) and (5) of section 1232(g) of this title for the purpose of protecting, repairing, replacing, constructing, or enhancing facilities relating to water supply, including water distribution facilities and treatment plants, to replace water supplies adversely affected by coal mining practices.

(2) If the adverse effect on water supplies referred to in this subsection occurred both prior to and after August 3, 1977, or as the case may be, the dates (and under the criteria) set forth under section 1232(g)(4)(B) of this title, section 1234 of this title shall not be construed to prohibit a State or Indian tribe referred to in paragraph (1) from using funds referred to in such paragraph for the purposes of this subsection if the State or Indian tribe determines that such adverse effects occurred predominantly prior to August 3, 1977, or as the case may be, the dates (and under the criteria) set forth under section 1232(g)(4)(B) of this title.

#### (c) Inventory

For the purposes of assisting in the planning and evaluation of reclamation projects pursuant to section 1235 of this title, and assisting in making the certification referred to in section 1240a(a) of this title, the Secretary shall maintain an inventory of eligible lands and waters pursuant to section 1234 of this title which meet the priorities stated in paragraphs (1) and (2) of subsection (a) of this section. Under standardized procedures established by the Secretary, States and Indian tribes with approved abandoned mine reclamation programs pursuant to section 1235 of this title may offer amendments, subject to the approval of the Secretary, to update the inventory as it applies to eligible lands and waters under the jurisdiction of such States or tribes. The Secretary shall provide such States and tribes with the financial and technical assistance necessary for the purpose of making inventory amendments. The Secretary shall compile and maintain an inventory for States and Indian lands in the case when a State or Indian tribe does not have an approved abandoned mine reclamation program pursuant to section 1235 of this title. On a regular basis, but not less than annually, the projects completed under this subchapter shall be so noted on the

inventory under standardized procedures established by the Secretary.

(Pub. L. 95-87, title IV, § 403, Aug. 3, 1977, 91 Stat. 458; Pub. L. 101-508, title VI, § 6005, Nov. 5, 1990, 104 Stat. 1388-294; Pub. L. 102-486, title XXV, § 2504(c)(2), (e), Oct. 24, 1992, 106 Stat. 3105, 3106; Pub. L. 109-432, div. C, title II, § 203, Dec. 20, 2006, 120 Stat. 3015.)

#### AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-432, § 203(1)(A), designated existing provisions as subpar. (A), inserted semicolon after “protection”, struck out “general welfare,” after “safety,”, and added subpar. (B).

Subsec. (a)(2). Pub. L. 109-432, § 203(1)(B), designated existing provisions as subpar. (A), substituted “health and safety” for “health, safety, and general welfare”, and added subpar. (B).

Subsec. (a)(3). Pub. L. 109-432, § 203(1)(C), which directed that a period be substituted for the semicolon at end, could not be executed because a period already appeared at end.

Subsec. (a)(4), (5). Pub. L. 109-432, § 203(1)(D), struck out pars. (4) and (5) which read as follows:

“(4) the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;

“(5) the development of publicly owned land adversely affected by coal mining practices including land acquired as provided in this subchapter for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.”

Subsec. (b). Pub. L. 109-432, § 203(2)(A), substituted “Water supply restoration” for “Utilities and other facilities” in heading.

Subsec. (b)(1). Pub. L. 109-432, § 203(2)(B), struck out “up to 30 percent of the” before “funds”.

Subsec. (c). Pub. L. 109-432, § 203(3), inserted “, subject to the approval of the Secretary,” after “amendments” in second sentence.

1992—Subsec. (a)(4) to (6). Pub. L. 102-486, § 2504(c)(2), redesignated pars. (5) and (6) as (4) and (5), respectively, and struck out former par. (4) which read as follows: “research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques;”.

Subsec. (b)(2). Pub. L. 102-486, § 2504(e), inserted “, or as the case may be, the dates (and under the criteria) set forth under section 1232(g)(4)(B) of this title” after “1977” in two places.

1990—Pub. L. 101-508 designated existing provisions as subsec. (a), inserted heading and “, except as provided for under section 1240a of this title,” after “subchapter”, and added subsecs. (b) and (c).

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective Oct. 1, 1991, see section 6014 of Pub. L. 101-508 set out as a note under section 1231 of this title.

#### § 1234. Eligible lands and water

Lands and water eligible for reclamation or drainage abatement expenditures under this subchapter are those which were mined for coal or which were affected by such mining, waste-banks, coal processing, or other coal mining processes, except as provided for under section 1240a of this title, and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or other Federal laws. For other provisions relating to lands and waters eligible for such expenditures, see section 1232(g)(4) of this title, section 1233(b)(1) of this title, and section 1239 of this