

Research to submit a report to Congress by Jan. 15, 1992, on programs established under this subchapter, including reviews of activities of the institutes and generic mineral technology centers established under this subchapter, each institute's and center's eligibility pursuant to section 1230 of this title, and recommendations on establishing new generic mineral technology centers, as well as phasing out or consolidating existing centers, and further directed Committee to submit to Congress, by Jan. 15, 1990, a proposal to establish a Generic Mineral Technology Center on Strategic and Critical Minerals.

§ 1230. Eligibility criteria

(a) The Committee shall determine the eligibility of a college or university to participate as a mining and mineral resources research institute under this subchapter using criteria which include—

(1) the presence of a substantial program of graduate instruction and research in mining or mineral extraction or closely related fields which has a demonstrated history of achievement;

(2) evidence of institutional commitment for the purposes of this subchapter;

(3) evidence that such institution has or can obtain significant industrial cooperation in activities within the scope of this subchapter; and

(4) the presence of an engineering program in mining or minerals extraction that is accredited by the Accreditation Board for Engineering and Technology, or evidence of equivalent institutional capability as determined by the Committee.

(b)(1) Notwithstanding the provisions of subsection (a), those colleges or universities which, on October 12, 1988, have a mining or mineral resources research institute program which has been found to be eligible pursuant to this subchapter shall continue to be eligible subject to review at least once during the period authorized by the Mining and Mineral Resources Research Institute Amendments of 1988, under the provisions of subsection (a). The results of such review shall be submitted by January 15, 1992, pursuant to section 11(a)(2) of the Mining and Mineral Resources Research Institute Amendments of 1988.

(2) Generic mineral technology centers established by the Secretary under this subchapter are to be composed of institutes eligible pursuant to subsection (a). Existing generic mineral technology centers shall continue to be eligible under this subchapter subject to at least one review prior to January 15, 1992, pursuant to section 11(a)(3) of the Mining and Mineral Resources Research Institute Amendments of 1988.

(Pub. L. 98-409, §10, Aug. 29, 1984, 98 Stat. 1541; Pub. L. 100-483, §10, Oct. 12, 1988, 102 Stat. 2340.)

REFERENCES IN TEXT

The Mining and Mineral Resources Research Institute Amendments of 1988, referred to in subsec. (b), is Pub. L. 100-483, Oct. 12, 1988, 102 Stat. 2339. Section 11(a)(2) and (3) of the Mining and Mineral Resources Research Institute Amendments of 1988 is set out as a note under section 1229 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 1201 of this title and Tables.

CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-483 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Notwithstanding the provisions of subsection (a) of this section, those colleges or universities which, on August 29, 1984, have a mining or mineral resources research institute program which has been found to be eligible pursuant to title III of the Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445) shall continue to be eligible pursuant to this subchapter for a period of four fiscal years beginning October 1, 1984."

§ 1230a. Strategic Resources Generic Mineral Technology Center

(a) Establishment

The Secretary of¹ Interior is authorized and directed to establish a Strategic Resources Mineral Technology Center (hereinafter referred to as the "center") for the purpose of improving existing, and developing new, technologies that will decrease the dependence of the United States on supplies of strategic and critical minerals.

(b) Functions

The center shall—

(1) provide for studies and technology development in the areas of mineral extraction and refining processes, product substitution and conservation of mineral resources through recycling and advanced processing and fabrication methods;

(2) identify new deposits of strategic and critical mineral resources; and

(3) facilitate the transfer of information, studies, and technologies developed by the center to the private sector.

(c) Criteria

The Secretary shall establish the center referred to in subsection (a) at a university that—

(1) does not currently host a generic mineral technology center;

(2) has established advanced degree programs in geology and geological engineering, and metallurgical and mining engineering;

(3) has expertise in materials and advanced processing research; and

(4) is located west of the 100th meridian.

(d) Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 98-409, §12, as added Pub. L. 101-498, §2, Nov. 2, 1990, 104 Stat. 1207.)

CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

¹ So in original. Probably should be "of the".

SUBCHAPTER IV—ABANDONED MINE
RECLAMATIONS

§ 1231. Abandoned Mine Reclamation Fund

(a) Establishment; administration; State funds

There is created on the books of the Treasury of the United States a trust fund to be known as the Abandoned Mine Reclamation Fund (hereinafter referred to as the “fund”) which shall be administered by the Secretary of the Interior. State abandoned mine reclamation funds (State funds) generated by grants from this subchapter shall be established by each State pursuant to an approved State program.

(b) Sources of deposits to fund

The fund shall consist of amounts deposited in the fund, from time to time derived from—

- (1) the reclamation fees levied under section 1232 of this title;
- (2) any user charge imposed on or for land reclaimed pursuant to this subchapter after expenditures for maintenance have been deducted;
- (3) donations by persons, corporations, associations, and foundations for the purposes of this subchapter;
- (4) recovered moneys as provided for in this subchapter; and
- (5) interest credited to the fund under subsection (e).

(c) Use of moneys

Moneys in the fund may be used for the following purposes:

- (1) reclamation and restoration of land and water resources adversely affected by past coal mining, including but not limited to reclamation and restoration of abandoned surface mine areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling abandoned deep mine entries and voids; planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of stream beds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ; prevention, abatement, and control of coal mine subsidence; and establishment of self-sustaining, individual State administered programs to insure private property against damages caused by land subsidence resulting from underground coal mining in those States which have reclamation plans approved in accordance with section 1253 of this title: *Provided*, That funds used for this purpose shall not exceed \$3,000,000 of the funds made available to any State under section 1232(g)(1) of this title;
- (2) acquisition and filling of voids and sealing of tunnels, shafts, and entryways under section 1239 of this title;
- (3) acquisition of land as provided for in this subchapter;
- (4) enforcement and collection of the reclamation fee provided for in section 1232 of this title;
- (5) restoration, reclamation, abatement, control, or prevention of adverse effects of

coal mining which constitutes an emergency as provided for in this subchapter;

- (6) grants to the States to accomplish the purposes of this subchapter;
- (7) administrative expenses of the United States and each State to accomplish the purposes of this subchapter;
- (8) for use under section 1240a of this title;
- (9) for the purpose of section 1257(c) of this title, except that not more than \$10,000,000 shall annually be available for such purpose;
- (10) for the purpose described in section 1232(h) of this title; and
- (11) all other necessary expenses to accomplish the purposes of this subchapter.

(d) Availability of moneys; no fiscal year limitation

(1) In general

Moneys from the fund for expenditures under subparagraphs (A) through (D) of section 1232(g)(3) of this title shall be available only when appropriated for those subparagraphs.

(2) No fiscal year limitation

Appropriations described in paragraph (1) shall be made without fiscal year limitation.

(3) Other purposes

Moneys from the fund shall be available for all other purposes of this subchapter without prior appropriation as provided in subsection (f).

(e) Interest

The Secretary of the Interior shall notify the Secretary of the Treasury as to what portion of the fund is not, in his judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the fund in public debt securities with maturities suitable for achieving the purposes of the transfers under section 1232(h) of this title and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the fund for the purpose of the transfers under section 1232(h) of this title.

(f) General limitation on obligation authority

(1) In general

From amounts deposited into the fund under subsection (b), the Secretary shall distribute during each fiscal year beginning after September 30, 2007, an amount determined under paragraph (2).

(2) Amounts

(A) For fiscal years 2008 through 2022

For each of fiscal years 2008 through 2022, the amount distributed by the Secretary under this subsection shall be equal to—

- (i) the amounts deposited into the fund under paragraphs (1), (2), and (4) of subsection (b) for the preceding fiscal year that were allocated under paragraphs (1) and (5) of section 1232(g) of this title; plus
- (ii) the amount needed for the adjustment under section 1232(g)(8) of this title for the current fiscal year.