

1388–296; amended Pub. L. 109–432, div. C, title II, § 206, Dec. 20, 2006, 120 Stat. 3016; Pub. L. 112–141, div. F, title I, § 100125, July 6, 2012, 126 Stat. 915; Pub. L. 112–175, § 142, Sept. 28, 2012, 126 Stat. 1321; Pub. L. 113–40, § 10(d), Oct. 2, 2013, 127 Stat. 546; Pub. L. 114–94, div. D, title XLIII, § 43001, Dec. 4, 2015, 129 Stat. 1762.)

Editorial Notes

REFERENCES IN TEXT

The Uranium Mill Tailings Radiation Control Act of 1978, referred to in subsec. (d), is Pub. L. 95–604, Nov. 8, 1978, 92 Stat. 3021, as amended, which is classified principally to chapter 88 (§ 7901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7901 of Title 42 and Tables.

The Comprehensive Environmental Response Compensation and Liability Act of 1980, referred to in subsec. (d), probably means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96–510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§ 9601 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 411 of Pub. L. 95–87 was renumbered section 412 and was classified to section 1241 of this title, prior to being omitted from the Code.

AMENDMENTS

2015—Subsec. (h)(1)(C). Pub. L. 114–94, § 43001(1), designated existing provisions as cl. (i), inserted heading, and added cl. (ii).

Subsec. (h)(5), (6). Pub. L. 114–94, § 43001(2), struck out pars. (5) and (6) which related to limitation on annual payments and supplemental funding, respectively.

2013—Subsec. (h)(6). Pub. L. 113–40 added par. (6).

2012—Subsec. (h)(4)(A). Pub. L. 112–175 amended subpar. (A) generally. Prior to amendment, text read as follows: “The amount allocated to any State or Indian tribe under subparagraph (A) or (B) of section 1232(g)(1) of this title that is paid to the State or Indian tribe as a result of a payment under paragraph (1) or (2) shall be reallocated and available for grants under section 1232(g)(5) of this title.”

Subsec. (h)(5). Pub. L. 112–141 added par. (5).

2006—Subsec. (a). Pub. L. 109–432, § 206(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (h). Pub. L. 109–432, § 206(2), added subsec. (h).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1991, see section 6014 of Pub. L. 101–508 set out as an Effective Date of 1990 Amendment note under section 1231 of this title.

§ 1241. Omitted

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CODIFICATION

Section, Pub. L. 95–87, title IV, § 412, formerly § 411, Aug. 3, 1977, 91 Stat. 466, renumbered § 412, Pub. L. 101–508, title VI, § 6010(1), Nov. 5, 1990, 104 Stat. 1388–296, which required the Secretary of the Interior or the State pursuant to an approved State program to report to Congress annually on operations under the fund together with recommendations for future use of the fund, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 109 of House Document No. 103–7.

§ 1242. Powers of Secretary or State

(a) Engage in work, promulgate rules and regulations, etc., to implement and administer this subchapter

The Secretary or the State pursuant to an approved State program, shall have the power and authority, if not granted it otherwise, to engage in any work and to do all things necessary or expedient, including promulgation of rules and regulations, to implement and administer the provisions of this subchapter.

(b) Engage in cooperative projects

The Secretary or the State pursuant to an approved State program, shall have the power and authority to engage in cooperative projects under this subchapter with any other agency of the United States of America, any State and their governmental agencies.

(c) Request for action to restrain interference with regard to this subchapter

The Secretary or the State pursuant to an approved State program, may request the Attorney General, who is hereby authorized to initiate, in addition to any other remedies provided for in this subchapter, in any court of competent jurisdiction, an action in equity for an injunction to restrain any interference with the exercise of the right to enter or to conduct any work provided in this subchapter.

(d) Construct and operate plants for control and treatment of water pollution resulting from mine drainage

The Secretary or the State pursuant to an approved State program, shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water: *Provided*, That the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the Federal Water Pollution Control Act (33 U.S.C.A. 1151, et seq. as amended) [33 U.S.C. 1251 et seq.] and no control or treatment under this subsection shall in any way be less than that required under the Federal Water Pollution Control Act. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

(e) Transfer funds

The Secretary may transfer funds to other appropriate Federal agencies, in order to carry out the reclamation activities authorized by this subchapter.

(Pub. L. 95–87, title IV, § 413, formerly § 412, Aug. 3, 1977, 91 Stat. 466, renumbered § 413, Pub. L. 101–508, title VI, § 6010(1), Nov. 5, 1990, 104 Stat. 1388–296.)

Editorial Notes

REFERENCES IN TEXT

The Federal Water Pollution Control Act (33 U.S.C.A. 1151, et seq. as amended), referred to in subsec. (d), is act June 30, 1948, ch. 758, 62 Stat. 1155, formerly classified to chapter 23 (§ 1151 et seq.) of Title 33, Navigation