

1232(i)(2) of this title, the Secretary shall pay to each certified State or Indian tribe an amount equal to the sum of the aggregate unappropriated amount allocated on or after October 1, 2007, to the certified State or Indian tribe under subparagraph (A) or (B) of section 1232(g)(1) of this title.

(B) Certified State or Indian tribe defined

In this paragraph the term “certified State or Indian tribe” means a State or Indian tribe for which a certification is made under subsection (a) in which the Secretary concurs.

(3) Manner of payment

(A) In general

Subject to subparagraph (B), payments to States or Indian tribes under this subsection shall be made without regard to any limitation in section 1231(d) of this title and concurrently with payments to States under that section.

(B) Initial payments

The first 3 payments made to any State or Indian tribe shall be reduced to 25 percent, 50 percent, and 75 percent, respectively, of the amounts otherwise required under paragraph (2)(A).

(C) Installments

Amounts withheld from the first 3 annual installments as provided under subparagraph (B) shall be paid in 2 equal annual installments beginning with fiscal year 2018.

(4) Reallocation

(A) In general

The annual amount allocated under subparagraph (A) or (B) of section 1232(g)(1) of this title to any State or Indian tribe that makes a certification under subsection (a) of this section in which the Secretary concurs shall be reallocated and available for grants under section 1232(g)(5) of this title.

(B) Allocation

The grants shall be allocated based on the amount of coal historically produced before August 3, 1977, in the same manner as under section 1232(g)(5) of this title.

(Pub. L. 95–87, title IV, §411, as added Pub. L. 101–508, title VI, §6010(2), Nov. 5, 1990, 104 Stat. 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 sub-

sec. (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

Editorial Notes

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 and Navigable Waters, which was completely revised by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, and is classified generally to chapter 26 (§1251 et seq.) of Title 33. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

PRIOR PROVISIONS

A prior section 413 of Pub. L. 95-87 was renumbered section 414 and is classified to section 1243 of this title.

§ 1243. Interagency cooperation

All departments, boards, commissioners, and agencies of the United States of America shall cooperate with the Secretary by providing technical expertise, personnel, equipment, materials, and supplies to implement and administer the provisions of this subchapter.

(Pub. L. 95-87, title IV, § 414, formerly § 413, Aug. 3, 1977, 91 Stat. 467, renumbered § 414, Pub. L.

101-508, title VI, § 6010(1), Nov. 5, 1990, 104 Stat. 1388-296.)

§ 1244. Remining incentives

(a) In general

Notwithstanding any other provision of this chapter, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remining of eligible land under section 1234 of this title in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

(b) Requirements

Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State regulatory authority referred to in subchapter V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

(c) Incentives

(1) In general

Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to—

(A) a rebate or waiver of the reclamation fees required under section 1232(a) of this title; and

(B) the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 1259 of this title.

(2) Limitations

(A) Use

A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

(i) remove or reprocess abandoned coal mine waste; or

(ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 1233(a) of this title.

(B) Amount

The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section.

(Pub. L. 95-87, title IV, § 415, as added Pub. L. 109-432, div. C, title II, § 207, Dec. 20, 2006, 120 Stat. 3018.)

§ 1245. Abandoned hardrock mine reclamation

(a) Establishment

Not later than 90 days after November 15, 2021, the Secretary of the Interior (referred to in this section as the “Secretary”) shall establish a program to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land based on conditions including need, public health and safety, potential environmental harm, and other land use priorities.