

117TH CONGRESS
1ST SESSION

H. R. 1734

To amend the Surface Mining Control and Reclamation Act of 1977 to allow the Secretary of the Interior to delegate certain emergency reclamation activities to the States and Tribes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2021

Mr. CARTWRIGHT (for himself, Mr. THOMPSON of Pennsylvania, Mr. MEUSER, Mr. LAMB, Mr. RESCHENTHALER, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. LOWENTHAL, Mr. MULLIN, Ms. HOULAHAN, Mr. GRIJALVA, Mr. HUFFMAN, and Mr. KELLY of Pennsylvania) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to allow the Secretary of the Interior to delegate certain emergency reclamation activities to the States and Tribes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Surface Mining Con-
5 trol and Reclamation Act Amendments of 2021”.

1 **SEC. 2. ABANDONED MINE LAND RECLAMATION FUND.**

2 Section 401(f)(2) of the Surface Mining Control and
3 Reclamation Act of 1977 (30 U.S.C. 1231(f)(2)) is
4 amended—

5 (1) in subparagraph (A)—

6 (A) in the heading, by striking “2022” and
7 inserting “2037”; and

8 (B) by striking “2022” and substituting
9 “2037”; and

10 (2) in subparagraph (B)—

11 (A) in the heading, by striking “2023” and
12 inserting “2038”;

13 (B) by striking “2023” and substituting
14 “2038”; and

15 (C) by striking “2022” and inserting
16 “2037”.

17 **SEC. 3. EMERGENCY POWERS.**

18 (a) STATE RECLAMATION PROGRAM.—Section
19 405(d) of the Surface Mining Control and Reclamation
20 Act of 1977 (30 U.S.C. 1235(d)) is amended by striking
21 “sections 402 and 410 excepted” and inserting “section
22 402 excepted”.

23 (b) DELEGATION.—Section 410 of the Surface Min-
24 ing Control and Reclamation Act of 1977 (30 U.S.C.
25 1240) is amended—

1 (1) in subsection (a), by inserting “, including
2 through reimbursement to a State or Tribal Govern-
3 ment described in subsection (c),” after “moneys”;
4 and

5 (2) by adding at the end the following:

6 “(c) STATE OR TRIBAL GOVERNMENT.—A State or
7 Tribal Government is eligible to receive reimbursement
8 from the Secretary under subsection (a) if such State or
9 Tribal Government has submitted, and the Secretary has
10 approved, an Abandoned Mine Land Emergency Program
11 as part of an approved State or Tribal Reclamation Plan
12 under section 405.”.

13 **SEC. 4. RECLAMATION FEE.**

14 (a) DURATION.—Effective 90 days after the date of
15 enactment of this Act, section 402(b) of the Surface Min-
16 ing Control and Reclamation Act of 1977 (30 U.S.C.
17 1232(b)) is amended by striking “September 30, 2021”
18 and inserting “September 30, 2036”.

19 (b) ALLOCATION OF FUNDS.—Effective September
20 30, 2021, section 402(g) of the Surface Mining Control
21 and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is
22 amended—

23 (1) in paragraph (6)(A), by striking “para-
24 graphs (1) and (5)” and inserting “paragraphs (1),
25 (5), and (8)”;

1 (2) in paragraph (8)(A), by striking
2 “\$3,000,000” and inserting “\$5,000,000”; and

3 (3) by adding at the end the following:

4 “(9) From amounts withheld pursuant to the
5 Budget Control Act of 2011 from payments to
6 States and Indian Tribes under this subsection and
7 section 411(h) of the Surface Mining Control and
8 Reclamation Act during fiscal years 2013 through
9 2021, the Secretary shall distribute for fiscal year
10 2022 an amount to each State and Indian Tribe
11 equal to the total amount withheld.”.

12 **SEC. 5. EXEMPT PROGRAMS AND ACTIVITIES.**

13 Section 255(g)(1)(A) of the Balanced Budget and
14 Emergency Deficit Control Act (2 U.S.C. 905(g)(1)(A))
15 is amended by adding at the end the following: “Payments
16 to States and Indian Tribes from the Abandoned Mine
17 Reclamation Fund and payments to States and Indian
18 Tribes under section 402(i)(2) of the Surface Mining Con-
19 trol and Reclamation Act of 1977 (30 U.S.C.
20 1232(i)(2)).”.

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