

# Union Calendar No. 407

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1734

**[Report No. 117-566, Part I]**

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.

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## 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

NOVEMBER 16, 2022

Additional sponsors: Ms. PORTER, Ms. WILD, Mr. COHEN, Ms. NORTON, Mr. FITZPATRICK, Mr. YARMUTH, Mrs. NAPOLITANO, Ms. LEGER FERNANDEZ, Ms. SEWELL, Ms. MATSUI, Mr. TONKO, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. SPANBERGER, Ms. DEAN, Ms. SCANLON, Mrs. LURIA, Mr. POCAN, Mr. COOPER, Mr. MCEACHIN, and Ms. BONAMICI

NOVEMBER 16, 2022

Reported from the Committee on Natural Resources

NOVEMBER 16, 2022

Committee on the Budget discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **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”.

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

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

10            (1) in subparagraph (A)—

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

13                    (B) by striking “2022” and substituting  
14                    “2037”; and

15            (2) in subparagraph (B)—

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

18                    (B) by striking “2023” and substituting  
19                    “2038”; and

20                    (C) by striking “2022” and inserting  
21                    “2037”.

22 **SEC. 3. EMERGENCY POWERS.**

23        (a) STATE RECLAMATION PROGRAM.—Section  
24 405(d) of the Surface Mining Control and Reclamation  
25 Act of 1977 (30 U.S.C. 1235(d)) is amended by striking

1 “sections 402 and 410 excepted” and inserting “section  
2 402 excepted”.

3 (b) DELEGATION.—Section 410 of the Surface Min-  
4 ing Control and Reclamation Act of 1977 (30 U.S.C.  
5 1240) is amended—

6 (1) in subsection (a), by inserting “, including  
7 through reimbursement to a State or Tribal Govern-  
8 ment described in subsection (c),” after “moneys”;  
9 and

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

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

18 **SEC. 4. RECLAMATION FEE.**

19 (a) DURATION.—Effective 90 days after the date of  
20 enactment of this Act, section 402(b) of the Surface Min-  
21 ing Control and Reclamation Act of 1977 (30 U.S.C.  
22 1232(b)) is amended by striking “September 30, 2021”  
23 and inserting “September 30, 2036”.

24 (b) ALLOCATION OF FUNDS.—Effective September  
25 30, 2021, section 402(g) of the Surface Mining Control

1 and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is  
2 amended—

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

6 (2) in paragraph (8)(A), by striking  
7 “\$3,000,000” and inserting “\$5,000,000”; and

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

9 “(9) From amounts withheld pursuant to the  
10 Budget Control Act of 2011 from payments to  
11 States and Indian Tribes under this subsection and  
12 section 411(h) of the Surface Mining Control and  
13 Reclamation Act during fiscal years 2013 through  
14 2021, the Secretary shall distribute for fiscal year  
15 2022 an amount to each State and Indian Tribe  
16 equal to the total amount withheld.”.

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

18 Section 255(g)(1)(A) of the Balanced Budget and  
19 Emergency Deficit Control Act (2 U.S.C. 905(g)(1)(A))  
20 is amended by adding at the end the following: “Payments  
21 to States and Indian Tribes from the Abandoned Mine  
22 Reclamation Fund and payments to States and Indian  
23 Tribes under section 402(i)(2) of the Surface Mining Con-  
24 trol and Reclamation Act of 1977 (30 U.S.C.  
25 1232(i)(2)).”.

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