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

Mr. CARTWRIGHT introduced the following bill; which was referred to the Committee on

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.

This Act may be cited as the “Surface Mining Con-
5 trol and Reclamation Act Amendments of 2021”.
2

SEC. 2. ABANDONED MINE LAND RECLAMATION FUND.

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

(1) in subparagraph (A)—

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

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

(2) in subparagraph (B)—

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

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

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

SEC. 3. EMERGENCY POWERS.

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

(b) DELEGATION.—Section 410 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240) is amended—
(1) in subsection (a), by inserting “, including through reimbursement to a State or Tribal Government described in subsection (c),” after “moneys”; and

(2) by adding at the end the following:

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

SEC. 4. RECLAMATION FEE.

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

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

(1) in paragraph (6)(A), by striking “paragraphs (1) and (5)” inserting “paragraphs (1), (5), and (8)”;

(2) by adding at the end the following:

“(c) STATE OR TRIBAL GOVERNMENT.—A State or Tribal Government is eligible to receive reimbursement from the Secretary under subsection (a) if such State or Tribal Government has submitted, and the Secretary has approved, an Abandoned Mine Land Emergency Program as part of an approved State or Tribal Reclamation Plan under section 405.”.
(2) in paragraph (8)(A), by striking “$3,000,000” and inserting “$5,000,000”; and

(3) by adding at the end the following:

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

SEC. 5. EXEMPT PROGRAMS AND ACTIVITIES.

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