

**[DISCUSSION DRAFT]**

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R.** \_\_\_\_\_

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

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

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**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)” inserting “paragraphs (1), (5),  
25               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)).”.