

112TH CONGRESS  
1ST SESSION

# S. 1455

To amend the Surface Mining Control and Reclamation Act of 1977 to authorize certified States and tribes to use amounts made available from the Abandoned Mine Reclamation Fund for hard rock and coal mining reclamation projects and to extend liability protection to certified States and Indian tribes carrying out approved abandoned mine reclamation programs.

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IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2011

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Surface Mining Con-  
3 trol and Reclamation Act Amendments Act of 2011”.

4 **SEC. 2. AMENDMENTS TO THE SURFACE MINING CONTROL**  
5 **AND RECLAMATION ACT OF 1977.**

6 (a) STATE RECLAMATION PROGRAM.—Section 405 of  
7 the Surface Mining Control and Reclamation Act of 1977  
8 (30 U.S.C. 1235) is amended in subsection (h) by striking  
9 “subsection 402(g)” and inserting “subsections (g) and  
10 (i)(2) of section 402”.

11 (b) CERTIFICATION.—Section 411 of the Surface  
12 Mining Control and Reclamation Act of 1977 (30 U.S.C.  
13 1240a) is amended—

14 (1) by striking subsection (b) and inserting the  
15 following—

16 “(b) ELIGIBLE LAND, WATER, AND FACILITIES.—

17 “(1) IN GENERAL.—If the Secretary has con-  
18 curred in a State or tribal certification under sub-  
19 section (a)—

20 “(A) section 404 shall not apply; and

21 “(B) any amounts received by the State or  
22 Indian tribe under this title may be used for eli-  
23 gible land, water, and facilities—

24 “(i) that were—

1                   “(I) mined or processed for min-  
2                   erals or affected by such mining or  
3                   processing; and

4                   “(II) abandoned or left in an in-  
5                   adequate reclamation status before  
6                   August 3, 1977; and

7                   “(ii) for which no continuing reclama-  
8                   tion responsibility exists under State or  
9                   other Federal laws.

10                   “(2) APPLICABLE DATE FOR FOREST SERVICE  
11                   AND BLM.—In determining the eligibility under this  
12                   subsection of Federal land, waters, and facilities  
13                   under the jurisdiction of the Forest Service or Bu-  
14                   reau of Land Management, instead of the date re-  
15                   ferred to in paragraph (1)(B)(i)(II) the applicable  
16                   date shall be August 28, 1974, and November 26,  
17                   1980, respectively.”;

18                   (2) in subsection (f), by striking “annual grants  
19                   made available under section 402(g)(1)” and insert-  
20                   ing “amounts received under subsections (g) and  
21                   (i)(2) of section 402”; and

22                   (3) in subsection (h), by adding at the end the  
23                   following:

24                   “(5) APPROVED ABANDONED MINE RECLAMA-  
25                   TION PROGRAM.—

1           “(A) IN GENERAL.—Any State or Indian  
2           tribe that makes a certification under sub-  
3           section (a) in which the Secretary concurs may  
4           use any amounts received under this title to  
5           carry out an approved abandoned mine rec-  
6           lamation program in accordance with sub-  
7           sections (b) through (g).

8           “(B) LIABILITY.—Section 405(l) shall  
9           apply to both uncertified and certified States or  
10          Indian tribes in carrying out an abandoned  
11          mine reclamation program approved under this  
12          title.”.

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