

111TH CONGRESS
2^D SESSION

S. 3252

To amend the Surface Mining Control and Reclamation Act of 1977 to limit the liability of a State performing reclamation work under an approved State abandoned mine reclamation plan.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2010

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

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to limit the liability of a State performing reclamation work under an approved State abandoned mine reclamation plan.

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. STATE LIABILITY UNDER A RECLAMATION PRO-**
4 **GRAM.**

5 Section 405(l) of the Surface Mining Control and
6 Reclamation Act of 1977 (30 U.S.C. 1235(l)) is amended
7 by striking subsection (l) and inserting the following:

8 “(l) STATE LIABILITY.—

1 “(1) DEFINITION OF GROSS NEGLIGENCE.—In
2 this subsection, the term ‘gross negligence’ means
3 reckless, willful, or wanton misconduct by a State.

4 “(2) LIABILITY.—No State shall be liable under
5 any provision of Federal law for any costs or dam-
6 ages incurred as a result of action taken or omitted
7 in the course of carrying out a State abandoned
8 mine reclamation plan under this section, including
9 reclamation activities conducted by a State pursuant
10 to a State abandoned mine reclamation plan ap-
11 proved under this section.

12 “(3) EXCEPTIONS.—This subsection shall not
13 preclude liability for any costs or damages incurred
14 as a result of gross negligence or intentional mis-
15 conduct by the State.”.

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