

1 Title: To amend the Surface Mining Control and Reclamation Act of 1977 to make modifications
2 to the Abandoned Mine Reclamation Fund, and for other purposes.
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5 Be it enacted by the Senate and House of Representatives of the United States of America in
6 Congress assembled,

7 SECTION 1. SHORT TITLE.

8 This Act may be cited as the “Abandoned Mine Land Reclamation Fee Reauthorization Act of
9 2020”.

10 SEC. 2. RECLAMATION FEE.

11 (a) Amount.—Section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30
12 U.S.C. 1232(a)) is amended—

- 13 (1) by striking “28 cents” and inserting “18.2 cents”;
14 (2) by striking “12 cents” and inserting “7.8 cents”; and
15 (3) by striking “8 cents” and inserting “5.2 cents”.

16 (b) Duration.—Section 402(b) of the Surface Mining Control and Reclamation Act of 1977
17 (30 U.S.C. 1232(b)) is amended by striking “September 30, 2021” and inserting “September 30,
18 2028”.

19 SEC. 3. INCREASED REVENUE SHARING WITH 20 COAL-PRODUCING STATES.

21 Section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)) is amended, in the first sentence,
22 by striking “50 per centum thereof” and inserting “50 percent of the amount received, or in the
23 case of any amount received from coal leases, 60 percent of the amount received.”.

24 SEC. 4. EXEMPTION OF PAYMENTS TO STATES AND 25 INDIAN TRIBES FROM THE ABANDONED MINE 26 RECLAMATION FUND FROM SEQUESTRATION.

27 (a) In General.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control
28 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after “Payments to Social Security
29 Trust Funds (28–0404–0–1–651).” the following:

30 “Payments to States and Indian Tribes from the Abandoned Mine Reclamation Fund,
31 payments to States and Indian Tribes under section 402(i)(2) of the Surface Mining Control
32 and Reclamation Act of 1977 (30 U.S.C. 1232(i)(2)), and mandatory grants to States and
33 Indian Tribes under [_____] (12–50q5–0–2–999).”.

34 (b) Applicability.—The amendment made by subsection (a) shall apply to any sequestration
35 order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C.
36 900 et seq.) on or after the date of enactment of this Act.

1 SEC. 5. ADDITIONAL GRANTS FROM ABANDONED
2 MINE RECLAMATION FUND.

3 (a) In General.—Title IV of the Surface Mining Control and Reclamation Act of 1977 is
4 amended by inserting after section 415 (30 U.S.C. 1244) the following:

5 “SEC. 416. ADDITIONAL GRANTS FOR PRIORITY 1 AND
6 PRIORITY 2 SITES.

7 “Of amounts in the fund that are not otherwise appropriated, [\$140,000,000] shall be made
8 available to the Secretary, without further appropriation, for each of fiscal years 2021 through
9 2036 to the Secretary to make grants to eligible States and Indian tribes for the conduct of
10 reclamation projects designed to achieve the priorities described in paragraphs (1) and (2) of
11 section 403(a).”.

12 (b) Conforming Amendments.—

13 (1) Section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.
14 1231) is amended—

15 (A) in subsection (c)—

16 (i) in paragraph (10), by striking “and” at the end;

17 (ii) by redesignating paragraph (11) as paragraph (12); and

18 (iii) by inserting after paragraph (10) the following:

19 “(11) to make additional grants under section 416; and”; and

20 (B) in subsection (d)(3), by inserting “and section 416” before the period at the end.

21 (2) Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 (30
22 U.S.C. 1232(g)) is amended—

23 (A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “and
24 section 416” after “subsection (h)”; and

25 (B) in paragraph (3), by adding at the end the following:

26 “(F) For the purpose of section 416.”.

27 SEC. 6. STATE MEMORANDA OF UNDERSTANDING FOR
28 REMEDIATION OF MINE DRAINAGE; COMMUNITY
29 RECLAIMER PARTNERSHIPS.

30 (a) State Memoranda of Understanding for Certain Remediation of Mine Drainage.—Section
31 405 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1235) is amended
32 by adding at the end the following:

33 “(m) State Memoranda of Understanding for Remediation of Mine Drainage.—

34 “(1) AUTHORIZATION.—

1 “(A) IN GENERAL.—Subject to the approval of the Secretary and the Administrator
2 of the Environmental Protection Agency (referred to in this subsection as the
3 ‘Administrator’) under paragraph (4), a State with an approved State Reclamation Plan
4 may enter into a memorandum of understanding with relevant Federal or State
5 agencies to remediate mine drainage on abandoned mine land and water impacted by
6 abandoned mines within the State.

7 “(B) UPDATES.—A memorandum of understanding entered into under subparagraph
8 (A) may be updated as necessary and resubmitted for approval under paragraph (4).

9 “(2) MEMORANDA OF UNDERSTANDING REQUIREMENTS.—

10 “(A) IN GENERAL.—A memorandum of understanding entered into under paragraph
11 (1)(A) shall establish a strategy to address water pollution resulting from mine
12 drainage at sites eligible for reclamation and mine drainage abatement expenditures
13 under section 404, including specific procedures for—

14 “(i) ensuring that activities carried out to address mine drainage will result in
15 improved water quality;

16 “(ii) monitoring, sampling, and reporting of collected information as necessary
17 to achieve the condition required under clause (i);

18 “(iii) operation and maintenance of treatment systems as necessary to achieve
19 the condition required under clause (i); and

20 “(iv) other purposes, as considered necessary by the State or Federal agencies
21 that are parties to the memorandum of understanding, to achieve the condition
22 required under clause (i).

23 “(B) REQUIREMENT.—The strategy established under subparagraph (A) shall be
24 satisfactory to the State and Federal agencies that are parties to the memorandum of
25 understanding.

26 “(3) PUBLIC REVIEW AND COMMENT.—

27 “(A) IN GENERAL.—Before submitting a memorandum of understanding to the
28 Secretary and the Administrator for approval under paragraph (4), a State shall—

29 “(i) invite interested members of the public to comment on the memorandum of
30 understanding; and

31 “(ii) hold not less than 1 public meeting concerning the memorandum of
32 understanding in a location reasonably accessible to persons who may be affected
33 by implementation of the memorandum of understanding.

34 “(B) NOTICE OF MEETING.—Not later than 15 days before the date of a meeting
35 under subparagraph (A), the State shall publish notice of the meeting in local
36 newspapers of general circulation, on the internet, and by any other means considered
37 necessary or desirable by the Secretary and the Administrator.

38 “(4) SUBMISSION AND APPROVAL.—

39 “(A) IN GENERAL.—Before entering into a memorandum of understanding under
40 paragraph (1)(A), a State shall submit the memorandum of understanding to the

1 Secretary and the Administrator for approval.

2 “(B) DEADLINE.—Not later than 120 days after the date on which a State submits the
3 memorandum of understanding for approval under subparagraph (A), the Secretary and
4 the Administrator shall approve or disapprove the memorandum of understanding.

5 “(C) REQUIREMENT.—The Secretary and the Administrator shall approve a
6 memorandum of understanding under this paragraph if the Secretary and Administrator
7 find that the memorandum of understanding will facilitate additional activities to
8 improve water quality under the approved State Reclamation Plan of the State.

9 “(5) TREATMENT AS PART OF STATE PLAN.—A memorandum of understanding that is
10 approved by the Secretary and the Administrator under this subsection shall be considered
11 to be part of the approved State Reclamation Plan of the State.”.

12 (b) Community Reclaimer Partnerships.—Section 405 of the Surface Mining Control and
13 Reclamation Act of 1977 (30 U.S.C. 1235) (as amended by subsection (a)) is amended by adding
14 at the end the following:

15 “(n) Community Reclaimer Partnerships.—

16 “(1) DEFINITION OF COMMUNITY RECLAIMER.—In this subsection, the term ‘community
17 reclaimer’ means any person who—

18 “(A) seeks to voluntarily assist a State with a reclamation project under this section;

19 “(B) did not participate in any way in—

20 “(i) the creation of site conditions at the project site; or

21 “(ii) activities that caused any land or waters [at the project site/in the State] to
22 become eligible for reclamation or drainage abatement expenditures under section
23 404;

24 “(C) is not a past or current owner or operator of any site with ongoing reclamation
25 obligations; and

26 “(D) is not subject to outstanding violations listed pursuant to section 510(c).

27 “(2) AUTHORIZATION OF COMMUNITY RECLAIMER PROJECTS.—The Secretary may
28 authorize a community reclaimer to carry out a reclamation project under this section for
29 which a request for approval submitted by the State under paragraph (3) has been approved
30 by the Secretary in accordance with paragraph (4).

31 “(3) PROJECT SUBMISSION.—

32 “(A) IN GENERAL.—A State may submit to the Secretary a request to authorize a
33 community reclaimer to carry out a reclamation project under this section in the State.

34 “(B) REQUIREMENTS.—A request submitted under subparagraph (A) shall include—

35 “(i) a description of the project, including any engineering plans that include
36 the seal of a professional engineer;

37 “(ii) a description of the 1 or more project sites, including, if relevant, the
38 nature and extent of pollution resulting from mine drainage;

1 “(iii) identification of the past and current owners and operators of any project
2 sites;

3 “(iv) the agreement or contract between the State and the community reclaimer
4 to carry out the project;

5 “(v) a determination by the State that the project will facilitate the activities of
6 the State Reclamation Plan under subsection (e);

7 “(vi) sufficient information to determine whether the community reclaimer has
8 the technical capability and expertise to successfully conduct the project;

9 “(vii) a cost estimate for the project;

10 “(viii) evidence that the community reclaimer has sufficient financial resources
11 to ensure the successful completion of the project (including any operation or
12 maintenance costs);

13 “(ix) a schedule for completion of the project;

14 “(x) an agreement between the community reclaimer and the owner of the
15 project site governing access to the project site;

16 “(xi) sufficient information to ensure that the community reclaimer meets the
17 requirements of paragraph (1);

18 “(xii) a contingency plan designed to be used in response to unplanned adverse
19 events that includes emergency actions, response, and notifications; and

20 “(xiii) an agreement by the State that, before the initiation of the project, the
21 State shall—

22 “(I) provide notice to adjacent and downstream landowners and the public;
23 and

24 “(II) hold a public meeting near the project site.

25 “(4) PROJECT APPROVAL.—Not later than 120 days after the date on which the Secretary
26 receives a request submitted under paragraph (3)(A), the Secretary shall approve the request
27 for the community reclaimer to carry out the project, if the Secretary determines that—

28 “(A) the project—

29 “(i) complies with the submission requirements under paragraph (3)(B);

30 “(ii) will be conducted by a community reclaimer or 1 or more approved
31 subcontractors of the community reclaimer;

32 “(iii) will be conducted on 1 or more sites inventoried under section 403(c);

33 “(iv) in the case of a project that remediates mine drainage, is consistent with
34 an approved State memorandum of understanding under subsection (m); and

35 “(v) is not in a category of projects that would require a permit under title V;
36 and

37 “(B) the State that submitted the request—

1 “(i) has entered into an agreement with the community reclaimer under which
2 the State shall assume all responsibility with respect to the project for any costs or
3 damages resulting from any action or inaction on the part of the community
4 reclaimer in carrying out the project, except for costs or damages resulting from
5 gross negligence or intentional misconduct by the community reclaimer, on behalf
6 of the community reclaimer and the owner of the project site, if the community
7 reclaimer or owner, respectively, did not participate in any way in the creation of
8 site conditions at the project site or activities that caused any land or water to
9 become eligible for reclamation or drainage abatement expenditures under section
10 404;

11 “(ii)(I) has the necessary legal authority to carry out the project; and

12 “(II) will obtain all authorizations, permits, licenses, and other approvals
13 required by law to ensure completion of the project; and

14 “(iii) has sufficient financial resources to ensure completion of the project,
15 including any necessary operation and maintenance costs (including costs
16 associated with emergency actions covered by a contingency plan under
17 paragraph (3)(B)(xii)).

18 [“(5) CREDIT.—Amounts provided to a community reclaimer under [_____] to carry out
19 a reclamation project under this subsection shall be credited toward the [_____] required
20 under [_____].”.]

21 (c) Clarifying State Liability for Mine Drainage Projects.—Section 413(d) of the Surface
22 Mining Control and Reclamation Act of 1977 (30 U.S.C. 1242(d)) is amended, in the second
23 sentence, by striking “Act.” and inserting “Act, unless that control or treatment will be conducted
24 in accordance with a State memorandum of understanding approved under section 405(m).”.

25 (d) Conforming Amendments.—Section 405(f) of the Surface Mining Control and
26 Reclamation Act of 1977 (30 U.S.C. 1235(f)) is amended—

27 (1) in paragraph (6), by striking “and” after the semicolon;

28 (2) in paragraph (7), by striking the period at the end and inserting “; and”; and

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

30 “(8) a list of projects proposed under subsection (n).”.

31 **SEC. 7. DEPARTMENT OF THE INTERIOR STUDY AND**
32 **REPORT ON TECHNOLOGICAL INNOVATIONS FOR USE**
33 **IN THE ABANDONED MINE LAND RECLAMATION**
34 **PROGRAM.**

35 (a) In General.—Not later than [180 days] after the date of enactment of this Act, the Secretary
36 of the Interior shall conduct a study of technologies for use in the abandoned mine land
37 reclamation program established under title IV of the Surface Mining Control and Reclamation
38 Act of 1977 (30 U.S.C. 1231 et seq.) that would improve reclamation and reduce costs under the
39 program, including the application of technical innovations in the technology development and

1 transfer program of the Office of Surface Mining Reclamation and Enforcement, including—

- 2 (1) geomorphic reclamation;
- 3 (2) drone technology; and
- 4 (3) other technologies that would—
 - 5 (A) improve overall reclamation;
 - 6 (B) reduce costs of reclamation; and
 - 7 (C) improve safety.

8 (b) Report.—As soon as practicable after completing the study under subsection (a), the
9 Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the
10 Senate and the Committee on Natural Resources of the House of Representatives a report
11 describing the results of the study that includes recommendations for areas of improvement
12 identified under the study.

13 SEC. 8. DEPARTMENT OF THE INTERIOR STUDY AND 14 REPORT TO STRENGTHEN OVERSIGHT OF THE 15 ABANDONED MINE LAND RECLAMATION PROGRAM.

16 (a) In General.—Not later than [180 days] after the date of enactment of this Act, the Secretary
17 of the Interior shall conduct a study—

- 18 (1) to identify areas throughout the abandoned mine land reclamation program
19 established under title IV of the Surface Mining Control and Reclamation Act of 1977 (30
20 U.S.C. 1231 et seq.) in which costs could be reduced;
- 21 (2) to determine the ratio of overhead spending in the administration of the abandoned
22 mine land reclamation program described in paragraph (1) to spending on the clean up of
23 abandoned mine land sites; and
- 24 (3) to identify alternative sources of funding for the abandoned mine land reclamation
25 program described in paragraph (1) to ensure reclamation needs are met in the future.

26 (b) Report.—As soon as practicable after completing the study under subsection (a), the
27 Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the
28 Senate and the Committee on Natural Resources of the House of Representatives a report
29 describing the results of the study that includes recommendations for areas of improvement
30 identified under the study.