

Public Law 100-34
100th Congress

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An Act

May 7, 1987
[H.R. 1963]

To amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SPECIAL STATE SET-ASIDE

SEC. 101. AMENDMENT OF SURFACE MINING CONTROL AND RECLAMATION ACT.

30 USC 1232.

Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 is amended by redesignating paragraph (3) as paragraph (4) and by adding the following new paragraph after paragraph (2):

“(3) **SPECIAL STATE SET-ASIDE FOR FUTURE EXPENDITURE.**—Notwithstanding the proviso contained in paragraph (2), any State may receive and retain, without regard to the three-year limitation referred to in such proviso, up to ten per centum of the appropriated funds granted annually by the Secretary to that State under paragraph (2) if such moneys are deposited in a special trust fund established under State law and such moneys (together with all interest earned on such moneys) may be expended by the State solely to accomplish the purposes of this title after August 3, 1992. All moneys so deposited in special State trust accounts, as well as all interest earned, shall be considered State moneys. This paragraph shall cease to apply to any State for fiscal years after any fiscal year in which approval of the State regulatory program under section 503 is terminated or withdrawn by the Secretary until the first subsequent fiscal year after the fiscal year in which the Secretary reapproves the State program.”

30 USC 1253.

TITLE II—TWO-ACRE EXEMPTION

SEC. 201. REPEAL OF EXEMPTION.

(a) **REPEAL.**—Section 528 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1278) is amended as follows:

- (1) In paragraph (1), insert “and” immediately after “him;”.
- (2) Strike out paragraph (2).
- (3) Redesignate paragraph (3) as (2).

30 USC 1278
note.
Coal.

(b) **EFFECTIVE DATE FOR NEW OPERATIONS.**—The amendments made by this section shall take effect on the date 30 days after the enactment of this Act with respect to each operator commencing surface coal mining operations on or after such date.

30 USC 1278
note.
Coal.

(c) **EFFECTIVE DATE FOR EXISTING OPERATIONS.**—The amendments made by this section shall take effect on the date 6 months after the enactment of this Act with respect to each operator commencing surface coal mining operations pursuant to an authorization under

State law before the date 30 days after the enactment of this Act. Nothing in this Act shall preclude reclamation activities pursuant to State law or regulations at the site of any surface coal mine which was exempt from the Surface Mining Control and Reclamation Act of 1977 under section 528(2) of that Act, as in effect before the enactment of this Act.

30 USC 1278.

(d) **EFFECT ON STATE LAW.**—To the extent that any provision of a State law, or of a State regulation, adopted pursuant to the exception under section 528(2) of the Surface Mining Control and Reclamation Act of 1977 as in effect before the enactment of this Act, is inconsistent with the amendments made by this section, such provision shall be of no further force and effect after the effective date of such amendments.

30 USC 1278
note.

(e) **DEFINITION.**—For purposes of this section, the term “surface coal mining operations” has the meaning provided by section 701(28) of the Surface Mining Control and Reclamation Act of 1977.

30 USC 1278
note.

30 USC 1291.

Approved May 7, 1987.

LEGISLATIVE HISTORY—H.R. 1963 (S. 643):

HOUSE REPORTS: No. 100-59 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-37 accompanying S. 643 (Comm. on Energy and Natural Resources).

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Apr. 21, considered and passed House.

Apr. 23, considered and passed Senate.