

115TH CONGRESS  
1ST SESSION

# H. R. 1731

To amend the Surface Mining Control and Reclamation Act of 1977 to provide funds to States and Indian tribes for the purpose of promoting economic revitalization, diversification, and development in economically distressed communities through the reclamation and restoration of land and water resources adversely affected by coal mining carried out before August 3, 1977, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2017

Mr. ROGERS of Kentucky (for himself, Mr. GRIFFITH, Mr. JENKINS of West Virginia, Mr. THOMPSON of Pennsylvania, and Mr. CARTWRIGHT) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to provide funds to States and Indian tribes for the purpose of promoting economic revitalization, diversification, and development in economically distressed communities through the reclamation and restoration of land and water resources adversely affected by coal mining carried out before August 3, 1977, 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 “Revitalizing the Econ-  
5       omy of Coal Communities by Leveraging Local Activities  
6       and Investing More Act of 2017” or the “RECLAIM Act  
7       of 2017”.

8       **SEC. 2. ECONOMIC REVITALIZATION FOR COAL COUNTRY.**

9       (a) IN GENERAL.—Title IV of the Surface Mining  
10      Control and Reclamation Act of 1977 (30 U.S.C. 1231  
11      et seq.) is amended by adding at the end the following:

12     **“SEC. 416. ABANDONED MINE LAND ECONOMIC REVITAL-**  
13                           **IZATION.**

14       “(a) PURPOSE.—The purpose of this section is to  
15      promote economic revitalization, diversification, and devel-  
16      opment in economically distressed mining communities  
17      through the reclamation and restoration of land and water  
18      resources adversely affected by coal mining carried out be-  
19      fore August 3, 1977.

20       “(b) IN GENERAL.—From amounts deposited into  
21      the fund under section 401(b) before October 1, 2007, and  
22      not otherwise appropriated to the extent such funds are  
23      available, \$200,000,000 shall be made available to the  
24      Secretary, without further appropriation, for each of fiscal  
25      years 2017 through 2021 for distribution to States and

1 Indian tribes in accordance with this section for reclama-  
 2 tion and restoration projects at sites identified as prior-  
 3 ities under section 403(a): *Provided*, That if less than  
 4 \$200,000,000 is available in any fiscal year to the Sec-  
 5 retary, such remaining amount shall be made available to  
 6 the Secretary, without further appropriation, and such fis-  
 7 cal year shall end distributions made available under this  
 8 section.

9 “(c) USE OF FUNDS FOR PRIORITY SITES.—Funds  
 10 distributed to a State or Indian tribe under subsection (d)  
 11 shall be used only for projects classified under the prior-  
 12 ities of section 403(a). In addition, if the project is classi-  
 13 fied under paragraph (3) of such section, the project also  
 14 must meet the following criteria:

15 “(1) CONTRIBUTION TO FUTURE ECONOMIC OR  
 16 COMMUNITY DEVELOPMENT.—

17 “(A) IN GENERAL.—The project, upon  
 18 completion of reclamation, is intended to create  
 19 favorable conditions for the economic develop-  
 20 ment of the project site or create favorable con-  
 21 ditions that promote the general welfare  
 22 through economic and community development  
 23 of the area in which the project is conducted.

24 “(B) DEMONSTRATION OF CONDITIONS.—  
 25 Such conditions are demonstrated by—

1 “(i) documentation of the role of the  
2 project in such area’s economic develop-  
3 ment strategy or other economic and com-  
4 munity development planning process;

5 “(ii) any other documentation of the  
6 planned economic and community use of  
7 the project site after the primary reclama-  
8 tion activities are completed, which may in-  
9 clude contracts, agreements in principle, or  
10 other evidence that, once reclaimed, the  
11 site is reasonably anticipated to be used  
12 for one or more industrial, commercial,  
13 residential, agricultural, or recreational  
14 purposes; or

15 “(iii) any other documentation agreed  
16 to by the State or Indian tribe that dem-  
17 onstrates the project will meet the criteria  
18 set forth in this subsection.

19 “(2) LOCATION IN COMMUNITY AFFECTED BY  
20 RECENT DECLINE IN MINING.—The project will be  
21 conducted in a community—

22 “(A) that has been adversely affected eco-  
23 nomically by a recent reduction in coal mining-  
24 related activity, as demonstrated by employ-  
25 ment data, per capita income, or other indica-

1           tors of reduced economic activity attributable to  
2           such reduction; or

3           “(B)(i) that has historically relied on coal  
4           mining for a substantial portion of its economy;  
5           and

6           “(ii) in which the economic contribution of  
7           coal mining has significantly declined.

8           “(3) STAKEHOLDER COLLABORATION.—

9           “(A) IN GENERAL.—The project has been  
10          the subject of project planning under subsection  
11          (g) and has been the focus of collaboration, in-  
12          cluding partnerships, as appropriate, with inter-  
13          ested persons or local organizations.

14          “(B) PUBLIC NOTICE.—As part of project  
15          planning, the public has been notified and has  
16          been given an opportunity to comment at a  
17          public meeting convened in a community near  
18          the proposed site.

19          “(4) ELIGIBLE APPLICANTS.—The project has  
20          been proposed by entities of State, local, county, or  
21          tribal governments, or local organizations, and will  
22          be approved and executed by State or tribal pro-  
23          grams, approved under section 405 or referred to in  
24          section 402(g)(8)(B), which may include subcon-  
25          tracting project-related activities, as appropriate.

1 “(d) DISTRIBUTION OF FUNDS.—

2 “(1) UNCERTIFIED STATES.—

3 “(A) IN GENERAL.—From the amount  
4 made available in subsection (b), the Secretary  
5 shall distribute \$195,000,000 annually for each  
6 of fiscal years 2017 through 2021 to States and  
7 Indian tribes that have a State or tribal pro-  
8 gram approved under section 405 or are re-  
9 ferred to in section 402(g)(8)(B), and have not  
10 made a certification under section 411(a) in  
11 which the Secretary has concurred, as follows:

12 “(i) Four-fifths of such amount shall  
13 be distributed based on the proportion of  
14 the amount of coal historically produced in  
15 each State or from the lands of each In-  
16 dian tribe concerned before August 3,  
17 1977.

18 “(ii) One-fifth of such amount shall be  
19 distributed based on the proportion of rec-  
20 lamation fees paid during the period of fis-  
21 cal years 2012 through 2016 for lands in  
22 each State or lands of each Indian tribe  
23 concerned.

24 “(B) SUPPLEMENTAL FUNDS.—Funds dis-  
25 tributed under this section—

1 “(i) shall be in addition to, and shall  
 2 not affect, the amount of funds distrib-  
 3 uted—

4 “(I) to States and Indian tribes  
 5 under section 401(f); and

6 “(II) to States and Indian tribes  
 7 that have made a certification under  
 8 section 411(a) in which the Secretary  
 9 has concurred, subject to the cap de-  
 10 scribed in section 402(i)(3); and

11 “(ii) shall not reduce any funds dis-  
 12 tributed to a State or Indian tribe by rea-  
 13 son of the application of section 402(g)(8).

14 “(2) ADDITIONAL FUNDING TO CERTAIN  
 15 STATES AND INDIAN TRIBES.—

16 “(A) ELIGIBILITY.—From the amount  
 17 made available in subsection (b), the Secretary  
 18 shall distribute \$5,000,000 annually for each of  
 19 the five fiscal years beginning with fiscal year  
 20 2017 to States and Indian tribes that have a  
 21 State program approved under section 405 and  
 22 have made a certification under section 411(a)  
 23 in which the Secretary has concurred.

24 “(B) APPLICATION FOR FUNDS.—Using  
 25 the process in section 405(f), any State or In-

dian tribe described in subparagraph (A) may submit a grant application to the Secretary for funds under this paragraph. The Secretary shall review each grant application to confirm that the projects identified in the application for funding are eligible under subsection (c).

“(C) DISTRIBUTION OF FUNDS.—The amount of funds distributed to each State or Indian tribe under this paragraph shall be determined by the Secretary based on the demonstrated need for the funding to accomplish the purpose of this section.

“(3) REALLOCATION OF UNCOMMITTED FUNDS.—

“(A) COMMITTED DEFINED.—For purposes of this paragraph the term ‘committed’—

“(i) means that funds received by the State or Indian tribe—

“(I) have been exclusively applied to or reserved for a specific project and therefore are not available for any other purpose; or

“(II) have been expended or designated by the State or Indian tribe for the completion of a project;



1 “(ii) includes use of any amount for  
2 project planning under subsection (g); and

3 “(iii) reflects an acknowledgment by  
4 Congress that, based on the documentation  
5 required under subsection (c)(2)(B), any  
6 unanticipated delays to commit such funds  
7 that are outside the control of the State or  
8 Indian tribe concerned shall not affect its  
9 allocations under this section.

10 “(B) FISCAL YEARS 2020 AND 2021.—For  
11 each of fiscal years 2020 and 2021, the Sec-  
12 retary shall reallocate in accordance with sub-  
13 paragraph (D) any amount available for dis-  
14 tribution under this subsection that has not  
15 been committed to eligible projects in the pre-  
16 ceding 2 fiscal years, among the States and In-  
17 dian tribes that have committed to eligible  
18 projects the full amount of their annual alloca-  
19 tion for the preceding fiscal year.

20 “(C) FISCAL YEAR 2022.—For fiscal year  
21 2022, the Secretary shall reallocate in accord-  
22 ance with subparagraph (D) any amount avail-  
23 able for distribution under this subsection that  
24 has not been committed to eligible projects or  
25 distributed under paragraph (1)(A), among the

1 States and Indian tribes that have committed to  
2 eligible projects the full amount of their annual  
3 allocation for the preceding fiscal years.

4 “(D) AMOUNT OF REALLOCATION.—The  
5 amount reallocated to each State or Indian  
6 tribe under each of subparagraphs (B) and (C)  
7 shall be determined by the Secretary to reflect,  
8 to the extent practicable—

9 “(i) the proportion of unreclaimed eli-  
10 gible lands and waters the State or Indian  
11 tribe has in the inventory maintained  
12 under section 403(c);

13 “(ii) the average of the proportion of  
14 reclamation fees paid for lands in each  
15 State or lands of each Indian tribe con-  
16 cerned; and

17 “(iii) the proportion of coal mining  
18 employment loss incurred in the State or  
19 on lands of the Indian tribe, respectively,  
20 as determined by the Mine Safety and  
21 Health Administration, over the 5-year pe-  
22 riod preceding the fiscal year for which the  
23 reallocation is made.

24 “(e) RESOLUTION OF SECRETARY’S CONCERNS; CON-  
25 GRESSIONAL NOTIFICATION.—If the Secretary does not

1 agree with a State or Indian tribe that a proposed project  
2 meets the criteria set forth in subsection (c)—

3 “(1) the Secretary and the State or tribe shall  
4 meet and confer for a period of not more than 45  
5 days to resolve the Secretary’s concerns, except that  
6 such period may be shortened by the Secretary if the  
7 Secretary’s concerns are resolved;

8 “(2) during that period, at the State’s or In-  
9 dian tribe’s request, the Secretary may consult with  
10 any appropriate Federal agency; and

11 “(3) at the end of that period, if the Secretary’s  
12 concerns are not resolved the Secretary shall provide  
13 to the Committee on Natural Resources of the  
14 House of Representatives and the Committee on En-  
15 ergy and Natural Resources of the Senate an expla-  
16 nation of the concerns and such project proposal  
17 shall not be eligible for funds distributed under this  
18 section.

19 “(f) ACID MINE DRAINAGE TREATMENT.—

20 “(1) IN GENERAL.—Subject to paragraph (2), a  
21 State or Indian tribe that receives funds under this  
22 section may use up to 30 percent of such funds as  
23 necessary to supplement the State’s or tribe’s acid  
24 mine drainage abatement and treatment fund estab-  
25 lished under section 402(g)(6)(A), for future oper-

1       ation and maintenance costs for the treatment of  
2       acid mine drainage associated with the individual  
3       projects funded under this section. A State or Indian  
4       tribe shall specify the total funds allotted for such  
5       costs in its application submitted under subsection  
6       (d)(2)(B).

7               “(2) CONDITION.—A State or Indian tribe may  
8       use funds under this subsection only if the State or  
9       tribe can demonstrate that the annual grant distrib-  
10      uted to the State or tribe pursuant to section 401(f),  
11      including any interest from the State’s or tribe’s  
12      acid mine drainage abatement and treatment fund  
13      that is not used for the operation or maintenance of  
14      preexisting acid mine drainage treatment systems, is  
15      insufficient to fund the operation and maintenance  
16      of any acid mine drainage treatment system associ-  
17      ated with an individual project funded under this  
18      section.

19       “(g) PROJECT PLANNING AND ADMINISTRATION.—

20               “(1) STATES AND INDIAN TRIBES.—

21                       “(A) IN GENERAL.—A State or Indian  
22       tribe may use up to 10 percent of its annual  
23       distribution under this section for project plan-  
24       ning and the costs of administering this section.

1                   “(B) PLANNING REQUIREMENTS.—Plan-  
2                   ning under this paragraph may include—

3                   “(i) identifying eligible projects;

4                   “(ii) updating the inventory referred  
5                   to in section 403(c);

6                   “(iii) developing project designs;

7                   “(iv) collaborating with stakeholders,  
8                   including public meetings;

9                   “(v) preparing cost estimates; or

10                  “(vi) engaging in other similar activi-  
11                  ties necessary to facilitate reclamation ac-  
12                  tivities under this section.

13                  “(2) SECRETARY.—The Secretary may expend,  
14                  from amounts made available to the Secretary under  
15                  section 402(g)(3)(D), not more than \$3,000,000  
16                  during the fiscal years for which distributions occur  
17                  under subsection (b) for staffing and other adminis-  
18                  trative expenses necessary to carry out this section.

19                  “(h) REPORT TO CONGRESS.—The Secretary shall  
20                  provide to the Committee on Natural Resources of the  
21                  House of Representatives, the Committees on Appropria-  
22                  tions of the House of Representatives and the Senate, and  
23                  the Committee on Energy and Natural Resources of the  
24                  Senate at the end of each fiscal year for which such funds  
25                  are distributed a detailed report—

1 “(1) on the various projects that have been un-  
2 dertaken with such funds;

3 “(2) the extent and degree of reclamation using  
4 such funds that achieved the priorities described in  
5 paragraph (1) or (2) of section 403(a);

6 “(3) the community and economic benefits that  
7 are resulting from, or are expected to result from,  
8 the use of the funds that achieved the priorities de-  
9 scribed in paragraph (3) of section 403(a); and

10 “(4) the reduction since the previous report in  
11 the inventory referred to in section 403(c).”.

12 (b) CLERICAL AMENDMENT.—The table of contents  
13 in the first section of the Surface Mining Control and Rec-  
14 lamation Act of 1977 is amended by adding at the end  
15 of the items relating to title IV the following:

“Sec. 416. Abandoned mine land economic revitalization.”.

16 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

17 The Surface Mining Control and Reclamation Act of  
18 1977 is amended—

19 (1) in section 401(c) (30 U.S.C. 1231(c)), by  
20 striking “and” after the semicolon at the end of  
21 paragraph (10), by redesignating paragraph (11) as  
22 paragraph (12), and by inserting after paragraph  
23 (10) the following:

24 “(11) to implement section 416; and”;

1           (2) in section 401(d)(3) (30 U.S.C.  
2       1231(d)(3)), by striking “subsection (f)” and insert-  
3       ing “subsection (f) and section 416(a)”;

4           (3) in section 402(g) (30 U.S.C. 1232(g))—

5               (A) in paragraph (1), by inserting “and  
6       section 416” after “subsection (h)”;

7               (B) by adding at the end of paragraph (3)  
8       the following:

9               “(F) For the purpose of section  
10       416(d)(2)(A).”;

11           (4) in section 403(c) (30 U.S.C. 1233(c)), by  
12       inserting after the second sentence the following:

13       “As practicable, States and Indian tribes shall offer  
14       such amendments based on the use of remote sens-  
15       ing, global positioning systems, and other advanced  
16       technologies.”.

17 **SEC. 4. MINIMUM STATE PAYMENTS.**

18       Section 402(g)(8)(A) of the Surface Mining Control  
19       and Reclamation Act of 1977 (30 U.S.C. 1232(g)(8)) is  
20       amended by striking “\$3,000,000” and inserting  
21       “\$5,000,000”.

22 **SEC. 5. GAO STUDY OF USE OF FUNDS.**

23       Not later than two years after the date of the enact-  
24       ment of this Act, the Comptroller General of the United

1 States shall study and report to the Congress on uses of  
 2 funds authorized by this Act, including regarding—

3 (1) the solvency of the Abandoned Mine Rec-  
 4 lamation Fund; and

5 (2) the impact of such use on payments and  
 6 transfers under the Surface Mining Control and  
 7 Reclamation Act of 1977 (30 U.S.C. 1201) to—

8 (A) States for which a certification has  
 9 been made under section 411 of such Act (30  
 10 U.S.C. 1241);

11 (B) States for which such a certification  
 12 has not been made; and

13 (C) transfers to United Mine Workers of  
 14 America Combined Benefit Fund.

15 **SEC. 6. ABANDONED MINE LAND RECLAMATION AND RES-**  
 16 **TORATION INITIATIVE.**

17 (a) IN GENERAL.—Subchapter I of chapter 145 of  
 18 title 40, United States Code, is amended by adding at the  
 19 end the following:

20 **“§ 14510. Abandoned mine land reclamation and res-**  
 21 **toration initiative**

22 “(a) IN GENERAL.—The Appalachian Regional Com-  
 23 mission may provide technical assistance, make grants,  
 24 enter into contracts, or otherwise provide amounts to indi-  
 25 viduals or entities in the Appalachian region for projects



1 and activities on lands, or on or in waters, that have been  
2 reclaimed or restored with amounts provided under title  
3 IV of the Surface Mining Control or Reclamation Act of  
4 1977 (30 U.S.C. 1231 et seq.) or that are eligible for such  
5 reclamation or restoration.

6 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the  
7 cost of any activity eligible for a grant under this sec-  
8 tion—

9 “(1) not more than 50 percent may be provided  
10 from amounts appropriated to carry out this section;  
11 and

12 “(2) notwithstanding paragraph (1)—

13 “(A) in the case of a project to be carried  
14 out in a county for which a distressed county  
15 designation is in effect under section 14526,  
16 not more than 80 percent may be provided from  
17 amounts appropriated to carry out this section;  
18 and

19 “(B) in the case of a project to be carried  
20 out in a county for which an at-risk designation  
21 is in effect under section 14526, not more than  
22 70 percent may be provided from amounts ap-  
23 propriated to carry out this section.

24 “(c) SOURCES OF ASSISTANCE.—Subject to sub-  
25 section (b), a grant provided under this section may be

1 provided from amounts made available to carry out this  
 2 section in combination with amounts made available—

3 “(1) under any other Federal program; or

4 “(2) from any other source.

5 “(d) FEDERAL SHARE.—Notwithstanding any provi-  
 6 sion of law limiting the Federal share under any other  
 7 Federal program, amounts made available to carry out  
 8 this section may be used to increase that Federal share,  
 9 as the Appalachian Regional Commission determines to be  
 10 appropriate.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 12 ter 145 of title 40, United States Code, is amended by  
 13 inserting after the item relating to section 14509 the fol-  
 14 lowing:

“14510. Abandoned mine land reclamation and restoration initiative.”.

15 **SEC. 7. HEADQUARTERS OF APPALACHIAN REGIONAL COM-**  
 16 **MISSION.**

17 (a) FINDING.—Congress finds that—

18 (1) the Delta Regional Commission, the Denali  
 19 Commission, and the Northern Border Regional  
 20 Commission are each headquartered in their respec-  
 21 tive region; and

22 (2) the headquarters of the Appalachian Re-  
 23 gional Commission should be relocated from the Dis-  
 24 trict of Columbia to a more affordable location in  
 25 the Appalachian Region.

1 (b) LOCATION OF HEADQUARTERS.—

2 (1) IN GENERAL.—Section 14301 of title 40,  
3 United States Code, is amended by adding at the  
4 end the following:

5 “(g) HEADQUARTERS.—The headquarters of the  
6 Commission shall be located in the Appalachian Region.”.

7 (2) IMPLEMENTATION.—The Federal Cochair-  
8 man of the Appalachian Regional Commission shall  
9 take such actions as may be necessary to carry out  
10 the amendment made by paragraph (1).

○