

H.R. 2 June 20, 1977  
Legislative History  
H.R. 2, June 20, 1977

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**BILL**

H.R. 2; TITLES I, II, III, AND IV; S. 7 TITLES I, II, III, V, VI, AND IX;  
95TH CONGRESS, 1ST SESSION; JUNE 20, 1977  
(COMMITTEE PRINT NO. 2) CONFERENCE COMMITTEE  
TITLE I - STATEMENT OF FINDINGS AND POLICY

**SUBHEADER: SEC. 101. FINDINGS**

The Congress finds and declares that -

{1-5} (a) extraction of coal and other minerals from the  
{1-6} earth can be accomplished by various methods of mining,  
{1-7} including surface mining;

{1-8} (b) coal mining operations presently contribute  
{1-9} significantly to the Nation's energy requirements; surface  
{1-10} coal mining constitutes one method of extraction  
{1-11} of the resource; the overwhelming percentage of the  
{1-12} Nation's coal reserves can only be extracted by underground  
{1-13} mining methods, and it is, therefore, essential  
{1-14} to the national interest to insure the existence of an expanding  
{1-15} and economically healthy underground coal  
{1-16} mining industry;

{1-17} (c) many surface mining operations result in disturbances  
{1-18} of surface areas that burden and adversely  
{1-19} affect commerce and the public welfare by destroying  
{1-20} or diminishing the utility of land for commercial, industrial,  
{1-21} residential, recreational, agricultural, and forestry  
{1-22} purposes, by causing erosion and landslides, by contributing  
{2-1} to floods, by polluting the water, by destroying  
{2-2} fish and wildlife habitats, by impairing natural beauty,  
{2-3} by damaging the property of citizens, by creating hazards  
{2-4} dangerous to life and property by degrading the  
{2-5} quality of life in local communities, and by counteracting  
{2-6} governmental programs and efforts to conserve soil,  
{2-7} water, and other natural resources;

{2-8} (d) the expansion of coal mining to meet the  
{2-9} Nation's energy needs makes even more urgent the  
{2-10} establishment of appropriate standards to minimize  
{2-11} damage to the environment and to productivity of the soil  
{2-12} and to protect the health and safety of the public;

{2-13} (e) surface mining and reclamation technology are  
{2-14} now developed so that effective and reasonable regulation  
{2-15} of surface coal mining operations by the States and  
{2-16} by the Federal Government in accordance with the

{2-17} requirements of this Act is an appropriate and necessary  
{2-18} means to minimize so far as practicable the adverse social,  
{2-19} economic, and environmental effects of such mining  
{2-20} operations;

{2-21} (f) because of the diversity in terrain, climate,  
{2-22} biologic, chemical, and other physical conditions in areas  
{2-23} subject to mining operations, the primary governmental  
{2-24} responsibility for developing, authorizing, issuing, and  
{3-1} enforcing regulations for surface mining and reclamation  
{3-2} operations subject to this Act should rest with the States;

{3-3} (g) surface mining and reclamation standards are  
{3-4} essential in order to insure that competition in interstate  
{3-5} commerce among sellers of coal produced in different  
{3-6} States will not be used to undermine the ability of the  
{3-7} several States to improve and maintain adequate standards  
{3-8} on coal mining operations within their borders;

{3-9} (h) there are a substantial number of acres of  
{3-10} land throughout major regions of the United States disturbed  
{3-11} by surface and underground coal on which little  
{3-12} or no reclamation was conducted, and the impacts from  
{3-13} these unreclaimed lands impose social and economic costs  
{3-14} on residents in nearby and adjoining areas as well as  
{3-15} continuing to impair environmental quality;

{3-16} (i) while there is a need to regulate surface mining  
{3-17} operations for minerals other than coal, more data and  
{3-18} analyses are needed to serve as a basis for effective and  
{3-19} reasonable regulation of such operations;

{3-20} (j) surface and underground coal mining operations  
{3-21} affect interstate commerce, contribute to the  
{3-22} economic well-being, security, and general welfare of the  
{3-23} Nation and should be conducted in an environmentally  
{3-24} sound manner; and

{4-1} (k) the cooperative effort established by this Act is  
{4-2} necessary to prevent or mitigate adverse environmental  
{4-3} effects of present and future surface coal mining  
{4-4} operations.

## TITLE I - STATEMENT OF FINDINGS AND POLICY

### SUBHEADER: SEC. 102. PURPOSES

It is the purpose of this Act to -

{4-7} (a) establish a nationwide program to protect  
{4-8} society and the environment from the adverse effects of  
{4-9} surface coal mining operations;

{4-10} (b) assure that the rights of surface landowners  
{4-11} and other persons with a legal interest in the land or  
{4-12} appurtenances thereto are fully protected from such  
{4-13} operations;

{4-14} (c) assure that surface mining operations are not  
{4-15} conducted where reclamation as required by this Act is  
{4-16} not feasible;

{4-17} (d) assure that surface coal mining operations are  
{4-18} so conducted as to protect the environment;

{4-19} (e) assure that adequate procedures are undertaken  
{4-20} to reclaim surface areas as contemporaneously as possible  
{4-21} with the surface coal mining operations;

{4-22} (f) assure that the coal supply essential to the Nation's  
{4-23} energy requirements, and to its economic and  
{4-24} social well-being is provided and strike a balance between  
{4-25} protection of the environment and agricultural  
{5-1} productivity and the Nation's need for coal as an essential  
{5-2} source of energy;

{5-3} (g) assist the States in developing and implementing  
{5-4} a program to achieve the purposes of this Act;

{5-5} (h) promote the reclamation of mined areas left  
{5-6} without adequate reclamation prior to the enactment of  
{5-7} this Act and which continue, in their unreclaimed condition,  
{5-8} to substantially degrade the quality of the environment,  
{5-9} prevent or damage the beneficial use of land or  
{5-10} water resources, or endanger the health or safety of the  
{5-11} public;

{5-12} (i) assure that appropriate procedures are provided  
{5-13} for the public participation in the development, revision,  
{5-14} and enforcement of regulations, standards, reclamation  
{5-15} plans, or programs established by the Secretary or any  
{5-16} State under this Act;

{5-17} (j) provide a means for development of the data  
{5-18} and analyses necessary to establish effective and reasonable  
{5-19} regulation of surface mining operations for other  
{5-20} minerals;

{5-21} (k) encourage the full utilization of coal resources  
{5-22} through the development and application of underground  
{5-23} extraction technologies;

{5-24} (l) stimulate, sponsor, provide for and/or supplement  
{5-25} present programs for the conduct of research investigations,  
{6-1} experiments, and demonstrations, in the  
{6-2} exploration, extraction, processing, development, and  
{6-3} production of minerals and the training of mineral engineers  
{6-4} and scientists in the fields of mining, minerals  
{6-5} resources, and technology, and the establishment of an  
{6-6} appropriate research and training center in various  
{6-7} States; and

{6-8} (m) wherever necessary, exercise the full reach  
{6-9} of Federal constitutional powers to insure the protection

{6-10} of the public interest through effective control of surface  
{6-11} coal mining operations.

TITLE II - OFFICE OF SURFACE MINING RECLAMATION AND  
ENFORCEMENT

SUBHEADER: SEC. 201. CREATION OF THE OFFICE

(a) There is established in the Department of  
{6-16} the Interior, the Office of Surface Mining Reclamation and  
{6-17} Enforcement (hereinafter referred to as the "Office").

{6-18} (b) The Office shall have a Director who shall be appointed  
{6-19} by the President, by and with the advice and consent  
{6-20} of the Senate, and shall be compensated at the rate provided  
{6-21} for level IV of the Executive Schedule under section 5315 of  
{6-22} the United States Code, and such other employees as may  
{6-23} be required. Pursuant to section 5108, title 5, and after  
{6-24} consultation with the Secretary, a majority of members of the  
{6-25} Civil Service Commission shall determine the necessary number  
{7-1} of positions in general schedule employees in grade 16,  
{7-2} 17, and 18 to perform functions of this title and shall allocate  
{7-3} such positions to the Secretary. The Director shall have  
{7-4} the responsibilities provided under subsection (c) of this  
{7-5} section and those duties and responsibilities relating to the  
{7-6} functions of the Office which the Secretary may assign,  
{7-7} consistent with this Act. Employees of the Office shall be  
{7-8} recruited on the basis of their professional competence and  
{7-9} capacity to administer the provisions of this Act. The Office  
{7-10} may use, on a reimbursable basis when appropriate, employees  
{7-11} of the Department and other Federal agencies to  
{7-12} administer the provisions of this Act, providing that no legal  
{7-13} authority, program, or function in any Federal agency which  
{7-14} has as its purpose promoting the development or use of coal  
{7-15} or other mineral resources or regulating the health and safety  
{7-16} of miners under provisions of the Federal Coal Mine Health  
{7-17} and Safety Act of 1969 (83 Stat. 742), shall be transferred  
{7-18} to the Office.

{7-19} (c) The Secretary, acting through the Office, shall -

{7-20} (1) administer the programs for controlling surface  
{7-21} coal mining operations which are required by this Act;  
{7-22} review and approve or disapprove State programs for  
{7-23} controlling surface coal mining operations and reclaiming  
{7-24} abandoned mined lands; make those investigations and  
{7-25} inspections necessary to insure compliance with this Act;  
{8-1} conduct hearings, administer oaths, issue subpoenas, and  
{8-2} compel the attendance of witnesses and production of  
{8-3} written or printed material as provided for in this Act;  
{8-4} issue cease-and-desist orders; review and vacate or  
{8-5} modify or approve orders and decisions; and order the  
{8-6} suspension, revocation, or withholding of any permit for  
{8-7} failure to comply with any of the provisions of this Act  
{8-8} or any rules and regulations adopted pursuant thereto;

{8-9} (2) publish and promulgate such rules and regulations

{8-10} as may be necessary to carry out the purposes  
{8-11} and provisions of this Act;

{8-12} (3) administer the State grant-in-aid program for  
{8-13} the development of State programs for surface and  
{8-14} mining and reclamation operations provided for in title  
{8-15} V of this Act;

{8-16} (4) administer the program for the purchase and  
{8-17} reclamation of abandoned and unreclaimed mined areas  
{8-18} pursuant to title IV of this Act;

{8-19} (5) administer the surface mining and reclamation  
{8-20} research and demonstration project authority provided  
{8-21} for in this Act;

{8-22} (6) consult with other agencies of the Federal  
{8-23} Government having expertise in the control and reclamation  
{8-24} of surface mining operations and assist States,  
{9-1} local governments, and other eligible agencies in the co-ordination  
{9-2} of such programs;

{9-3} (7) maintain a continuing study of surface mining  
{9-4} and reclamation operations in the United States;

{9-5} (8) develop and maintain an Information and Data  
{9-6} Center on Surface Coal Mining, Reclamation, and Surface  
{9-7} Impacts of Underground Mining, which will make  
{9-8} such data available to the public and the Federal, regional,  
{9-9} State, and local agencies conducting or concerned  
{9-10} with land use planning and agencies concerned with surface  
{9-11} and underground mining and reclamation  
{9-12} operations;

{9-13} (9) assist the States in the development of State  
{9-14} programs for surface coal mining and reclamation operations  
{9-15} which meet the requirements of the Act and, at  
{9-16} the same time, reflect local requirements and local environmental  
{9-17} and agricultural conditions;

{9-18} (10) assist the States in developing objective scientific  
{9-19} criteria and appropriate procedures and institutions  
{9-20} for determining those areas of a State to be designated  
{9-21} unsuitable for all or certain types of surface coal mining  
{9-22} pursuant to section 422;

{9-23} (11) monitor all Federal and State research programs  
{9-24} dealing with coal extraction and use and recommend  
{10-1} to Congress the research and demonstration projects  
{10-2} and necessary changes in public policy which are  
{10-3} designated to (A) improve feasibility of underground  
{10-4} coal mining, and (B) improve surface mining and  
{10-5} reclamation techniques directed at eliminating adverse  
{10-6} environmental and social impacts;

{10-7} (12) cooperate with other Federal agencies and  
{10-8} State regulatory authorities to minimize duplication of

{10-9} inspections, enforcement, and administration of this Act;  
{10-10} and

{10-11} (13) perform such other duties as may be provided  
{10-12} by law and relate to the purposes of this Act.

{10-13} (d) The Director shall not use either permanently or  
{10-14} temporarily any person charged with responsibility of inspecting  
{10-15} coal mines under the Federal Coal Mine Health  
{10-16} and Safety Act of 1969, unless he finds and publishes such  
{10-17} finding in the Federal Register, that such activities would  
{10-18} not interfere with such inspections under the 1969 Act.

{10-19} (e) The Office shall be considered an independent Federal  
{10-20} regulatory agency for the purposes of sections 3502  
{10-21} and 3512 of title 44 of the United States Code.

{10-22} (f) No employee of the Office or any other Federal  
{10-23} employee performing any function or duty under this Act  
{10-24} shall have a direct or indirect financial interest in underingly  
{11-1} violates the provisions of the above sentence shall, upon  
{11-2} conviction, be punished by a fine of not more than \$2,500, or  
{11-3} by imprisonment for not more than one year, or both. The  
{11-4} Director shall (1) within sixty days after enactment of this  
{11-5} Act publish regulations, in accordance with section 553 of  
{11-6} title 5, United States Code, to establish the methods by which  
{11-7} the provisions of this subsection will be monitored and enforced,  
{11-8} including appropriate provisions for the filing by such  
{11-9} employees and the review of statements and supplements  
{11-10} thereto concerning their financial interests which may be affected  
{11-11} by this subsection, and (2) report to the Congress as  
{11-12} part of the annual report (section 506) on the actions taken  
{11-13} and not taken during the preceding calendar year under this  
{11-14} subsection.

{11-15} (g) (1) After the Secretary has adopted the regulations  
{11-16} required by section 401 of this Act, any person may petition  
{11-17} the Director to initiate a proceeding for the issuance, amendment,  
{11-18} or repeal of a rule under this Act.

{11-19} (2) Such petitions shall be filed in the principal office  
{11-20} of the Director and shall set forth the facts which it is  
{11-21} claimed establish that it is necessary to issue, amend, or repeal  
{11-22} a rule under this Act.

{11-23} (3) The Director may hold a public hearing or may  
{11-24} ground or surface coal mining operations. Whoever knowconduct  
{12-1} such investigation or proceeding as the Director  
{12-2} deems appropriate in order to determine whether or not such  
{12-3} petition should be granted.

{12-4} (4) Within ninety days after filing of a petition described  
{12-5} in paragraph (1), the Director shall either grant or  
{12-6} deny the petition. If the Director grants such petition, the  
{12-7} Director shall promptly commence an appropriate proceeding  
{12-8} in accordance with the provisions of this Act. If the  
{12-9} Director denies such petition, the Director shall so notify

{12-10} the petitioner in writing setting forth the reasons for such  
{12-11} denial.

TITLE III - STATE MINING AND MINERAL RESOURCES AND RESEARCH  
INSTITUTES

SUBHEADER: SEC. 301. AUTHORIZATION OF STATE ALLOTMENTS TO INSTITUTES

(a) There are authorized to be appropriated  
{12-16} to the Secretary of the Interior sums adequate to provide  
{12-17} for each participating State \$200,000 for fiscal year 1978,  
{12-18} \$300,000 for fiscal year 1979, and \$400,000 for each  
{12-19} fiscal year thereafter for five years, to assist the States in  
{12-20} carrying on the work of a competent and qualified mining  
{12-21} and mineral resources research institute, or center (hereinafter  
{12-22} referred to as "institute") at one public college or university  
{12-23} in the State which has in existence at the time of  
{12-24} enactment of this title a school of mines, or division, or  
department  
{12-25} conducting a program of substantial instruction  
{13-1} and research in mining or minerals extraction or which  
{13-2} establishes such a school of mines, or division, or department  
{13-3} subsequent to the enactment of this title and which school  
{13-4} of mines, or division or department shall have been in existence  
{13-5} for at least two years. The Advisory Committee on Mining  
{13-6} and Minerals Resources Research as created by this title  
{13-7} shall determine a college or university to have an eligible  
{13-8} school of mines, or division, or department conducting a  
{13-9} program of substantial instruction and research in mining or  
{13-10} minerals extraction wherein education and research in the  
{13-11} minerals engineering fields are being carried out and wherein  
{13-12} at least four full-time permanent faculty members are employed:  
{13-13} Provided, That -

{13-14} (1) such moneys when appropriated shall be made  
{13-15} available to match, on a dollar-for-dollar basis, non-Federal  
{13-16} funds which shall be at least equal to the Federal  
{13-17} share to support the institute;

{13-18} (2) if there is more than one such eligible college  
{13-19} or university in a State, funds under this title shall, in  
{13-20} the absence of a designation to the contrary by act of  
{13-21} the legislature of the State, be paid to one such college  
{13-22} or university designated by the Governor of the State;  
{13-23} and

{13-24} (3) where a State does not have a public college or  
{13-25} university with an eligible school of mines, or division, or  
{14-1} department conducting a program of substantial instruction  
{14-2} and research in mining or mineral extraction, said  
{14-3} advisory committee may allocate the State's allotment to  
{14-4} one private college or university which it determines to  
{14-5} have an eligible school of mines, or division, or department  
{14-6} as provided herein.

{14-7} (b) It shall be the duty of each such institute to plan  
{14-8} and conduct and/or arrange for a component or components

{14-9} of the college or university with which it is affiliated to conduct  
{14-10} competent research, investigations, demonstrations, and  
{14-11} experiments of either a basic or practical nature, or both, in  
{14-12} relation to mining and mineral resources and to provide for  
{14-13} the training of mineral engineers and scientists through such  
{14-14} research, investigations, demonstrations, and experiments.  
{14-15} Such research, investigations, demonstrations, experiments,  
{14-16} and training may include, without being limited: exploration;  
{14-17} the extraction; processing; development; production of  
{14-18} mineral resources; mining and mineral technology; supply  
{14-19} and demand for minerals; conservation and best use of available  
{14-20} supplies of minerals; the economic, legal, social, engineering,  
{14-21} recreational, biological, geographic, ecological, and  
{14-22} other aspects of mining, mineral resources, and mineral  
reclamation,  
{14-23} having due regard to the interrelation on the natural  
{14-24} environment, the varying conditions and needs of the  
{14-25} respective States, to mining and mineral resources research  
{15-1} projects being conducted by agencies of the Federal and State  
{15-2} governments, and other institutes.

TITLE III - STATE MINING AND MINERAL RESOURCES AND RESEARCH  
INSTITUTES

SUBHEADER: SEC. 302. RESEARCH FUNDS TO INSTITUTES

(a) There is authorized to be appropriated  
{15-5} annually for seven years to the Secretary of the Interior the  
{15-6} sum of \$15,000,000 in fiscal year 1978, said sum increased  
{15-7} by \$2,000,000 each fiscal year thereafter for six years, which  
{15-8} shall remain available until expended. Such moneys when  
{15-9} appropriated shall be made available to institutes to meet the  
{15-10} necessary expenses for purposes of:  
  
{15-11} (1) specific mineral research and demonstration  
{15-12} projects of industrywide application, which could not  
{15-13} otherwise be undertaken, including the expenses of planning  
{15-14} and coordinating regional mining and mineral resources  
{15-15} research projects by two or more institutes,  
{15-16} and  
  
{15-17} (2) research into any aspects of mining and mineral  
{15-18} resources problems related to the mission of the Department  
{15-19} of the Interior, which may be deemed desirable  
{15-20} and are not otherwise being studied.  
  
{15-21} (b) Each application for a grant pursuant to subsection  
{15-22} (a) of this section shall, among other things, state the nature  
{15-23} of the project to be undertaken, the period during which  
{15-24} it will be pursued, the qualifications of the personnel who will  
{15-25} direct and conduct it, the estimated costs, the importance  
{16-1} of the project to the Nation, region, or State concerned, and  
{16-2} its relation to other known research projects theretofore pursued  
{16-3} or being pursued, and the extent to which it will provide  
{16-4} opportunity for the training of mining and mineral engineers  
{16-5} and scientists, and the extent of participation by non-governmental  
{16-6} sources in the project.

{16-7} (c) The Secretary shall, insofar as it is practicable,  
{16-8} utilize the facilities of institutes designated in section 301  
{16-9} of this title to perform such special research, authorized by  
{16-10} this section, and shall select the institutes for the performance  
{16-11} of such special research on the basis of the qualifications  
{16-12} without regard to race or sex of the personnel who will  
{16-13} conduct and direct it, and on the basis of the facilities  
available  
{16-14} in relation to the particular needs of the research project,  
{16-15} special geographic, geologic, or climatic conditions within  
{16-16} the immediate vicinity of the institute in relation to any  
{16-17} special requirements of the research project, and the extent  
{16-18} to which it will provide opportunity for training individuals  
{16-19} as mineral engineers and scientists. The Secretary may designate  
{16-20} and utilize such portions of the funds authorized to be  
{16-21} appropriated by this section as he deems appropriate for the  
{16-22} purpose of providing scholarships, graduate fellowships, and  
{16-23} postdoctoral fellowships.

{16-24} (d) No grant shall be made under subsection (a) of  
{16-25} this section except for a project approved by the Secretary  
{17-1} of the Interior and all grants shall be made upon the basis  
{17-2} of merit of the project, the need for the knowledge which it  
{17-3} is expected to produce when completed, and the opportunity  
{17-4} it provides for the training of individuals as mineral engineers  
{17-5} and scientists.

{17-6} (e) No portion of any grant under this section shall be  
{17-7} applied to the acquisition by purchase or lease of any land  
{17-8} or interests therein or the rental, purchase, construction,  
{17-9} preservation, or repair of any building.

### TITLE III - STATE MINING AND MINERAL RESOURCES AND RESEARCH INSTITUTES

#### SUBHEADER: SEC. 303. FUNDING CRITERIA

(a) Sums available to institutes under the  
{17-12} terms of sections 301 and 302 of this title shall be paid at  
{17-13} such times and in such amounts during each fiscal year as  
{17-14} determined by the Secretary, and upon vouchers approved  
{17-15} by him. Each institute shall set forth its plan to provide for  
{17-16} the training of individuals as mineral engineers and scientists  
{17-17} under a curriculum appropriate to the field of mineral  
{17-18} resources and mineral engineering and related fields; set  
{17-19} forth policies and procedures which assure that Federal funds  
{17-20} made available under this title for any fiscal year will  
supplement  
{17-21} and, to the extent practicable, increase the level of  
{17-22} funds that would, in the absence of such Federal funds, be  
{17-23} made available for purposes of this title, and in no case supplant  
{17-24} such funds; have an officer appointed by its governing  
{17-25} authority who shall receive and account for all funds paid  
{18-1} under the provisions of this title and shall make an annual  
{18-2} report to the Secretary on or before the first day of September  
{18-3} of each year, on work accomplished and the status of

{18-4} projects underway, together with a detailed statement of the  
{18-5} amounts received under any provisions of this title during  
{18-6} the preceding fiscal year, and of its disbursements on schedules  
{18-7} prescribed by the Secretary. If any of the moneys received  
{18-8} by the authorized receiving officer of any institute  
{18-9} under the provisions of this title shall by any action or  
contingency  
{18-10} be found by the Secretary to have been improperly  
{18-11} diminished, lost, or misapplied, it shall be replaced by the  
{18-12} State concerned and until so replaced no subsequent appropriation  
{18-13} shall be allotted or paid to any institute of such  
{18-14} State.

{18-15} (b) Moneys appropriated pursuant to this title shall be  
{18-16} available for expenses for research, investigations, experiments,  
{18-17} and training conducted under authority of this title.  
{18-18} The institutes are hereby authorized and encouraged to plan  
{18-19} and conduct programs under this title in cooperation with  
{18-20} each other and with such other agencies and individuals as  
{18-21} may contribute to the solution of the mining and mineral  
{18-22} resources problems involved, and moneys appropriated pursuant  
{18-23} to this title shall be available for paying the necessary  
{18-24} expenses of planning, coordinating, and conducting such  
cooperative  
{18-25} research.

### TITLE III - STATE MINING AND MINERAL RESOURCES AND RESEARCH INSTITUTES

#### SUBHEADER: SEC. 304. DUTIES OF THE SECRETARY

(a) The Secretary of the Interior is hereby  
{19-3} charged with the responsibility for the proper administration  
{19-4} of this title and, after full consultation with other interested  
{19-5} Federal agencies, shall prescribe such rules and regulations  
{19-6} as may be necessary to carry out its provisions. The  
{19-7} Secretary shall furnish such advice and assistance as will  
{19-8} best promote the purposes of this title, participate in  
coordinating  
{19-9} research initiated under this title by the institutes,  
{19-10} indicate to them such lines of inquiry as to him seem most  
{19-11} important, and encourage and assist in the establishment and  
{19-12} maintenance of cooperation by and between the institutes  
{19-13} and between them and other research organizations, the  
{19-14} United States Department of the Interior, and other Federal  
{19-15} establishments.

{19-16} (b) On or before the 1st day of July in each year after  
{19-17} the passage of this title, the Secretary shall ascertain whether  
{19-18} the requirements of section 303(a) have been met as to  
{19-19} each institute and State.

{19-20} (c) The Secretary shall make an annual report to the  
{19-21} Congress of the receipts, expenditures, and work of the  
{19-22} institutes in all States under the provisions of this title. The  
{19-23} Secretary's report shall indicate whether any portion of an  
{19-24} appropriation available for allotment to any State has been

{19-25} withheld and, if so, the reason therefor.

TITLE III - STATE MINING AND MINERAL RESOURCES AND RESEARCH  
INSTITUTES

SUBHEADER: SEC. 305. AUTONOMY

Nothing in this title shall be construed to  
{20-3} impair or modify the legal relationship existing between  
{20-4} any of the colleges or universities under whose direction an  
{20-5} institute is established and the government of the State in  
{20-6} which it is located, and nothing in this title shall in any way  
{20-7} be construed to authorize Federal control or direction of  
{20-8} education at any college or university.

TITLE III - STATE MINING AND MINERAL RESOURCES AND RESEARCH  
INSTITUTES

SUBHEADER: SEC. 306. MISCELLANEOUS PROVISIONS

(a) The Secretary of the Interior shall obtain  
{20-11} the continuing advice and cooperation of all agencies  
{20-12} of the Federal Government concerned with mining and  
{20-13} mineral resources, of State and local governments, and of  
{20-14} private institutions and individuals to assure that the programs  
{20-15} authorized in this title will supplement and not duplicate  
{20-16} established mining and minerals research programs, to  
{20-17} stimulate research in otherwise neglected areas, and to contribute  
{20-18} to a comprehensive nationwide program of mining  
{20-19} and minerals research, having due regard for the protection  
{20-20} and conservation of the environment. The Secretary shall  
{20-21} make generally available information and reports on projects  
{20-22} completed, in progress, or planned under the provisions of  
{20-23} this title, in addition to any direct publication of information  
{20-24} by the institutes themselves.

{21-1} (b) Nothing in this title is intended to give or shall  
{21-2} be construed as giving the Secretary of the Interior any  
{21-3} authority over mining and mineral resources research conducted  
{21-4} by any other agency of the Federal Government, or  
{21-5} as repealing, superseding, or diminishing existing authorities  
{21-6} or responsibilities of any agency of the Federal Government  
{21-7} to plan and conduct, contract for, or assist in research in its  
{21-8} area of responsibility and concern with mining and mineral  
{21-9} resources.

{21-10} (c) Contracts or other arrangements for mining and  
{21-11} mineral resources research work authorized under this title  
{21-12} with an institute, educational institution, or nonprofit  
organization  
{21-13} may be undertaken without regard to the provisions  
{21-14} of section 3684 of the Revised Statutes ( 31 U.S.C. 529)  
{21-15} when, in the judgment of the Secretary of the Interior,  
{21-16} advance payments of initial expense are necessary to facilitate  
{21-17} such work: Provided, That authority to make payments  
{21-18} under this subsection shall be effective only to such extent  
{21-19} or in such amounts as are provided in advance by appropriation

{21-20} Acts.

{21-21} (d) No research, demonstration, or experiment shall be  
{21-22} carried out under this Act by an institute financed by grants  
{21-23} under this Act, unless all uses, products, processes, patents,  
{21-24} and other developments resulting therefrom, with such exception  
{22-1} or limitation, if any, as the Secretary may find  
{22-2} necessary in the public interest, be available promptly to the  
{22-3} general public. Nothing contained in this section shall deprive  
{22-4} the owner of any background patent relating to any such  
{22-5} activities of any rights which that owner may have under  
{22-6} that patent. There are authorized to be appropriated such  
{22-7} sums as are necessary for the printing and publishing of the  
{22-8} results of activities carried out by institutes under the  
provisions  
{22-9} of this Act and for administrative planning and direction,  
{22-10} but such appropriations shall not exceed \$1,000,000 in  
{22-11} any fiscal year: Provided, That no new budget authority is  
{22-12} authorized to be appropriated for fiscal year 1977.

TITLE III - STATE MINING AND MINERAL RESOURCES AND RESEARCH  
INSTITUTES

SUBHEADER: SEC. 307. CENTER FOR CATALOGING

The Secretary shall establish a center for  
{22-15} cataloging current and projected scientific research in all  
{22-16} fields of mining and mineral resources. Each Federal agency  
{22-17} doing mining and mineral resources research shall cooperate  
{22-18} by providing the cataloging center with information on  
{22-19} work underway or scheduled by it. The cataloging center  
{22-20} shall classify and maintain for public use a catalog of mining  
{22-21} and mineral resources research and investigation projects  
{22-22} in progress or scheduled by all Federal agencies and by  
{22-23} such non-Federal agencies of government, colleges, universities,  
{22-24} private institutions, firms, and individuals as may  
{22-25} make such information available.

TITLE III - STATE MINING AND MINERAL RESOURCES AND RESEARCH  
INSTITUTES

SUBHEADER: SEC. 308. INTERAGENCY COOPERATION

The President shall, by such means as he  
{23-3} deems appropriate, clarify agency responsibility for Federal  
{23-4} mining and mineral resources research and provide for interagency  
{23-5} coordination of such research, including the research  
{23-6} authorized by this title. Such coordination shall  
{23-7} include -

{23-8} (a) continuing review of the adequacy of the Government-wide  
{23-9} program in mining and mineral resources  
{23-10} research;

{23-11} (b) identification and elimination of duplication and  
{23-12} overlap between two or more agency programs;

- {23-13} (c) identification of technical needs in various  
{23-14} mining and mineral resources research categories;
- {23-15} (d) recommendations with respect to allocation of  
{23-16} technical effort among Federal agencies;
- {23-17} (e) review of technical manpower needs and findings  
{23-18} concerning management policies to improve the  
{23-19} quality of the Government-wide research effort; and
- {23-20} (f) actions to facilitate interagency communication  
{23-21} at management levels.

TITLE III - STATE MINING AND MINERAL RESOURCES AND RESEARCH  
INSTITUTES

SUBHEADER: SEC. 309. ADVISORY COMMITTEE

- (a) The Secretary of the Interior shall  
{23-24} appoint an Advisory Committee on Mining and Mineral  
{23-25} Research composed of -
- {24-1} (1) the Director, Bureau of Mines, or his delegate,  
{24-2} with his consent;
- {24-3} (2) the Director of the National Science Foundation,  
{24-4} or his delegate, with his consent;
- {24-5} (3) the President, National Academy of Sciences,  
{24-6} or his delegate, with his consent;
- {24-7} (4) the President, National Academy of Engineering,  
{24-8} or his delegate, with his consent;
- {24-9} (5) the Director, United States Geological Survey,  
{24-10} or his delegate, with his consent; and
- {24-11} (6) not more than four other persons who are  
{24-12} knowledgeable in the fields of mining and mineral resources  
{24-13} research, at least one of whom shall be a representative  
{24-14} of working coal miners.
- {24-15} (b) The Secretary shall designate the Chairman of the  
{24-16} Advisory Committee. The Advisory Committee shall consult  
{24-17} with, and make recommendations to, the Secretary of the  
{24-18} Interior on all matters involving or relating to mining and  
{24-19} mineral resources research and such determinations as provided  
{24-20} in this title. The Secretary of the Interior shall consult  
{24-21} with, and consider recommendations of, such Committee in  
{24-22} the conduct of mining and mineral resources research and  
{24-23} the making of any grant under this title.
- {24-24} (c) Advisory Committee members, other than officers  
{24-25} or employees of Federal, State, or local governments, shall  
{25-1} be, for each day (including traveltime) during which they  
{25-2} are performing committee business, entitled to receive compensation  
{25-3} at a rate fixed by the Secretary, but not in excess

{25-4} of the maximum rate of pay for grade GS-18 as provided in  
{25-5} the General Schedule under section 5332 of title 5 of the  
{25-6} United States Code, and shall, notwithstanding the limitations  
{25-7} of sections 5703 and 5704 of title 5, United States  
{25-8} Code, be fully reimbursed for travel, subsistence, and related  
{25-9} expense.

#### TITLE IV - ABANDONED MINE RECLAMATION

##### SUBHEADER: SEC. 401. ABANDONED MINE RECLAMATION FUND AND PURPOSES

(a) There is created on the books of the  
{25-13} Treasury of the United States a trust fund to be known as  
{25-14} the Abandoned Mine Reclamation Fund (hereinafter referred  
{25-15} to as the "fund") which shall be administered by  
{25-16} the Secretary of the Interior. State abandoned mine reclamation  
{25-17} funds (State funds) generated by grants from this  
{25-18} title shall be established by each State pursuant to an  
{25-19} approved State program.

{25-20} (b) The fund shall consist of amounts deposited in the  
{25-21} fund, from time to time derived from -

{25-22} (1) the reclamation fees levied under section 402 of  
{25-23} this Act: Provided, That an amount not to exceed 10  
{25-24} per centum of such reclamation fees collected for any  
{25-25} calendar quarter shall be reserved beginning in the first  
{26-1} calendar year in which the fee is imposed and continuing  
{26-2} for the remainder of that fiscal year and for the period  
{26-3} in which such fee is imposed by law, for the purpose  
{26-4} of section 507(c), subject to appropriation pursuant to  
{26-5} authorization under section 511: Provided further, That  
{26-6} not more than \$10,000,000 shall be available for such  
{26-7} purposes;

{26-8} (2) any user charge imposed on or for land reclaimed  
{26-9} pursuant to this title, after expenditures for  
{26-10} maintenance have been deducted;

{26-11} (3) donations by persons, corporations, associations,  
{26-12} and foundations for the purposes of this title; and

{26-13} (4) recovered moneys as provided for in this title.

{26-14} (c) Moneys in the fund may be used for the following  
{26-15} purposes:

{26-16} (1) reclamation and restoration of land and water  
{26-17} resources adversely affected by past coal mining, including  
{26-18} but not limited to reclamation and restoration of  
{26-19} abandoned surface mine areas, abandoned coal processing  
{26-20} areas, and abandoned coal refuse disposal areas; sealing  
{26-21} and filling abandoned deep mine entries and voids;  
{26-22} planting of land adversely affected by past coal mining  
{26-23} to prevent erosion and sedimentation; prevention, abatement,  
{26-24} treatment, and control of water pollution created  
{26-25} by coal mine drainage including restoration of stream

{27-1} beds, and construction and operation of water treatment  
{27-2} plants; prevention, abatement, and control of burning  
{27-3} coal refuse disposal areas and burning coal in situ; and  
{27-4} prevention, abatement, and control of coal mine subsidence;

{27-6} (2) for use under section 406, by the Secretary of  
{27-7} Agriculture, of up to one-fifth of the money deposited in  
{27-8} the fund annually and transferred by the Secretary of  
{27-9} the Interior to the Secretary of Agriculture for such  
{27-10} purposes;

{27-11} (3) acquisition and filling of voids and sealing of  
{27-12} tunnels, shafts, and entryways under section 409;

{27-13} (4) acquisition of land as provided for in this title;

{27-14} (5) enforcement and collection of the reclamation  
{27-15} fee provided for in section 402 of this title;

{27-16} (6) studies by the Department of the Interior by  
{27-17} contract to such extent or in such amounts as are provided  
{27-18} in appropriation Acts with public and private organizations  
{27-19} to provide information, advice, and technical  
{27-20} assistance, including research and demonstration projects,  
{27-21} conducted for the purposes of this title;

{27-22} (7) restoration, reclamation, abatement, control,  
{27-23} or prevention of adverse effects of coal mining which  
{27-24} constitutes an emergency as provided for in this title;

{28-1} (8) grants to the States to accomplish the purposes  
{28-2} of this title;

{28-3} (9) administrative expenses of the United States  
{28-4} and each State to accomplish the purposes of this title;  
{28-5} and

{28-6} (10) all other necessary expenses to accomplish  
{28-7} the purposes of this title.

{28-8} (d) Moneys from the fund shall be available for the  
{28-9} purposes of this title, only when appropriated therefor, and  
{28-10} such appropriations shall be made without fiscal year limitations.

#### TITLE IV - ABANDONED MINE RECLAMATION

##### SUBHEADER: SEC. 402. RECLAMATION FEE

(a) All operators of coal mining operations  
{28-14} subject to the provisions of this Act shall pay to the Secretary  
{28-15} of the Interior, for deposit in the fund, a reclamation fee  
{28-16} of 35 cents per ton of coal produced by surface coal mining  
{28-17} and 15 cents per ton of coal produced by underground mining  
{28-18} or 10 per centum of the value of the coal at the mine, as  
{28-19} determined by the Secretary, whichever is less, except that  
{28-20} the reclamation fee for lignite coal shall be at a rate of 2 per  
{28-21} centum of the value of the coal at the mine, or 5 cents per

{28-22} ton, whichever is less.

{28-23} (b) Such fee shall be paid no later than thirty days  
{28-24} after the end of each calendar quarter beginning with the  
{28-25} first calendar quarter occurring after the date of enactment  
{29-1} of this Act, and ending fifteen years after the date of enactment  
{29-2} of this Act unless extended by an Act of Congress.

{29-3} (c) Together with such reclamation fee, all operators  
{29-4} of coal mine operations shall submit a statement of the  
{29-5} amount of coal produced during the calendar quarter, the  
{29-6} method of coal removal and the type of coal, the accuracy of  
{29-7} which shall be sworn to by the operator and notarized.

{29-8} (d) Any person, corporate officer, agent or director, on  
{29-9} behalf of a coal mine operator, who knowingly makes any  
{29-10} false statement, representation or certification, or knowingly  
{29-11} fails to make any statement, representation or certification  
{29-12} required in this section shall, upon conviction, be punished  
{29-13} by a fine of not more than \$10,000, or by imprisonment for  
{29-14} not more than one year, or both.

{29-15} (e) Any portion of the reclamation fee not properly or  
{29-16} promptly paid pursuant to this section shall be recoverable,  
{29-17} with statutory interest and reasonable attorney's fees, from  
{29-18} coal mine operators, in any court of competent jurisdiction in  
{29-19} any action at law to compel payment of debts.

{29-20} (f) All Federal and State agencies shall fully cooperate  
{29-21} with the Secretary of the Interior in the enforcement of this  
{29-22} section.

{29-23} (g) (1) The geographic allocation of expenditures from  
{29-24} the fund shall reflect both the area from which the revenue  
{29-25} was derived as well as the national program needs for the  
{29-26} funds.

{30-1} (2) Fifty per centum of the funds collected annually in  
{30-2} any State or Indian reservation shall be allocated in that  
{30-3} State or Indian reservation by the Secretary pursuant to any  
{30-4} approved abandoned mine reclamation program to accomplish  
{30-5} the purposes of this title. Where the Governor of a  
{30-6} State or the head of a governing body of a tribe certifies that  
{30-7} (i) objectives of the fund set forth in sections 403 and 409  
{30-8} have been achieved, (ii) there is a need for construction of  
{30-9} specific public facilities in communities impacted by coal  
{30-10} development, (iii) impact funds which may be available  
{30-11} under provisions of the Federal Mineral Leasing Act of 1920,  
{30-12} as amended, or the Federal Payments in Lieu of Taxes Act  
{30-13} of 1976, are inadequate for such construction, and (iv) the  
{30-14} Secretary concurs in such certification, then the Secretary  
{30-15} may continue to allocate all or part of the 50 per centum  
{30-16} share to that State or tribe for such construction: Provided,  
{30-17} however, That if funds under this subparagraph (2) have not  
{30-18} been expended within three years after their allocation, they  
{30-19} shall be available for expenditure in any eligible area as  
determined

{30-20} by the Secretary.

{30-21} (3) The balance of funds collected on an annual basis  
{30-22} may be expended in any State at the discretion of the  
{30-23} Secretary in order to meet the purposes of this title. Such  
{30-24} funds may be expended directly by the Secretary or by  
{30-25} making additional grants to approved State reclamation programs  
{31-1} pursuant to section 405 when the Secretary finds that  
{31-2} such programs are the best means of accomplishing the  
{31-3} specific reclamation projects. The Secretary shall consult  
{31-4} and coordinate with the respective States those projects  
{31-5} funded directly or in conjunction with other Federal  
{31-6} agencies.

#### TITLE IV - ABANDONED MINE RECLAMATION

##### SUBHEADER: SEC. 403. OBJECTIVES OF FUND

Expenditure of moneys from the fund on  
{31-9} lands and water eligible pursuant to section 404 for the purposes  
{31-10} of this title shall reflect the following priorities in the  
{31-11} order stated:

{31-12} (1) the protection of public health, safety, general  
{31-13} welfare, and property from extreme danger of adverse  
{31-14} effects of coal mining practices;

{31-15} (2) the protection of public health, safety, and general  
{31-16} welfare from adverse effects of coal mining practices;

{31-17} (3) the restoration of land and water resources and  
{31-18} the environment previously degraded by adverse effects  
{31-19} of coal mining practices including measures for the  
{31-20} conservation and development of soil, water (excluding  
{31-21} channelization), woodland, fish and wildlife, recreation  
{31-22} resources, and agricultural productivity;

{31-23} (4) research and demonstration projects relating to  
{31-24} the development of surface mining reclamation and water  
{31-25} quality control program methods and techniques;

{32-1} (5) the protection, repair, replacement, construction,  
{32-2} or enhancement of public facilities such as utilities,  
{32-3} roads, recreation, and conservation facilities adversely  
{32-4} affected by coal mining practices;

{32-5} (6) the development of publicly owned land adversely  
{32-6} affected by coal mining practices including land  
{32-7} acquired as provided in this title for recreation and historic  
{32-8} purposes, conservation, and reclamation purposes  
{32-9} and open space benefits.

#### TITLE IV - ABANDONED MINE RECLAMATION

##### SUBHEADER: SEC. 404. ELIGIBLE LANDS AND WATER

Lands and water eligible for reclamation or

{32-12} drainage abatement expenditures under this title are those  
{32-13} which were mined for coal or which were affected by such  
{32-14} mining, wastebanks, coal processing, or other coal mining  
{32-15} processes, and abandoned or left in an inadequate reclamation  
{32-16} status prior to the date of enactment of this Act, and  
{32-17} for which there is no continuing reclamation responsibility  
{32-18} under State or other Federal laws.

#### TITLE IV - ABANDONED MINE RECLAMATION

##### SUBHEADER: SEC. 405. STATE RECLAMATION PROGRAMS

(a) Not later than the end of the one hundred  
{32-21} and eighty-day period immediately following the date  
{32-22} of enactment of this Act, the Secretary shall promulgate and  
{32-23} publish in the Federal Register regulations covering  
implementation

{32-24} of an abandoned mine reclamation program incorporating  
{33-1} the provisions of title IV and establishing procedures  
{33-2} and requirements for preparation, submission, and  
{33-3} approval of State programs consisting of the plan and annual  
{33-4} submissions of projects.

{33-5} (b) Each State having within its borders coal mined  
{33-6} lands eligible for reclamation under this title, may submit to  
{33-7} the Secretary a State Reclamation Plan and annual projects  
{33-8} to carry out the purposes of this title.

{33-9} (c) The Secretary shall not approve, fund, or continue  
{33-10} to fund a State abandoned mine reclamation program unless  
{33-11} that State has an approved State regulatory program pursuant  
{33-12} to section 503 of this Act.

{33-13} (d) If the Secretary determines that a State has developed  
{33-14} and submitted a program for reclamation of abandoned  
{33-15} mines and has the ability and necessary State legislation to  
{33-16} implement the provisions of this title, sections 402 and 410  
{33-17} excepted, the Secretary shall approve such State program  
{33-18} and shall grant to the State exclusive responsibility and  
{33-19} authority to implement the provisions of the approved program:  
{33-20} Provided, That the Secretary shall withdraw such  
{33-21} approval and authorization if he determines upon the basis  
{33-22} of information provided under this section that the State  
{33-23} program is not in compliance with the procedures, guidelines,  
{33-24} and requirements established under subsection 405(a).

{33-25} (e) Each State Reclamation Plan shall generally identify  
{34-1} the areas to be reclaimed, the purposes for which the  
{34-2} reclamation is proposed, the relationship of the lands to be  
{34-3} reclaimed and the proposed reclamation to surrounding areas,  
{34-4} the specific criteria for ranking and identifying projects to  
{34-5} be funded, and the legal authority and programmatic capability  
{34-6} to perform such work in conformance with the provisions  
{34-7} of this title.

{34-8} (f) On an annual basis, each State having an approved  
{34-9} State Reclamation Plan may submit to the Secretary an

{34-10} application for the support of the State program and  
implementation  
{34-11} of specific reclamation projects. Such annual requests  
{34-12} shall include such information as may be requested  
{34-13} by the Secretary including:

{34-14} (1) a general description of each proposed project;

{34-15} (2) a priority evaluation of each proposed project;

{34-16} (3) a statement of the estimated benefits in such  
{34-17} terms as: number of acres restored, miles of stream improved,  
{34-18} acres of surface lands protected from subsidence,  
{34-19} population protected from subsidence, air pollution,  
{34-20} hazards of mine and coal refuse disposal area fires;

{34-21} (4) an estimate of the cost for each proposed  
{34-22} project;

{34-23} (5) in the case of proposed research and demonstration  
{34-24} projects, a description of the specific techniques  
{34-25} to be evaluated or objective to be attained;

{35-1} (6) an identification of lands or interest therein to  
{35-2} be acquired and the estimated cost; and

{35-3} (7) in each year after the first in which a plan  
{35-4} is filed under this title, an inventory of each project  
{35-5} funded under the previous year's grant; which inventory  
{35-6} shall include details of financial expenditures on such  
{35-7} project together with a brief description of each such  
{35-8} project, including project location, landowner's name,  
{35-9} acreage, type of reclamation performed.

{35-10} (g) The costs for each proposed project under this section  
{35-11} shall include: actual construction costs, actual operation  
{35-12} and maintenance costs of permanent facilities, planning  
{35-13} and engineering costs, construction inspection costs, and  
{35-14} other necessary administrative expenses.

{35-15} (h) Upon approval of State Reclamation Plan by the  
{35-16} Secretary and of the surface mine regulatory program pursuant  
{35-17} to section 503, the Secretary shall grant, on an annual  
{35-18} basis, funds to be expended in such State pursuant to  
{35-19} subsection 402(g) (1) and which are necessary to implement  
{35-20} the State reclamation program as approved by the  
{35-21} Secretary.

{35-22} (i) The Secretary, through his designated agents, will  
{35-23} monitor the progress and quality of the program. The States  
{35-24} shall not be required at the start of any project to submit  
{35-25} complete copies of plans and specifications.

{36-1} (j) The Secretary shall require annual and other reports  
{36-2} as may be necessary to be submitted by each State  
{36-3} administering the approved State reclamation program with  
{36-4} funds provided under this title. Such reports shall include that

{36-5} information which the Secretary deems necessary to fulfill his  
{36-6} responsibilities under this title.

{36-7} (k) Indian tribes having within their jurisdiction eligible  
{36-8} lands pursuant to section 404 or from which coal is produced,  
{36-9} shall be considered as a "State" for the purposes of  
{36-10} this title.

#### ABANDONED MINE RECLAMATION

#### SUBHEADER: SEC. 405. RECLAMATION OF RURAL LANDS

(a) In order to provide for the control and  
{36-13} prevention of erosion and sediment damages from unreclaimed  
{36-14} mined lands, and to promote the conservation and  
{36-15} development of soil and water resources of unreclaimed  
{36-16} mined lands and lands affected by mining, the Secretary  
{36-17} of Agriculture is authorized to enter into agreements  
{36-18} of not more than ten years with landowners including  
{36-19} owners of water rights), residents, and tenants, and individually  
{36-20} or collectively, determined by him to have control  
{36-21} for the period of the agreement of lands in question therein,  
{36-22} providing for land stabilization, erosion, and sediment control,  
{36-23} and reclamation through conservation treatment, including  
{36-24} measures for the conservation and development of  
{36-25} soil, water (excluding stream channelization), woodland,  
{37-1} wildlife, and recreation resources, and agricultural productivity  
{37-2} of such lands. Such agreements shall be made by the  
{37-3} Secretary with the owners, including owners of water rights,  
{37-4} residents, or tenants (collectively or individually) of the  
{37-5} lands in question.

{37-6} (b) The landowner, including the owner of water rights,  
{37-7} resident, or tenant shall furnish to the Secretary of Agriculture  
{37-8} a conservation and development plan setting forth the  
{37-9} proposed land uses and conservation treatment which shall  
{37-10} be mutually agreed by the Secretary of Agriculture and the  
{37-11} landowner, including owner of water rights, resident, or  
{37-12} tenant to be needed on the lands for which the plan was prepared.  
{37-13} In those instances where it is determined that the  
{37-14} water rights or water supply of a tenant, landowner, including  
{37-15} owner of water rights, residents, or tenant have been  
{37-16} adversely affected by a surface or underground coal mine  
{37-17} operation which has removed or disturbed a stratum so as to  
{37-18} significantly affect the hydrologic balance, such plan may  
{37-19} include proposed measures to enhance water quality or quantity  
{37-20} by means of joint action with other affected landowners,  
{37-21} including owner of water rights, residents, or tenants in  
{37-22} consultation with appropriate State and Federal agencies.

{37-23} (c) Such plan shall be incorporated in an agreement  
{37-24} under which the landowner, including owner of water rights,  
{37-25} resident, or tenant shall agree with the Secretary of Agriculture  
{38-1} to effect the land uses and conservation treatment provided  
{38-2} for in such plan on the lands described in the agreement  
{38-3} in accordance with the terms and conditions thereof.

{38-4} (d) In return for such agreement by the landowner,  
{38-5} including owner of water rights, resident, or tenant, the Secretary  
{38-6} of Agriculture is authorized to furnish financial and  
{38-7} other assistance to such landowner, including owner of water  
{38-8} rights, resident, or tenant, in such amounts and subject to  
{38-9} such conditions as the Secretary of Agriculture determines are  
{38-10} appropriate in the public interest for carrying out the land  
{38-11} use and conservation treatment set forth in the agreement.

{38-12} Grants made under this section, depending on the incomeproducing  
{38-13} potential of the land after reclaiming, shall provide  
{38-14} up to 80 per centum of the cost of carrying out such land uses  
{38-15} and conservation treatment on not more than one hundred  
{38-16} and twenty acres of land occupied by such owner, including  
{38-17} water rights owners, resident, or tenant, or on not more than  
{38-18} one hundred and twenty acres of land which has been purchased  
{38-19} jointly by such landowners, including water rights  
{38-20} owners, residents, or tenants, under an agreement for the  
{38-21} enhancement of water quality or quantity or on land which  
{38-22} has been acquired by an appropriate State or local agency  
{38-23} for the purpose of implementing such agreement; except the  
{38-24} Secretary may reduce the matching cost share where he  
{38-25} determines that (1) the main benefits to be derived from the  
{39-1} project are related to improving offsite water quality, offsite  
{39-2} esthetic values, or other offsite benefits, and (2) the matching  
{39-3} share requirement would place a burden on the landowner  
{39-4} which would probably prevent him from participating  
{39-5} in the program: Provided, however, That the Secretary  
{39-6} of Agriculture may allow for land use and conservation  
{39-7} treatment on such lands occupied by any such owner in excess  
{39-8} of such one hundred and twenty acre limitation up to  
{39-9} three hundred and twenty acres, but in such event the  
{39-10} amount of the grant to such landowner to carry out such  
{39-11} reclamation on such lands shall be reduced proportionately.

{39-12} (c) The Secretary of Agriculture may terminate any  
{39-13} agreement with a landowner including water rights owners,  
{39-14} operator, or occupier by mutual agreement if the Secretary  
{39-15} of Agriculture determines that such termination would be in  
{39-16} the public interest, and may agree to such modification of  
{39-17} agreements previously entered into hereunder as he deems  
{39-18} desirable to carry out the purposes of this section or to  
facilitate  
{39-19} the practical administration of the program authorized  
{39-20} herein.

{39-21} (f) Notwithstanding any other provision of law, the  
{39-22} Secretary of Agriculture, to the extent he deems it desirable  
{39-23} to carry out the purposes of this section, may provide in any  
{39-24} agreement hereunder for (1) preservation for a period not  
{39-25} to exceed the period covered by the agreement and an equal  
{40-1} period thereafter of the cropland, crop acreage, and allotment  
{40-2} history applicable to land covered by the agreement for the  
{40-3} purpose of any Federal program under which such history is  
{40-4} used as a basis for an allotment or other limitation on the  
{40-5} production of such crop; or (2) surrender of any such history  
{40-6} and allotments.

{40-7} (g) The Secretary of Agriculture shall be authorized to  
{40-8} issue such rules and regulations as he determines are necessary  
{40-9} to carry out the provisions of this section.

{40-10} (h) In carrying out the provisions of this section, the  
{40-11} Secretary of Agriculture shall utilize the services of the Soil  
{40-12} Conservation Service.

{40-13} (i) Funds shall be made available to the Secretary of  
{40-14} Agriculture for the purposes of this section, as provided in  
{40-15} section 303(c).

#### ABANDONED MINE RECLAMATION

#### SUBHEADER: SEC. 407. ACQUISITION AND RECLAMATION OF LAND ADVERSELY AFFECTED BY PAST COAL MINING PRACTICES

(a) If the Secretary makes a finding of  
{40-19} fact that -

{40-20} (1) land or water resources have been adversely  
{40-21} affected by past coal mining practices; and

{40-22} (2) the adverse effects are at a stage where, in  
{40-23} the public interest, action to restore, reclaim, abate,  
{40-24} control, or prevent should be taken; and

{40-25} (3) the owners of the land or water resources  
{41-1} where entry must be made to restore, reclaim, abate,  
{41-2} control, or prevent the adverse effects of past coal  
{41-3} mining practices are not known, or readily available; or

{41-4} (4) the owners will not give permission for the  
{41-5} United States, the States, political subdivisions, their  
{41-6} agents, employees, or contractors to enter upon such  
{41-7} property to restore, reclaim, abate, control, or prevent  
{41-8} the adverse effects of past coal mining practices.

{41-9} Then, upon giving notice by mail to the owners if known or  
{41-10} if not known by posting notice upon the premises and advertising  
{41-11} once in a newspaper of general circulation in the  
{41-12} municipality in which the land lies, the Secretary, his agents,  
{41-13} employees, or contractors, shall have the right to enter  
{41-14} upon the property adversely affected by past coal mining  
{41-15} practices and any other property to have access to such  
{41-16} property to do all things necessary or expedient to restore,  
{41-17} reclaim, abate, control, or prevent the adverse effects. Such  
{41-18} entry shall be construed as an exercise of the police power  
{41-19} for the protection of public health, safety, and general welfare  
{41-20} and shall not be construed as an act of condemnation  
{41-21} of property nor of trespass thereon. The moneys expended  
{41-22} for such work and the benefits accruing to any such premises  
{41-23} so entered upon shall be chargeable against such land and  
{41-24} shall mitigate or offset any claim in or any action brought  
{41-25} by any owner of any interest in such premises for any alleged  
{42-1} damages by virtue of such entry: Provided, however, That  
{42-2} this provision is not intended to create new rights of action

{42-3} or eliminate existing immunities.

{42-4} (b) The Secretary, his agents, employees, or contractors  
{42-5} shall have the right to enter upon any property for the  
{42-6} purpose of conducting studies or exploratory work to determine  
{42-7} the existence of adverse effects of past coal mining  
{42-8} practices and to determine the feasibility of restoration,  
reclamation,  
{42-9} abatement, control, or prevention of such adverse  
{42-10} effects. Such entry shall be construed as an exercise of the  
{42-11} police power for the protection of public health, safety, and  
{42-12} general welfare and shall not be construed as an act of  
{42-13} condemnation of property nor trespass thereon.

{42-14} (c) The Secretary may acquire any land, by purchase,  
{42-15} donation, or condemnation, which is adversely affected by  
{42-16} past coal mining practices if the Secretary determines that  
{42-17} acquisition of such land is necessary to successful reclamation  
{42-18} and that -

{42-19} (1) the acquired land, after restoration, reclamation,  
{42-20} abatement, control, or prevention of the adverse  
{42-21} effects of past coal mining practices, will serve recreation  
{42-22} and historic purposes, conservation and reclamation purposes  
{42-23} or provide open space benefits; and

{42-24} (2) permanent facilities such as a treatment plant  
{42-25} or a relocated stream channel will be constructed on the  
{43-1} land for the restoration, reclamation, abatement, control,  
{43-2} or prevention of the adverse effects of past coal mining  
{43-3} practices; or

{43-4} (3) acquisition of coal refuse disposal sites and all  
{43-5} coal refuse thereon will serve the purposes of this title  
{43-6} or that public ownership is desirable to meet emergency  
{43-7} situations and prevent recurrences of the adverse effects  
{43-8} of past coal mining practices.

{43-9} (d) Title to all lands acquired pursuant to this section  
{43-10} shall be in the name of the United States or, if acquired by  
{43-11} a State pursuant to an approved program, title shall be in the  
{43-12} name of the State. The price paid for land acquired under  
{43-13} this section shall reflect the market value of the land as  
{43-14} adversely affected by past coal mining practices.

{43-15} (1) States are encouraged as part of their approved  
{43-16} State programs, to reclaim abandoned and unreclaimed  
{43-17} mined lands within their boundaries and, if necessary, to  
{43-18} acquire or to transfer such lands to the Secretary or the  
{43-19} appropriate State regulatory authority under appropriate  
{43-20} Federal regulations. The Secretary is authorized to make  
{43-21} grants on a matching basis to States in such amounts as he  
{43-22} deems appropriate for the purpose of carrying out the provisions  
{43-23} of this title but in no event shall any grant exceed  
{43-24} 90 per centum of the cost of acquisition of the lands for  
{43-25} which the grant is made. When a State has made any such  
{44-1} land available to the Federal Government under this title,

{44-2} such State shall have a preference right to purchase such  
{44-3} lands after reclamation at fair market value less the State  
{44-4} portion of the original acquisition price. Notwithstanding  
{44-5} the provisions of paragraph (1) of this subsection, reclaimed  
{44-6} land may be sold to the State or local government  
{44-7} in which it is located at a price less than fair market value,  
{44-8} which in no case shall be less than the cost to the United  
{44-9} States of the purchase and reclamation of the land, as negotiated  
{44-10} by the Secretary, to be used for a valid public  
{44-11} purpose. If any land sold to a State or local government  
{44-12} under this paragraph is not used for a valid public purpose  
{44-13} as specified by the Secretary in the terms of the  
{44-14} sales agreement then all right, title, and interest in such  
{44-15} land shall revert to the United States. Money received from  
{44-16} such sale shall be deposited in the fund.

{44-17} (f) The Secretary, in formulating regulations for making  
{44-18} grants to the States to acquire land pursuant to this  
{44-19} section, shall specify that acquired land meet the criteria  
provided  
{44-20} for in subsections (c) and (d) of this section. The  
{44-21} Secretary may provide by regulation that money derived  
{44-22} from the lease, rental, or user charges of such acquired land  
{44-23} and facilities thereon will be deposited in the fund.

{44-24} (g) (1) Where land acquired pursuant to this section is  
{44-25} deemed to be suitable for industrial, commercial, residential,  
{45-1} or recreational development, the Secretary may sell or authorize  
{45-2} the States to sell such land by public sale under a  
{45-3} system of competitive bidding, at not less than fair market  
{45-4} value and under such other regulations promulgated to insure  
{45-5} that such lands are put to proper use consistent with local  
{45-6} and State land use plans, if any, as determined by the  
{45-7} Secretary.

{45-8} (2) The Secretary when requested after appropriate  
{45-9} public notice shall hold a public hearing, with the appropriate  
{45-10} notice, in the county or counties or the appropriate  
{45-11} subdivisions of the State in which lands acquired pursuant to  
{45-12} this section are located. The hearings shall be held at a time  
{45-13} which shall afford local citizens and governments the maximum  
{45-14} opportunity to participate in the decision concerning  
{45-15} the use of disposition of the lands after restoration,  
reclamation,  
{45-16} abatement, control, or prevention of the adverse effects  
{45-17} of past coal mining practices.

{45-18} (h) In addition to the authority to acquire land  
{45-19} under subsection (d) of this section the Secretary is authorized  
{45-20} to use money in the fund to acquire land by purchase,  
{45-21} donation, or condemnation, and to reclaim and transfer acquired  
{45-22} land to any State or to a political subdivision thereof,  
{45-23} or to any person, firm, association, or corporation, if he  
determines  
{45-24} that such is an integral and necessary element of an  
{45-25} economically feasible plan for the project to construct or  
{46-1} rehabilitate housing for persons disabled as the result of

{46-2} employment in the mines or work incidental thereto, persons  
{46-3} displaced by acquisition of land pursuant to this section,  
{46-4} or persons dislocated as the result of adverse effects of coal  
{46-5} mining practices which constitute an emergency as provided  
{46-6} in section 309 or persons dislocated as the result of natural  
{46-7} disasters or catastrophic failures from any cause. Such activities  
{46-8} shall be accomplished under such terms and conditions  
{46-9} as the Secretary shall require, which may include transfers  
{46-10} of land with or without monetary consideration: Provided,  
{46-11} That, to the extent that the consideration is below the fair  
{46-12} market value of the land transferred, no portion of the difference  
{46-13} between the fair market value and the consideration  
{46-14} shall accrue as a profit to such persons, firm, association, or  
{46-15} corporation. No part of the funds provided under this title  
{46-16} may be used to pay the actual construction costs of housing.  
{46-17} The Secretary may carry out the purposes of this subsection  
{46-18} directly or he may make grants and commitments for grants,  
{46-19} and may advance money under such terms and conditions  
{46-20} as he may require to any State, or any department, agency,  
{46-21} or instrumentality of a State, or any public body or nonprofit  
{46-22} organization designated by a State.

#### TITLE IV - ABANDONED MINE RECLAMATION

##### SUBHEADER: SEC. 408. LIENS

(a) Within six months after the completion  
{46-25} of projects to restore, reclaim, abate, control, or prevent  
adverse  
{47-1} effects of past coal mining practices on privately owned  
{47-2} land, the Secretary shall itemize the moneys so expended and  
{47-3} may file a statement thereof in the office of the county in  
{47-4} which the land lies which has the responsibility under local  
{47-5} law for the recording of judgments against land, together with  
{47-6} a notarized appraisal by an independent appraiser of the  
{47-7} value of the land before the restoration, reclamation, abatement,  
{47-8} control, or prevention of adverse effects of past coal  
{47-9} mining practices if the moneys so expended shall result in a  
{47-10} significant increase in property value. Such statement shall  
{47-11} constitute a lien upon the said land. The lien shall not exceed  
{47-12} the amount determined by the appraisal to be the increase  
{47-13} in the market value of the land as a result of the restoration,  
{47-14} reclamation, abatement, control, or prevention of the adverse  
{47-15} effects of past coal mining practices. No lien shall be filed  
{47-16} against the property of any person, in accordance with this  
{47-17} subsection, who owned the surface prior to May 2, 1977, and  
{47-18} who neither consented to, nor participated in nor exercised  
{47-19} control over the mining operation which necessitated the  
reclamation  
{47-20} performed hereunder.  
  
{47-21} (b) The landowner may proceed as provided by local  
{47-22} law to petition within sixty days of the filing of the lien, to  
{47-23} determine the increase in the market value of the land as a  
{47-24} result of the restoration, reclamation, abatement, control, or  
{47-25} prevention of the adverse effects of past coal mining practices.  
{48-1} The amount reported to be the increase in value of the

{48-2} premises shall constitute the amount of the lien and shall be  
{48-3} recorded with the statement herein provided. Any party aggrieved  
{48-4} by the decision may appeal as provided by local law.

{48-5} (c) The lien provided in this section shall be entered in  
{48-6} the county office in which the land lies and which has  
responsibility  
{48-7} under local law for the recording of judgments  
{48-8} against land. Such statement shall constitute a lien upon the  
{48-9} said land as of the date of the expenditure of the moneys and  
{48-10} shall have priority as a lien second only to the lien of real  
{48-11} estate taxes imposed upon said land.

#### TITLE IV - ABANDONED MINE RECLAMATION

##### SUBHEADER: SEC. 409. FILLING VOIDS AND SEALING TUNNELS

(a) The Congress declares that voids, and  
{48-14} open and abandoned tunnels, shafts, and entryways resulting  
{48-15} from any previous mining operation, constitute a hazard  
{48-16} to the public health or safety and that surface impacts of  
{48-17} any underground or surface mining operation may degrade  
{48-18} the environment. The Secretary, at the request of the Governor  
{48-19} of any State, or the chairman of any tribe, is authorized  
{48-20} to fill such voids, seal such abandoned tunnels, shafts,  
{48-21} and entryways, and reclaim surface impacts of underground  
{48-22} or surface mines which the Secretary determines could  
{48-23} endanger life and property, constitute a hazard to the public  
{48-24} health and safety, or degrade the environment. State regulatory  
{49-1} authorities are authorized to carry out such work pursuant  
{49-2} to an approved abandoned mine reclamation program.

{49-3} (b) Funds available for use in carrying out the purpose  
{49-4} of this section shall be limited to those funds which must be  
{49-5} allocated to the respective States or Indian reservations  
{49-6} under the provisions of subsection 402(g)(1).

{49-7} (c) The Secretary may make expenditures and carry  
{49-8} out the purposes of this section without regard to provisions  
{49-9} of section 404 in such States or Indian reservations where  
{49-10} requests are made by the Governor or tribal chairman and  
{49-11} only after all reclamation with respect to abandoned coal  
{49-12} lands or coal development impacts have been met, except  
{49-13} for those reclamation projects relating to the protection of  
{49-14} the public health or safety.

{49-15} (d) In those instances where mine waste piles are being  
{49-16} reworked for conservation purposes, the incremental costs of  
{49-17} disposing of the wastes from such operations by filling voids  
{49-18} and sealing tunnels may be eligible for funding providing that  
{49-19} the disposal of these wastes meets the purposes of this  
{49-20} section.

{49-21} (e) The Secretary may acquire by purchase, donation,  
{49-22} casement, or otherwise such interest in land as he determines  
{49-23} necessary to carry out the provisions of this section.

TITLE IV - ABANDONED MINE RECLAMATION

SUBHEADER: SEC. 410. EMERGENCY POWERS

(a) The Secretary is authorized to expend  
{50-3} moneys from the fund for the emergency restoration, reclamation,  
{50-4} abatement, control, or prevention of adverse effects  
{50-5} of coal mining practices, on eligible lands, if the Secretary  
{50-6} makes a finding of fact that -

{50-7} (1) an emergency exists constituting a danger to  
{50-8} the public health, safety, or general welfare; and

{50-9} (2) no other person or agency will act expeditiously  
{50-10} to restore, reclaim, abate, control, or prevent the adverse  
{50-11} effects of coal mining practices.

{50-12} (b) The Secretary, his agents, employees, and contractors  
{50-13} shall have the right to enter upon any land where the  
{50-14} emergency exists and any other land to have access to  
{50-15} the land where the emergency exists to restore, reclaim,  
{50-16} abate, control, or prevent the adverse effects of coal mining  
{50-17} practices and to do all things necessary or expedient to  
{50-18} protect the public health, safety, or general welfare. Such  
{50-19} entry shall be construed as an exercise of the police power  
{50-20} and shall not be construed as an act of condemnation of  
{50-21} property nor of trespass thereof. The moneys expended for  
{50-22} such work and the benefits accruing to any such premises  
{50-23} so entered upon shall be chargeable against such land and  
{51-1} shall mitigate or offset any claim in or any action brought  
{51-2} by any owner of any interest in such premises for any  
{51-3} alleged damages by virtue of such entry: Provided, however,  
{51-4} That this provision is not intended to create new rights  
{51-5} of action or eliminate existing immunities.

TITLE IV - ABANDONED MINE RECLAMATION

SUBHEADER: SEC. 411. FUND REPORT

Not later than January 1, 1978, and annually  
{51-8} thereafter, the Secretary shall report to the Congress  
{51-9} on operations under the fund together with his recommendations  
{51-10} as to future uses of the fund.

TITLE IV - ABANDONED MINE RECLAMATION

SUBHEADER: SEC. 412. MISCELLANEOUS POWERS

(a) The Secretary shall have the power and  
{51-13} authority, if not granted it otherwise, to engage in any work  
{51-14} and to do all things necessary or expedient, including  
promulgation  
{51-15} of rules and regulations, to implement and administer  
{51-16} the provisions of this title.

{51-17} (b) The Secretary shall have the power and authority  
{51-18} to engage in cooperative projects under this title with any

{51-19} other agency of the United States of America, any State and  
{51-20} their governmental agencies.

{51-21} (c) The Secretary may request the Attorney General,  
{51-22} who is hereby authorized to initiate, in addition to any other  
{51-23} remedies provided for in this title, in any court of competent  
{52-1} jurisdiction, an action in equity for an injunction to restrain  
{52-2} any interference with the exercise of the right to enter land  
{52-3} or to conduct any work provided in this title.

{52-4} (d) The Secretary shall have the power and authority to  
{52-5} construct and operate a plant or plants for the control and  
{52-6} treatment of water pollution resulting from mine drainage.  
{52-7} The extent of this control and treatment may be dependent  
{52-8} upon the ultimate use of the water: Provided, That the above  
{52-9} provisions of this paragraph shall not be deemed in any way  
{52-10} to repeal or supersede any portion of the Federal Water Pollution  
{52-11} Control Act (33 U.S.C.A. 1151, et seq. as amended)  
{52-12} and no control or treatment under this subsection shall in any  
{52-13} way be less than that required under the Federal Water Pollution  
{52-14} Control Act. The construction of a plant or plants may  
{52-15} include major interceptors and other facilities appurtenant to  
{52-16} the plant.

{52-17} (e) The Secretary may transfer funds to other appropriate  
{52-18} Federal agencies, in order to carry out the reclamation  
{52-19} activities authorized by this title.

#### TITLE IV - ABANDONED MINE RECLAMATION

##### SUBHEADER: SEC. 413. INTERAGENCY COOPERATION

All departments, boards, commissioners, and  
{52-22} agencies of the United States of America shall cooperate  
{52-23} with the Secretary by providing technical expertise, personnel,  
{52-24} equipment, materials, and supplies to implement and  
{52-25} administer the provisions of this title.

#### TITLE VIII - UNIVERSITY COAL RESEARCH LABORATORIES

##### SUBHEADER: SEC. 801. ESTABLISHMENT OF UNIVERSITY COAL RESEARCH LABLRATORIES

(a) The Director of the National Science  
{53-6} Foundation, after consultation with the National Academy  
{53-7} of Engineering, is authorized and directed to designate ten  
{53-8} institutions of higher education at which university coal  
{53-9} research laboratories will be established and operated.

{53-10} (b) In making designations under this section, the Director  
{53-11} shall consider the following criteria:

{53-12} (1) The institution of higher education shall be  
{53-13} located in a State with abundant coal reserves.

{53-14} (2) The institution of higher education shall have  
{53-15} experience in coal research, expertise in several areas of

{53-16} coal research, and potential or currently active, outstanding  
{53-17} programs in coal research.

{53-18} (3) The institution of higher education has the  
{53-19} capacity to establish and operate the coal laboratories to  
{53-20} be assisted under this title.

{53-21} (c) Not more than one coal laboratory established pursuant  
{53-22} to this title shall be located in a single State and at  
{53-23} least one coal laboratory shall be established within each  
{53-24} of the major coal provinces recognized by the Bureau of  
{53-25} Mines, including Alaska.

{54-1} (d) The Director shall establish a period, not in excess  
{54-2} of ninety days after the date of enactment of this Act, for  
{54-3} the submission of applications for designation under this section.  
{54-4} Any institution of higher education desiring to be designated  
{54-5} under this title shall submit an application to the  
{54-6} Director in such form, at such time, and containing or accompanied  
{54-7} by such information as the Director may reasonably  
{54-8} require. Each application shall -

{54-9} (1) describe the facilities to be established for coal  
{54-10} energy resources and conversion research and research  
{54-11} on related environmental problems including facilities for  
{54-12} interdisciplinary academic research projects by the combined  
{54-13} efforts of specialists such as mining engineers,  
{54-14} mineral engineers, geochemists, mineralogists, mineral  
{54-15} economists, fuel scientists, combustion engineers, mineral  
{54-16} preparation engineers, coal petrographers, geologists,  
{54-17} chemical engineers, civil engineers, mechanical engineers,  
{54-18} and ecologists;

{54-19} (2) set forth a program for the establishment of a  
{54-20} test laboratory for coal characterization which, in addition,  
{54-21} may be used as a site for the exchange of coal research  
{54-22} activities by representatives of private industry  
{54-23} engaged in coal research and characterization;

{54-24} (3) set forth a program for providing research and  
{54-25} development activities for students engaged in advanced  
{55-1} study in any discipline which is related to the development  
{55-2} of adequate energy supplies in the United States.  
{55-3} The research laboratory shall be associated with an ongoing  
{55-4} educational and research program on extraction  
{55-5} and utilization of coal.

{55-6} (e) The Director shall designate the ten institutions of  
{55-7} higher education under this section not later than ninety days  
{55-8} after the date on which such applications are to be submitted.

#### TITLE VIII - UNIVERSITY COAL RESEARCH LABORATORIES

##### SUBHEADER: SEC. 802. FINANCIAL ASSISTANCE

{55-11} (a) The Director is authorized to make grants  
to any institution of higher education designated under section

{55-12} 801 to pay the Federal share of the cost of establishing  
{55-13} (including the construction of such facilities as may be  
{55-14} necessary) and maintaining a coal laboratory.

{55-15} (b) Each institution of higher education designated  
{55-16} pursuant to section 801 shall submit an application to the  
{55-17} Director. Each such application shall -

{55-18} (1) set forth the program to be conducted at the  
{55-19} coal laboratory which includes the purposes set forth in  
{55-20} section 501(d);

{55-21} (2) provide assurances that the university will pay  
{55-22} from non-Federal sources the remaining costs of carrying  
{55-23} out the program set forth;

{55-24} (3) provide such fiscal control and fund accounting  
{55-25} procedures as may be necessary to assure the proper disbursement  
{56-1} of and accounting for Federal funds received  
{56-2} under this title;

{56-3} (4) provide for making an annual report which  
{56-4} shall include a description of the activities conducted at  
{56-5} the coal laboratory and an evaluation of the success of  
{56-6} such activities, and such other necessary reports in such  
{56-7} form and containing such information as the Director  
{56-8} may require, and for keeping such records and affording  
{56-9} such access thereto as may be necessary to assure the  
{56-10} correctness and verification of such reports; and

{56-11} (5) set forth such policies and procedures as will  
{56-12} insure that Federal funds made available under this section  
{56-13} for any fiscal will be so used as to supplement  
{56-14} and, to the extent practical, increase the level of funds  
{56-15} that would, in the absence of such Federal funds, be  
{56-16} made available for the purposes of the activities described  
{56-17} in section 801(d) (1), (2), and (3), and in no  
{56-18} case supplant such funds.

TITLE VIII - UNIVERSITY COAL RESEARCH LABORATORIES

SUBHEADER: SEC. 803. LIMITATION ON PAYMENTS

(a) No institution of higher education may  
{56-21} receive more than \$4,000,000 for the construction of its coal  
{56-22} research laboratory, including initially installed fixed  
equipment,  
{56-23} nor may it receive more than \$1,500,000 for initially  
{56-24} installed movable equipment, nor may it receive more than  
{56-25} \$500,000 for new program startup expenses.

{57-1} (b) No institution of higher education may receive more  
{57-2} than \$1,500,000 per year from the Federal Government for  
{57-3} operating expenses.

TITLE VIII - UNIVERSITY COAL RESEARCH LABORATORIES

SUBHEADER: SEC. 804. PAYMENTS

(a) From the amounts appropriated pursuant  
{57-6} to section 806, the Director shall pay to each institution of  
{57-7} higher education having an application approved under this  
{57-8} title an amount equal to the Federal share of the cost of  
{57-9} carrying out that application. Such payments may be in  
{57-10} installments, by way of reimbursement, or by way of advance  
{57-11} with necessary adjustments on account of underpayments or  
{57-12} overpayments.

{57-13} (b) The Federal share of operating expenses for any  
{57-14} fiscal year shall not exceed 50 per centum of the cost of the  
{57-15} operation of a coal research laboratory.

TITLE VIII - UNIVERSITY COAL RESEARCH LABORATORIES

SUBHEADER: SEC. 805. ADVISORY COUNCIL ON COAL RESEARCH

(a) There is established an Advisory Council  
{57-18} on Coal Research which shall be composed of -

{57-19} (1) the Director of the National Science Foundation,  
{57-20} who shall be Chairman;

{57-21} (2) the Director of the Bureau of Mines of the  
{57-22} Department of the Interior;

{57-23} (3) the President of the National Academy of  
{57-24} Sciences;

{58-1} (4) the President of the National Academy of  
{58-2} Engineering;

{58-3} (5) the Director of the United States Geological  
{58-4} Survey; and

{58-5} (6) six members appointed by the Director from  
{58-6} among individuals who, by virtue of experience or training,  
{58-7} are knowledgeable in the field of coal research and  
{58-8} mining, and who are representatives of institutions of  
{58-9} higher education, industrial users of coal and coal-derived  
{58-10} fuels, the coal industry, mine workers, nonindustrial  
{58-11} consumer groups, and institutions concerned  
{58-12} with the preservation of the environment.

{58-13} (b) The Advisory Council shall advise the Director  
{58-14} with respect to the general administration of this title, and  
{58-15} furnish such additional advice as he may request.

{58-16} (c) The Advisory Council shall make an annual report  
{58-17} of its findings and recommendations (including recommendations  
{58-18} for changes in the provisions of this title) to the  
{58-19} President not later than December 31 of each calendar year.

{58-20} The President shall transmit each such report to the  
{58-21} Congress.

{58-22} (d) (1) Members of the Council who are not regular  
{58-23} officers or employees of the United States Government shall,  
{58-24} while serving on business of the Council, be entitled to receive  
{59-1} compensation at rates fixed by the Director, but not  
{59-2} exceeding the daily rate prescribed for GS-18 of the General  
{59-3} Schedule under section 5332 of title 5, United States Code,  
{59-4} and while so serving away from their homes or regular places  
{59-5} of business, they may be allowed travel expenses, including  
{59-6} per diem in lieu of subsistence, as authorized by section 5703  
{59-7} of title 5, United States Code, for persons in the Government  
{59-8} service employed intermittently.

{59-9} (2) Members of the Council who are officers or employees  
{59-10} of the Government shall be reimbursed for travel,  
{59-11} subsistence, and other necessary expenses incurred by them  
{59-12} in carrying out their duties on the Council.

{59-13} (e) Whenever a member of the Council appointed  
{59-14} under clauses (1) through (5) is unable to attend a meeting,  
{59-15} that member shall appoint an appropriate alternate to  
{59-16} represent him for that meeting.

#### TITLE VIII - UNIVERSITY COAL RESEARCH LABORATORIES

##### SUBHEADER: SEC. 806. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated not  
{59-19} to exceed \$30,000,000 for the fiscal year ending September  
{59-20} 30, 1979 (including the cost of construction, equipment, and  
{59-21} startup expenses), and \$7,500,000 beginning with the fiscal  
{59-22} year 1980 each fiscal year thereafter through the fiscal year  
{59-23} ending June 30, 1983, to carry out the provisions of this  
{59-24} title.

#### TITLE IX - ENERGY RESOURCE GRADUATE FELLOWSHIPS

##### SUBHEADER: SEC. 901. PROGRAM AUTHORIZED

(a) The Director is authorized to award under  
60-5 the provisions of this title not to exceed one thousand  
60-6 fellowships for the fiscal year ending September 30, 1979,  
60-7 and each of the five succeeding fiscal years. Fellowships  
60-8 shall be awarded under the provisions of this title for graduate  
60-9 study and research in those areas of applied science and  
60-10 engineering that are related to the production, conservation,  
60-11 and utilization of fuels and energy. Fellowships shall be  
60-12 awarded to students in programs leading to master's degrees.  
60-13 Such fellowships may be awarded for graduate study and  
60-14 research at any institution of higher education, library,  
60-15 archive, or any other research center approved by the  
60-16 Director after consultation with the Commissioner of Education.

60-18 (b) Such fellowships shall be awarded for such periods  
60-19 as the Director may determine, but not to exceed two years.

60-20 (c) In addition to the number of fellowships authorized  
60-21 to be awarded by subsection (a) of this section, the Commissioner

60-22 is authorized to award fellowships equal to the  
60-23 number previously awarded during any fiscal year under this  
60-24 title but vacated prior to the end of the period for which they  
60-25 were awarded; except that each fellowship awarded under  
61-1 this subsection shall be for such period of graduate work or  
61-2 research, not in excess of the remainder of the period for  
61-3 which the fellowship which it replaces was awarded as the  
61-4 Commissioner may determine.

TITLE IX - ENERGY RESOURCE GRADUATE FELLOWSHIPS

SUBHEADER: SEC. 902. AWARDING OF FELLOWSHIPS

Recipients of fellowships under this title shall  
{61-7} be -

{61-8} (a) persons who have been accepted by an institution  
{61-9} of higher education for graduate study leading to  
{61-10} an advanced degree or for a professional degree, and

{61-11} (b) persons who plan a career in the field of energy  
{61-12} resources, production, or utilization.

TITLE IX - ENERGY RESOURCE GRADUATE FELLOWSHIPS

SUBHEADER: SEC. 903. DISTRIBUTION OF FELLOWSHIPS

In awarding fellowships under the provisions  
{61-15} of this title, the Director shall endeavor to provide equitable  
{61-16} distribution of such fellowships throughout the Nation,  
{61-17} except that the Director shall give special attention to  
institutions  
{61-18} of higher education, libraries, archives, or other  
{61-19} research centers which have a demonstrated capacity to  
{61-20} offer courses of study or research in the field of energy  
resources  
{61-21} and conservation and conversion and related disciplines.  
{61-22} In carrying out his responsibilities under this section,  
{61-23} the Director shall take into consideration the projected  
{61-24} need for highly trained engineers and scientists in the field  
{61-25} of energy sources.

TITLE IX - ENERGY RESOURCE GRADUATE FELLOWSHIPS

SUBHEADER: SEC. 904. STIPENDS AND INSTITUTIONS OF HIGHER EDUCATION  
ALLOWANCES

(a) Each person awarded a fellowship under  
{62-4} this title shall receive a stipend of \$10,000 for each academic  
{62-5} year of study. An additional amount of \$500 for each such  
{62-6} calendar year of study shall be paid to such person on account  
{62-7} of each of his dependents.

{62-8} (b) In addition to the amount paid to such person pursuant  
{62-9} to subsection (a) there shall be paid to the institution  
{62-10} of higher education at which each such person is pursuing his  
{62-11} course of study, 100 per centum of the amount paid to such

{62-12} person less the amount paid on account of such person's  
{62-13} dependents, to such person less any amount charged such  
{62-14} person for tuition.

TITLE IX - ENERGY RESOURCE GRADUATE FELLOWSHIPS

SUBHEADER: SEC. 905. LIMITATION

No fellowship shall be awarded under this  
{62-17} title for study at a school or department of divinity. For  
{62-18} the purpose of this section, the term "school or department  
{62-19} of divinity" means an institution or department or branch  
{62-20} of an institution, whose program is specifically for the education  
{62-21} of students to prepare them to become ministers of  
{62-22} religion or to enter upon some other religious vocation or  
{62-23} to prepare them to teach theological subjects.

TITLE IX - ENERGY RESOURCE GRADUATE FELLOWSHIPS

SUBHEADER: SEC. 906. FELLOWSHIP CONDITIONS

(a) A person awarded a fellowship under the  
{63-3} provisions of this title shall continue to receive the payments  
{63-4} provided in section 604(a) only during such periods as the  
{63-5} Director finds that he is maintaining satisfactory proficiency  
{63-6} in, and devoting essentially full time to, study or research in  
{63-7} the field in which such fellowship was awarded, in an institution  
{63-8} of higher education, and is not engaging in gainful  
{63-9} employment other than part-time employment in teaching.  
{63-10} research, or similar activities, approved by the Director.

{63-11} (b) The Director shall require reports containing such  
{63-12} information in such forms and to be filed at such times as he  
{63-13} determines necessary from each person awarded a fellowship  
{63-14} under the provisions of this title. Such reports shall be  
accompanied  
{63-15} by a certificate from an appropriate official at the  
{63-16} institution of higher education. Library, archive, or other  
{63-17} research center approved by the Director, stating that such  
{63-18} person is making satisfactory progress in, and is devoting  
{63-19} essentially full time to, the research for which the fellowship  
{63-20} was awarded.

TITLE IX - ENERGY RESOURCE GRADUATE FELLOWSHIPS

SUBHEADER: SEC. 907. APPROPRIATIONS AUTHORIZED

There are authorized to be appropriated  
{63-23} \$11,000,000 for the fiscal year ending September 30, 1979,  
{64-1} and for each of the five succeeding fiscal years. For payments  
{64-2} for the initial awarding of fellowships awarded under this  
{64-3} title, there are authorized to be appropriated for the fiscal  
{64-4} year ending September 30, 1979, and for each of the five  
{64-5} succeeding fiscal years, such sums as may be necessary in  
{64-6} order that fellowships already awarded might be completed.