

P.L. 109-432

(H.R. 6111, Signed December 20, 2006)

Tax Relief and Health Care Act of 2006

Division C, Title II, Subtitle A

Surface Mining Control and Reclamation Act Amendments of 2006

SEC. 415. REMINING INCENTIVES.

(a)

IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remining of eligible land under section 404 in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

(b)

REQUIREMENTS.—Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State

regulatory authority referred to in title V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

(c)

INCENTIVES.—

(1)

IN GENERAL.—Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to—

(A)

a rebate or waiver of the reclamation fees required under section 402(a); and

(B)

the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 509.

(2) LIMITATIONS.—

(A)

USE.—A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

(i) remove or reprocess abandoned coal mine waste; or

(ii)

conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 403(a).

(B)

AMOUNT.—The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section [sic, probably should be "title"].