

TITLE IV—RECLAMATION AND CONSERVATION OF PREVIOUSLY
MINED LANDS OWNED BY PRIVATE INDIVIDUALS

SEC. 401. It is the purpose of this title to facilitate the reclamation and conservation of privately owned lands and waters adversely affected by coal mining operations in the past, and not reclaimed in accordance with modern standards prior to the enactment of this Act, by granting the Secretary authority to enter into agreements with the owners thereof to reclaim such lands.

SEC. 402. To carry out the purposes of this title the Secretary is authorized to enter into agreements with the owners of lands in the Nation which (a) were adversely affected by coal mining operations prior to the effective date of this Act, and (b) were not reclaimed in accordance with modern standards, and (c) were not on the effective date of this Act covered by any law requiring their reclamation, for the conservation and reclamation of such lands in accordance with rules and regulations adopted by the Secretary: *Provided*, That no such agreement shall be entered into until and unless the Secretary has first determined that (1) Federal acquisition of such lands by purchase or eminent domain as provided in title V of this Act is not in the public interest, and (2) the States, or any local government body therein, do not intend to acquire or lease such lands as a part of any project or program authorized under this Act.

SEC. 403. (a) Agreements entered into under this title shall provide that the work to be done on the project shall be contracted for or performed by the owner of the private land involved, subject to rules and regulations adopted by the Secretary; that the financial contribution of the Federal Government toward the costs of the project shall be limited to the contractual costs approved by the Secretary, and that the Federal contribution shall not exceed 75 per centum of the costs of planning and executing the project: *Provided*, That whenever in the judgment of the Secretary the benefits to the public to be derived from a proposed project warrant, he is authorized to provide in the agreement that the Federal Government shall undertake to execute the project in its entirety, and that all or part of the costs of planning and execution of the project shall be borne by the Federal Government.

(b) In every case where funds are advanced by the Federal Government pursuant to an agreement entered into under this title the amounts advanced are to be regarded as a lien attached to the land involved in the agreement from the date such funds are expended by the Federal Government until repaid in full with interest by the owners of the land, or their heirs or assigns. The Secretary shall specify in the agreement the amount of interest, and the terms and conditions of repayment of funds.

(c) Whenever the Secretary determines that the facts and circumstances justify such action, he is authorized to waive the obligation imposed upon private parties to repay in full the amount of funds advanced by the Federal Government as provided in this section: *Provided*, That in the event such waiver is permitted the Secretary shall set forth in the agreement the basis for his determination that the waiver is granted, and shall specify that the waiver is conditioned upon faithful compliance by the private parties to the agreement of all obligations, terms and conditions imposed, and that in the event the agreement is breached in a substantial manner at any time by the private parties, or whenever the lands involved in the agreement are sold, rented, leased or otherwise disposed of by the private parties to any third person or persons who is not a party in interest to the agreement, the Secretary is authorized to determine that the obligation to repay in full funds advanced shall apply and a lien shall attach to the lands involved in the agreement until such funds are repaid in full with interest thereon from the date a breach is declared by the Secretary.

SEC. 404. (a) Each agreement entered into under this title shall describe (1) the actions to be taken by the Federal Government and the private parties to the agreement, (2) the public benefits expected to be derived, including but not limited to the benefits to flood control, soil stabilization, water pollution control, economic growth, public health and safety, public recreation, fish and wildlife management, (3) the share of the costs to be borne by the Federal Government and by the private parties, and (4) such other terms and conditions as are deemed necessary.

(b) The Secretary, in his discretion, may require as a part of any such agreement that adequate provision be made for access to and use by the public of lands reclaimed under the provisions of this title.

SEC. 405. (a) Coal mining operations upon and beneath lands reclaimed pursuant to an agreement entered into under this title shall not be permitted until