

such time as the lien provided in section 403(b) has been discharged in full: *Provided*, That the Secretary may permit further coal mining operations upon or beneath such lands under a written agreement obligating the owners of the lands, their heirs, or assigns, to restore the land to at least the conditions prevailing at the time reclamation was completed pursuant to this title, and such other terms and conditions as he deems necessary.

(b) Owners of lands reclaimed pursuant to an agreement entered into under this title who wish to engage in further coal mining shall file a petition with the Secretary setting forth (1) a description of the lands upon which mining operations would be conducted, (2) an estimate of the number of acres to be disturbed by the mining operation, (3) the type and method of mining, (4) an estimate of the duration of the mining operation in terms of years, and (5) such other information as the Secretary shall require.

(c) The Secretary shall publish in the Federal Register a notice of intention to approve the petition, together with a copy of such petition and a statement that he has no objection to its approval. Interested parties shall be afforded a period of not less than thirty days after publication of such notice in which to submit written data, views, or arguments. Except as provided in subsection (d) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, approve the petition upon receipt of the written agreement required by subsection 405(a) of this section.

(d) If, after consideration of the written data, views, and arguments submitted, the Secretary determines that a hearing on the matter is justified, he shall publish a proper notice of a public hearing to be held in the county within which the land is located. At the hearing any interested person may be heard. As soon as practicable after the hearing the Secretary shall consider the testimony and evidence produced at the hearing and shall proceed to approve or deny the petition.

SEC. 406. The programs authorized by this title shall be completed not later than January 1, 1988.

TITLE V—ACQUISITION OF LAND AND THE RECLAMATION AND CONSERVATION OF PREVIOUSLY MINED COAL LANDS

SEC. 501. It is the purpose of this title to facilitate the reclamation, conservation, protection, and management of lands and waters that have been adversely affected by coal mining operations and have not been reclaimed in accordance with modern standards prior to the enactment of this Act, by providing authority to the Secretary to acquire title to such lands and to reclaim them.

SEC. 502. (a) In furtherance of the purpose of this title, the Secretary is authorized—

(1) to acquire previously mined coal lands and such contiguous lands as may be necessary for an effective continuing land use and management program, including both surface and mineral interests, and other property, or any interest therein, by purchase with funds as provided in section 603 as he may find in the public interest; but any such lands or interest in lands may be acquired by eminent domain only when the Secretary determines (A) that he is unable to make a satisfactory agreement to acquire such lands or interest in lands, and (B) that such acquisition by eminent domain is necessary in the public interest. In the case of acquisition by negotiated purchase the property owners shall be paid the fair market value as determined by the Secretary. Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes, as hereinafter provided, for a term that is not more than twenty-five years. In such cases the Secretary shall pay to the owner of the property the fair market value thereof less the fair market value of the right retained by the owner: *Provided*, That such use and occupancy shall be subject to such general rules and regulations as may be established by the Secretary with respect to the land involved. The term "improved property" as used in this Act shall mean any family residence and such amount of land on which the building is situated as the Secretary considers reasonably necessary to the noncommercial use of such building;

(2) to conserve, reclaim, protect, improve, develop, and administer any property or interest therein so acquired, and to construct such structures thereon as may be necessary to adapt it to beneficial public use; and