

tribe shall waive sovereign immunity for purposes of section 1270 of this title and paragraph (4).

(4) Judicial review

(A) Civil actions

(i) In general

After exhausting all tribal remedies with respect to a civil action arising under a tribal program approved under section 1254(e) of this title, an interested party may file a petition for judicial review of the civil action in the United States circuit court for the circuit in which the surface coal mining operation named in the petition is located.

(ii) Scope of review

(I) Questions of law

The United States circuit court shall review de novo any questions of law under clause (i).

(II) Findings of fact

The United States circuit court shall review findings of fact under clause (i) using a clearly erroneous standard.

(B) Criminal actions

Any criminal action brought under section 1268 of this title with respect to surface coal mining or reclamation operations on Indian reservation lands shall be brought in—

- (i) the United States District Court for the District of Columbia; or
- (ii) the United States district court in which the criminal activity is alleged to have occurred.

(5) Grants

(A) In general

Except as provided in subparagraph (B), grants for developing, administering, and enforcing tribal programs approved in accordance with section 1254(e) of this title shall be provided to an Indian tribe in accordance with section 1295 of this title.

(B) Exception

Notwithstanding subparagraph (A), the Federal share of the costs of developing, administering, and enforcing an approved tribal program shall be 100 percent.

(6) Report

Not later than 18 months after the date on which a tribal program is approved under subsection (e) of section 1254 of this title, the Secretary shall submit to the appropriate committees of Congress a report, developed in cooperation with the applicable Indian tribe, on the tribal program that includes a recommendation of the Secretary on whether primary regulatory authority under that subsection should be expanded to include additional Indian lands.

(Pub. L. 95-87, title VII, §710, Aug. 3, 1977, 91 Stat. 523; Pub. L. 102-486, title XXV, §2514, Oct. 24, 1992, 106 Stat. 3112; Pub. L. 109-432, div. C, title II, §209, Dec. 20, 2006, 120 Stat. 3019.)

AMENDMENTS

2006—Subsec. (i). Pub. L. 109-432, §209(b), struck out “, except that nothing in this subsection may be con-

strued as providing such tribes with the authorities set forth under section 1253 of this title” after “Indian lands” in introductory provisions.

Subsec. (j). Pub. L. 109-432, §209(a), added subsec. (j). 1992—Subsec. (i). Pub. L. 102-486 added subsec. (i).

§ 1301. Environmental practices

In order to encourage advances in mining and reclamation practices or to allow post-mining land use for industrial, commercial, residential, or public use (including recreational facilities), the regulatory authority with approval by the Secretary may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under sections 1265 and 1266 of this title. Such departures may be authorized if (i) the experimental practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operations approved for particular land-use or other purposes are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

(Pub. L. 95-87, title VII, §711, Aug. 3, 1977, 91 Stat. 523.)

§ 1302. Authorization of appropriations

There is authorized to be appropriated to the Secretary for the purposes of this chapter the following sums; and all such funds appropriated shall remain available until expended:

(a) For the implementation and funding of sections 1252, 1273, and 1300 of this title, there are authorized to be appropriated to the Secretary of the Interior the sum of \$10,000,000 for the fiscal year ending September 30, 1978, \$25,000,000 for each of the two succeeding fiscal years, and in such fiscal years such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.

(b) For the implementation and funding of section 1257(c) of this title, see the provisions of section 1231(c)(9) of this title.

(c) For the implementation and funding of section 1295 of this title and for the administrative and other purposes of this chapter, except as otherwise provided for in this chapter, authorization is provided for the sum of \$20,000,000 for the fiscal year ending September 30, 1978, and \$30,000,000 for each of the two succeeding fiscal years and such funds that are required thereafter.

(d) In order that the implementation of the requirements of this chapter may be initiated in a timely and orderly manner, the Secretary is authorized, subject to the approval of the appropriation Committees of the House and of the Senate, to utilize not to exceed \$2,000,000 of the appropriations otherwise available to him for the fiscal year ending September 30, 1977, for the administration and other purposes of this chapter.

(Pub. L. 95-87, title VII, §712, Aug. 3, 1977, 91 Stat. 524; Pub. L. 95-343, §1, Aug. 11, 1978, 92