

**AMENDMENT TO H.R. 1731**  
**OFFERED BY MR. BEYER OF VIRGINIA**

Page 3, strike lines 9 through 14 and insert the following:

1       “(c) USE OF FUNDS.—Funds distributed to a State  
2 or Indian tribe under subsection (d) shall be used only  
3 for projects classified under the priorities of section 403(a)  
4 that meet the following criteria:

Page 4, strike line 19 and all that follows through  
page 5, line 18 and insert the following:

5       “(2) LOCATION IN ECONOMICALLY DISTRESSED  
6 COMMUNITY AFFECTED BY RECENT DECLINE IN  
7 MINING.—

8       “(A) IN GENERAL.—The project will be  
9 conducted in a community—

10       “(i) that has been adversely affected  
11 economically by a recent reduction in coal  
12 mining related activity, as demonstrated by  
13 employment data, per capita income, or  
14 other indicators of economic distress; or

1           “(ii)(I) that has historically relied on  
2           coal mining for a substantial portion of its  
3           economy; and

4           “(II) in which the economic contribu-  
5           tion of coal mining has significantly de-  
6           clined.

7           “(B) SUBMISSION AND PUBLICATION OF  
8           EVIDENCE OR ANALYSIS.—Any evidence or  
9           analysis relied upon in selecting the location of  
10          a project under this subparagraph shall be sub-  
11          mitted to the Secretary for publication. The  
12          Secretary shall publish such evidence or anal-  
13          ysis in the Federal Register within 30 days  
14          after receiving such submission.

15          “(3) STAKEHOLDER COLLABORATION.—

16                 “(A) IN GENERAL.—The project has been  
17                 the subject of project planning under subsection  
18                 (g) and has been the focus of collaboration, in-  
19                 cluding partnerships, as appropriate, with inter-  
20                 ested persons or local organizations.

21                 “(B) PUBLIC NOTICE.—As part of project  
22                 planning—

23                         “(i) the public has been notified of the  
24                         project and has been given an opportunity  
25                         to comment at a public meeting convened

1 in a community near the proposed project  
2 site; and

3 “(ii) the State or Indian tribe pub-  
4 lished notice of such meetings in local  
5 newspapers of general circulation, on the  
6 Internet, and by any other means consid-  
7 ered desirable by the Secretary.

8 “(C) ELECTRONIC NOTIFICATION.—The  
9 State or Indian tribe established a way for in-  
10 terested persons to receive electronically all  
11 public notices issued under subparagraph (B)  
12 and any written declarations submitted to the  
13 Secretary under paragraph (5).

Page 5, after line 25, insert the following:

14 “(5) WAIVER.—If the State or Indian tribe—  
15 “(A) cannot provide documentation de-  
16 scribed in paragraph (1)(B) for a project con-  
17 ducted under a priority stated in paragraph (1)  
18 or (2) of section 403(a), or  
19 “(B) is unable to meet the requirements  
20 under paragraph (2),  
21 the State or Indian tribe shall submit a written dec-  
22 laration to the Secretary requesting an exemption  
23 from the requirements of those subparagraphs. The  
24 declaration must explain why achieving favorable

1 conditions for economic or community development  
2 at the project site is not practicable, or why the re-  
3 quirements of paragraph (2) cannot be met, and  
4 that sufficient funds distributed annually under sec-  
5 tion 401 are not available to implement the project.  
6 Such request for an exemption is deemed to be ap-  
7 proved, except the Secretary shall deny such request  
8 if the Secretary determines the declaration to be  
9 substantially inadequate. Any denial of such request  
10 shall be resolved at the State's or Indian tribe's re-  
11 quest through the procedures described in subsection  
12 (e).

