

CALLING FOR THE FULL APPROPRIATION OF STATE AND
TRIBAL SHARES OF ABANDONED MINE RECLAMATION
FUND

JULY 9, 2002.—Referred to the House Calendar and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H. Con. Res. 425]

The Committee on Resources, to whom was referred the concurrent resolution (H. Con. Res. 425) calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution be agreed to.

PURPOSE OF THE BILL

The purpose of House Concurrent Resolution 425 is to call for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund.

BACKGROUND AND NEED FOR LEGISLATION

The Surface Mining Control and Reclamation Act of 1977 (SMCRA, 33 U.S.C. 12 et seq.) established an Abandoned Mine Reclamation Fund, funded by a fee on coal production, to reclaim and restore abandoned coal mine lands. SMCRA provides for a state share and a federal share of the monies collected. The federal share goes to the Secretary of the Interior for reclamation programs in various states and on tribal lands. For states and tribes with a federally approved abandoned mine reclamation program, SMCRA allocates 50 percent of the reclamation fee collected in the state or on tribal lands to that state or tribe. These funds are subject to appropriation.

While SMCRA clearly promises 50 percent share of the abandoned mine reclamation fees to states and tribes, only a fraction of the promised money has actually been appropriated. By the end of March 2002 some \$6.4 billion in reclamation fees had been depos-

ited into the Abandoned Mine Reclamation Fund. However, only \$5 billion had been appropriated, leaving a balance of \$1.4 billion. Of this amount, 25 states and tribes are now entitled to \$876 million. The money owed states ranges from about \$4,000 to Arkansas to almost \$324 million to Wyoming. This money, which should be funding environmental restoration projects, is instead sitting in federal coffers masking federal budget deficits.

This resolution calls on the Administration to honor the obligation to states and tribes under SMCRA and provide them with their share of unappropriated abandoned mine reclamation fees so they can restore abandoned mine lands to a safe and environmentally-sound state. Unless the funds for this work are made a priority and included in the Administration's budget, they will continue to sit idle in the Abandoned Mine Reclamation Fund while important reclamation work remains unfinished. A statement of the Sense of the Congress calling for the return of the state and tribal share of the abandoned mine reclamation fees will help ensure that these funds are properly utilized for the reclamation work for which they were intended.

COMMITTEE ACTION

House Concurrent Resolution 425 was introduced on June 25, 2002, by Congresswoman Barbara Cubin (R-WY). The resolution was referred to the Committee on Resources. On June 26, 2002, the Full Committee met to consider the resolution. No amendments were offered and the resolution was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. The Committee has determined that this resolution has no budgetary impact.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

COMPLIANCE WITH PUBLIC LAW 104-4

This resolution contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This resolution is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this resolution would make no changes in existing law.

