

SURFACE MINING CONTROL AND RECLAMATION ACT
AMENDMENTS OF 2019

DECEMBER 2, 2020.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 4248]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4248) to amend the Surface Mining Control and Reclamation Act of 1977 to allow the Secretary of the Interior to delegate certain emergency reclamation activities to the States and Tribes, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4248 is to amend the Surface Mining Control and Reclamation Act of 1977 to allow the Secretary of the Interior to delegate certain emergency reclamation activities to the States and Tribes and extend the Abandoned Mine Land Reclamation Fund for 15 years.

BACKGROUND AND NEED FOR LEGISLATION

Two centuries of coal mining occurred in the United States before the industry was federally regulated. Prior to 1977, mining was done with little regard to environmental consequences and with few, if any, reclamation requirements. As a result, millions of Americans live less than one mile from an abandoned coal mine, which pose risks to public health, safety, and the environment.

The Surface Mining Control and Reclamation Act of 1977¹ (SMCRA) established a system for reclaiming Abandoned Mine Lands (AML) using fees paid by current coal mining companies. SMCRA also created a regulatory program to ensure that surface coal mines initiated or in existence after the effective date of the Act are mined and reclaimed in an environmentally sound manner. The Office of Surface Mining Reclamation and Enforcement (OSMRE) within the Department of the Interior manages the AML Reclamation Program.²

To qualify as an AML, a site must have been affected by coal mining activities and abandoned prior to August 3, 1977, and there must be no responsible party for the reclamation of the land under state or federal laws. OSMRE maintains an inventory of sites and features remaining to be addressed under the AML program at <https://amlis.osmre.gov>, based on information collected by states and tribes.³ Eligible sites are classified into three priorities:

Priority 1: Poses an extreme danger to public health, safety, and property.

Priority 2: Creates adverse effects to public health and safety.

Priority 3: Environmental degradation, but no impact on public health or safety.

Title IV of SMCRA established a funding mechanism for AML reclamation activities, known as the AML Fund. Current coal mining companies pay a fee into the AML Fund for every ton of coal mined. Originally, the fee was 35 cents per ton of surface mined coal, 15 cents per ton of coal mined underground, and 10 cents for each ton of lignite (a low-grade coal); in 2006 the fees were lowered to 28 cents per ton for surface coal, 12 cents per ton for underground coal, and 8 cents for lignite. Most of the annual collections are distributed by formula to states that still have high priority abandoned coal mines, or “uncertified” states.

Originally, AML grants were subject to appropriations, but the most recent AML reauthorization in 2006 made them mandatory spending. The amount states and tribes receive annually depends on the fees collected during the previous fiscal year. Distributions of the funds are split up in the following way:⁴

State and tribal share grants: Non-certified states receive 50 percent of the AML revenue associated with each of those states based on coal production in each state from 1977–present. Certified states and tribes (there are no non-certified tribes) also receive funds equal to 50 percent of what is collected, although it is sourced directly from the Treasury’s General Fund rather than AML fees.

Historic coal grants: 30 percent of AML fees are allocated to states and tribes based on the amount of coal production that occurred in the state prior to 1977.

Minimum Program Funds: 20 percent of AML fees must first be used to fund the Minimum Program Make-Up Grants for non-certified states. These grants ensure non-certified states receive at

¹Pub. L. No. 95–87, 91 Stat. 445 (1977), <https://www.govinfo.gov/content/pkg/STATUTE-91/pdf/STATUTE-91-Pg445.pdf> (codified as amended at 30 U.S.C. §§1201 et seq.; see https://uscode.house.gov/table3/95_87.htm).

²See *generally Abandoned Mine Land Reclamation Program*, U.S. DEP’T OF THE INTERIOR NAT. RES. REVENUE DATA, <https://revenue.data.doi.gov/how-it-works/aml-reclamation-program/#abandoned-mine-land-areas> (last visited Apr. 29, 2020).

³A single site can have multiple features—for example, one abandoned mine site with a waste coal pile and an open mine shaft would count as two features.

⁴See *generally Abandoned Mine Land Reclamation Program*, *supra* note 2.

least \$3 million annually. Remaining funds in this category are used for miscellaneous OSMRE activities.

In FY 2016, the states that received the largest grants were Wyoming, Pennsylvania, West Virginia, Kentucky, and Illinois. AML funds may go to permitting, environmental assessments, site surveys, development plans, engineering, construction, and emergency projects. Up to 30 percent of funds annually can be used for projects related to acid mine drainage.

SMCRA designates states and tribes as “certified” if they have reclaimed all identified priority 1 and 2 AML sites. When a state or tribe becomes certified, the source of its funding changes from AML fees to the General Fund of the U.S. Treasury.

Certified states and tribes have a wider range of eligible uses for federal AML funding, including abandoned hardrock mine cleanup. Because AML sites are continuously being discovered and are newly developing (such as sinkholes opening into an underground mine), certified states and tribes still deal with coal mine reclamation issues. Five states (WY, MT, TX, LA, MS) and three tribes (Crow Tribe, Hope Tribe, Navajo Nation) are currently certified.

Since 1978, the AML Fund has brought in over \$10.9 billion in fee collections and interest. Beginning in 1996, much of the Fund’s annual interest has been transferred to the United Mine Workers of America Health and Retirement Funds. Spending has lagged receipts, however, so the AML Fund has an unappropriated balance of roughly \$2.3 billion as of the end of Fiscal Year 2018. The AML fees are currently authorized through the end of Fiscal Year 2021; fees collected in FY21 would be distributed as normal in FY22. Under current law, states would get the same amount they received in FY22 for each subsequent Fiscal Year until the AML Fund is exhausted, which would take approximately seven years at current distribution rates.

AML Fees were originally scheduled to expire in 1992 but have been reauthorized and extended by Congress several times, most recently in 2006. The 2006 amendments to SMCRA, signed into law as part of the Tax Relief and Health Care Act of 2006, lowered the fees that coal operators pay by 20 percent and extended the AML program for 15 years to 2021.⁵

Nearly \$6 billion has been awarded to states and tribes across the country to clean up AML sites to date, but there are still over \$12 billion in remaining abandoned coal mine cleanup costs. Therefore it is essential that the Abandoned Mine Land program be extended past its current expiration date of September 2021.

Coal communities are struggling to rebuild after enduring significant job losses due to a long-term decline in the coal industry. Numerous coal-producing counties are experiencing high rates of unemployment and are seeking to invest in job-creating economic development projects. The AML program helps ensure that the long-term health, safety, and economic livelihood of historic coalfield communities are restored and protected. The full economic contribution of AML reclamation is often more than the direct output and employment from reclamation activity. Many AML projects in-

⁵ Surface Mining Control and Reclamation Act Amendments of 2006, Pub. L. No. 109-432, div. C, tit. II, <https://www.govinfo.gov/content/pkg/PLAW-109publ432/pdf/PLAW-109publ432.pdf>, 120 Stat. 2922, 3006 (2006), <https://www.govinfo.gov/content/pkg/STATUTE-120/pdf/STATUTE-120-Pg2922.pdf> (codified at 30 U.S.C. §§ 1201 note et seq.).

volve public-private partnerships that can result in sustained economic development and growth, particularly when reclamation opens up land that can be used by the community or local businesses. New economic activity can contribute to the economy beyond annual measurements from grant spending.⁶

H.R. 4248 is a nearly clean reauthorization of the existing AML program for 15 years, through the end of Fiscal Year 2036. The bill makes two small changes to the program. First, the bill increases the minimum amount of grant money each state receives from \$3 million to \$5 million. Second, the bill allows states to spend funds directly for AML-related emergencies and to get reimbursed by OSMRE, provided that the state has established an approved AML Emergency Program.

OSMRE defines an AML emergency as a “sudden danger or impairment” related to coal mining “that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal [AML] program operation procedures.”⁷ The objective of approved AML Emergency Programs is to stabilize the emergency aspect of the problem by eliminating the immediate danger to public health, safety, and welfare. Typical AML emergencies include mine subsidence, mine drainage, mine gas problems, mining related landslides, mine and mine refuse fires, and mine openings. These emergencies can occur suddenly and affect “homes, businesses, roads, and other infrastructure,” and they can be “potentially debilitating” to communities.⁸ The Surface Mining Control and Reclamation Act Amendments of 2019 allow state AML programs to directly pay for AML-emergency cleanup and be reimbursed. Under current law, states can wait for OSMRE emergency grant funding but cannot be reimbursed for independent work.

COMMITTEE ACTION

H.R. 4248 was introduced on September 9, 2019, by Representative Matt Cartwright (D-PA). The bill was referred to the Committee on Natural Resources, and in addition to the Committee on the Budget. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Energy and Mineral Resources. On November 14, 2019, the Subcommittee held a hearing on the bill. On January 15, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Representative Mike Levin (D-CA) offered an amendment designated Levin #036. The amendment was withdrawn. No additional amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by voice vote.

⁶See, e.g., U.S. DEPT OF THE INTERIOR, U.S. DEPARTMENT OF THE INTERIOR ECONOMIC REPORT, FISCAL YEAR 2014, at ch. 1, p. 2 (2015), <https://www.doi.gov/sites/doi.gov/files/uploads/FY2014%20Econ%20Report%2006%2023%2015%20%281%29.pdf>.

⁷30 C.F.R. § 700.5 (2019), <https://www.govinfo.gov/content/pkg/CFR-2019-title30-vol3/pdf/CFR-2019-title30-vol3-sec700-5.pdf>.

⁸*Hearing on H.R. 4248 Before the Subcomm. on Energy & Mineral Res. of the H. Comm. on Nat. Res.*, 116th Cong. (2019) (not printed) (Questions for the Record responses of John J. Stefanko, Deputy Sec’y, Pa. Dep’t of Env’tl. Prot., Office of Active and Abandoned Mine Operations, on behalf of the Interstate Mining Compact Comm’n, the Nat’l Ass’n of Abandoned Mine Land Programs, and the Commonwealth of Pa.), <https://docs.house.gov/meetings/II/II06/20191114/110202/HHRG-116-II06-20191114-QFR001.pdf>.

On July 1, 2020, the House of Representatives passed H.R. 2, the Moving Forward Act, which included the text of H.R. 4248 with minor changes.⁹

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 4248: legislative hearing by the Subcommittee on Energy and Mineral Resources held on November 14, 2019.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides the short title of the bill, the “Surface Mining Control and Reclamation Act Amendments of 2019.”

Section 2. Abandoned Mine Land Reclamation Fund

This section amends the Surface Mining Control and Reclamation Act of 1977 by extending the Abandoned Mine Land Reclamation Fund for 15 years, expiring at the end of Fiscal Year 2036.

Section 3. Emergency powers

This section amends the Surface Mining Control and Reclamation Act of 1977 by allowing the Secretary of the Interior to reimburse state and tribal governments directly from the AML Fund for AML-related emergencies as long as the state or tribe has an approved Abandoned Mine Land Emergency Program.

Under current law, the Secretary is authorized to expend money from the fund for AML emergencies but cannot reimburse states for their independent work.

Section 4. Reclamation fee

This section amends the Surface Mining Control and Reclamation Act of 1977 by increasing the minimum of grant money eligible states and tribes receive from \$3 million to \$5 million. This section additionally distributes an amount to states equal to the amount withheld under the Budget Control Act of 2011 during Fiscal Years 2013 through 2018.

Section 5. Exempt programs and activities

This section amends the Balanced Budget and Emergency Deficit Control Act to include Payments to states and tribes from the Abandoned Mine Reclamation Fund and mandatory grants to states and tribes in the list of programs exempt from reduction under budgetary sequestration.

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 Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

⁹H.R. 2, 116th Cong. tit. IV, subtitle B (as passed by and engrossed in the House, July 1, 2020).

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET
ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 28, 2020.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4248, the Surface Mining Control and Reclamation Act Amendments of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

At a Glance			
H.R. 4248, Surface Mining Control and Reclamation Act			
Amendments of 2019			
As ordered reported by the House Committee on Natural Resources on January 15, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	143	236	385
Revenues	0	360	780
Increase or Decrease (-) in the Deficit	143	-124	-395
Spending Subject to Appropriation (Outlays)	*	10	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold
* = between zero and \$500,000.			
The bill would			
<ul style="list-style-type: none"> • Extend the obligation of coal producers to pay reclamation fees through 2036 • Reauthorize annual payments, without further appropriation, to states and Indian tribes under the Abandoned Mine Lands program • Direct the Office of Surface Mining Reclamation and Enforcement to disburse previously sequestered amounts • Increase the minimum payment that certain states receive from the Abandoned Mine Reclamation Fund 			
Estimated budgetary effects would primarily stem from			
<ul style="list-style-type: none"> • Collection of coal reclamation fees • Reauthorizing annual payments to states and tribes and increasing minimum payments • Disbursing previously sequestered amounts 			
Areas of significant uncertainty include			
<ul style="list-style-type: none"> • Predicting the amount of coal reclamation fees that would be collected under the bill 			
Detailed estimate begins on the next page.			

Bill summary: H.R. 4248 would extend the collection of coal reclamation fees through 2036. The bill would reauthorize annual payments to states and Indian tribes under the Abandoned Mine Lands (AML) program, which would be made without further appropriation. Under the bill, the Office of Surface Mining Reclamation and Enforcement (OSMRE) would be required to disburse previously sequestered amounts to states and tribes. The bill also would exempt future payments from sequestration. Finally, H.R. 4248 would increase the minimum annual payment that some states receive from \$3 million to \$5 million.

Estimated Federal cost: The estimated budgetary effect of H.R. 4248 is shown in Table 1. The costs of the legislation fall within budget functions 300 (natural resources and environment) and 800 (general government).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 4248

	By fiscal year, millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2020– 2025	2020– 2030
Increases in Direct Spending													
Estimated:													
Budget Authority	160	35	34	21	21	22	24	27	31	35	32	293	441
Estimated Outlays	143	27	31	1	13	20	27	27	30	34	31	236	385
Increases in Revenues													
Estimated:													
Revenues	0	0	94	91	89	85	85	85	84	83	83	360	780
Net Increase or Decrease (–) in the Deficit From Changes in Direct Spending and Revenues													
Effect on the Deficit	143	27	–63	–90	–76	–65	–58	–58	–54	–49	–51	–124	–395
Increases in Spending Subject to Appropriation													
Estimated Authorization	*	2	2	2	2	2	n.e.	n.e.	n.e.	n.e.	n.e.	10	n.e.
Estimated Outlays	*	2	2	2	2	2	n.e.	n.e.	n.e.	n.e.	n.e.	10	n.e.

Components may not sum to totals because of rounding; n.e. = not estimated; * = between zero and \$500,000.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted in 2020; thus, any additional payments under the bill would take effect in 2020. Estimated outlays are based on historical spending patterns for the affected programs.

Background: Under current law, the federal government collects revenues from coal producers and makes payments to states and Indian tribes and to multiemployer health and pension plans.

Coal Reclamation Fees. Under the AML program, coal producers pay reclamation fees to the Department of the Interior based on annual production. The authority to collect those fees, which are recorded in the budget as revenues and deposited into the Abandoned Mine Reclamation Fund, expires on September 30, 2021. In its March 2020 baseline, CBO projects that the department will collect \$285 million in fees over the 2020–2021 period.

Payments to Health Plans, Pension Plans, and to Certified States and Tribes. The Surface Mining Control and Reclamation Act of 1977 (SMCRA) authorizes OSMRE to make annual payments, without further appropriation, from the general fund of the Treasury to multiemployer plans that provide health and pension benefits to certain retirees in the coal industry. OSMRE also awards grants to states and tribes once their completion of outstanding coal reclamation projects is certified. Payments from the general fund of the Treasury for those activities are subject to a combined annual cap of \$750 million. The United Mine Workers of America (UMWA) health and retirement funds are multiemployer plans that receive federal subsidy payments under SMCRA for retiree benefits.

SMCRA also authorizes annual payments (which are not subject to the \$750 million cap) to the UMWA multiemployer health plans that equal the amount of interest credited each year to the Abandoned Mine Reclamation Fund. If a payment is insufficient to cover expected health costs in a given year, supplemental payments from the Treasury's general fund are made to cover the remaining costs, subject to the annual cap.

Under current law, certified states and tribes receive payments that are equal to 50 percent of the coal reclamation fees collected in those jurisdictions in the prior year. Those payments will terminate at the end of 2022 because the authority to collect the reclamation fees expires at the end of 2021. That reduction in payments to states is exactly offset by an increase in payments to the UMWA retirement plans after 2022. Payments to certified states also are subject to sequestration over the 2020–2022 period, reducing budget authority for those payments by \$3 million annually over that same period. (Sequestration is a cancellation of budgetary resources; under current law, many direct spending accounts have a part of their budget authority sequestered every year.)

In its March 2020 baseline, CBO projects that the annual statutory cap of \$750 million will limit payments to the UMWA health and retirement funds and to certified states and tribes. Thus, the combined budget authority for those programs will total \$747 million annually through 2022, after accounting for the \$3 million that will be sequestered, and \$750 million each year from 2023 through 2030.

Payments to Noncertified States. For noncertified states—the states that have not completed all of their outstanding reclamation

projects—OSMRE is authorized to spend, without further appropriation, 80 percent of the coal reclamation fees collected in the prior year for reclamation grants, plus whatever amounts are necessary to ensure that those states receive an annual minimum payment of \$3 million. Those amounts are disbursed directly from the Abandoned Mine Reclamation Fund. Beginning in 2023, OSMRE will distribute annual payments to those states equal to the amounts disbursed in 2022 until the remaining balances in the fund are spent, which CBO projects will occur after 2030. In its March 2020 baseline, CBO projects that OSMRE will distribute, on average, \$94 million annually in such grants over the 2020–2030 period, net of sequestration.

Revenues: H.R. 4248 would extend collection of coal reclamation fees through 2036. Based on national coal production forecasts produced by the Energy Information Administration, CBO estimates that revenues from the reclamation fees would increase by \$110 million to \$125 million annually over the 2022–2030 period. However, because collecting those fees would reduce the base for income and payroll taxes, those revenues would be partially offset by lower income and payroll taxes. On net, CBO estimates, enacting H.R. 4248 would increase revenues by \$780 million over the 2022–2030 period.

Direct spending: CBO estimates that enacting H.R. 4248 would increase net direct spending by \$385 million over the 2020–2030 period (see Table 2).

TABLE 2.—CHANGES IN DIRECT SPENDING UNDER H.R. 4248

	By fiscal year, millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2020– 2025	2020– 2030
Increases or Decreases (–) in Direct Spending													
Base Payments to Noncertified States:													
Estimated Budget Authority	8	8	8	–4	–7	–8	–9	–9	–9	–9	–15	5	–46
Estimated Outlays	8	8	7	4	–1	–5	–8	–9	–9	–9	–15	21	–29
Minimum Payments:													
Estimated Budget Authority	24	24	24	24	24	24	24	24	24	24	24	144	264
Estimated Outlays	7	16	21	24	24	24	24	24	24	24	24	116	236
Previously Sequestered Amounts:													
Estimated Budget Authority	125	0	0	0	0	0	0	0	0	0	0	125	125
Estimated Outlays	125	0	0	0	0	0	0	0	0	0	0	125	125
Cap Effects:													
Estimated Budget Authority	3	3	3	1	3	6	9	12	16	20	22	19	98
Estimated Outlays	3	3	3	–27	–10	1	11	12	15	19	22	–26	53
Total Changes:													
Estimated Budget Authority	160	35	34	21	21	22	24	27	31	35	32	293	441
Estimated Outlays	143	27	31	1	13	20	27	27	30	34	31	236	385

Components may not sum to totals because of rounding.

Base Payments to Noncertified States. Beginning in 2023, the bill would change the formula for payments to noncertified states so that payments would be based on the fees collected in prior years. CBO estimates that such payments would average \$85 million annually over the 2023–2030 period. Because that change would reduce payments to those states relative to current law, CBO estimates that enacting this provision would reduce direct spending by \$29 million over the 2020–2030 period. (Those payments also would be exempt from sequestration.)

Minimum Payments. In addition to the changes in the formula for base payments, H.R. 4248 would increase the minimum annual payment to noncertified states from \$3 million to \$5 million. Based on recent years' payments, CBO estimates that beginning in 2020, 12 states would receive the new minimum payment (at an annual cost of about \$24 million) and the resulting spending would total \$236 million over the 2020–2030 period.

Previously Sequestered Amounts. The bill would direct OSMRE to disburse amounts that were previously sequestered. Using information from OSMRE, CBO estimates that enacting the provision would increase direct spending by \$125 million over the 2020–2030 period; of that amount, \$85 million would be paid from the Abandoned Mine Reclamation Fund and \$40 million would be paid from the general fund of the Treasury.

Cap Effects. Combining the effects of the additional revenues from the reauthorized coal reclamation fees, higher minimum payments, disbursement of previously sequestered amounts, and the changes in payments to noncertified states, CBO expects that enacting H.R. 4248 would lead to more interest being credited to the Abandoned Mine Reclamation Fund. Using interest rates underlying its March 2020 baseline, CBO estimates that payments to the UMWA multiemployer health plans would increase by a total of \$89 million over the 2020–2030 period. Net spending by the health plans would be unaffected by the bill but less money would be paid from the general fund of the Treasury for the health plans. Accordingly, payments to the UMWA multiemployer pension plans and to certified states and tribes would increase because payments from the Abandoned Mine Reclamation Fund do not count against the \$750 million annual limit.

Under H.R. 4248, payments to certified states would be exempt from sequestration and would resume in 2023. Thus, an additional \$9 million would be paid to certified states from amounts that will be sequestered under current law over the 2020–2022 period. In total, CBO estimates that enacting H.R. 4248 would increase budget authority by \$98 million over the 2020–2030 period—the sum of \$89 million that would be paid to the UMWA health plans and \$9 million that would come from sequestered amounts. Based on historical spending patterns for those programs, CBO estimates that direct spending would increase by \$53 million over the 2020–2030 period.

Spending subject to appropriation: Section 3 would authorize OSMRE to reimburse states and tribes for certain emergency reclamation projects. Based on previous allocations for such projects, CBO estimates that implementing section 3 would cost less than \$500,000 in 2020 and \$2 million annually thereafter; such spending would be subject to the availability of appropriated funds. We esti-

mate that implementing other provisions of the bill would have no significant effect on spending subject to appropriation.

Uncertainty: The amount of coal reclamation fees the federal government would collect under the bill is uncertain and could be higher or lower than CBO estimates. CBO cannot forecast with certainty future coal prices or the volume of production, which would affect the amount of fees collected. The resulting direct spending also could differ from CBO's estimate.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in Table 3.

TABLE 3.—CBO's ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS OF H.R. 4248, THE SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2019, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON JANUARY 15, 2020

	By fiscal year, millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2020–2025	2020–2030
	Net Increase or Decrease (–) in the Deficit												
Pay-As-You-Go Effect	143	27	–63	–90	–76	–65	–58	–58	–54	–49	–51	–124	–395
Memorandum:													
Changes in Outlays	143	27	31	1	13	20	27	27	30	34	31	236	385
Changes in Revenues	0	0	94	91	89	85	85	85	84	83	83	360	780

Increase in long-term deficits: CBO estimates that enacting H.R. 4248 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2031.

Mandates: H.R. 4248 would impose a private-sector mandate as defined by the Unfunded Mandates Reform Act (UMRA) by extending the obligation of coal miners to pay a reclamation fee that is set to expire under current law in 2021. CBO estimates that the cost of the mandate would average about \$115 million annually, falling below the annual private-sector threshold established by UMRA (\$168 million, adjusted annually for inflation).

H.R. 4248 contains no intergovernmental mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Julia Christensen (UMWA multiemployer health plans); Noah Meyerson (UMWA multiemployer pension plans); Janani Shankaran (AML program, Abandoned Mine Reclamation Fund).

Revenues: Nathaniel Frentz.

Mandates: Lilia Ledezma.

Estimate reviewed by: Susan Willie, Chief, Public and Private Mandates Unit; Joshua Shakin, Chief, Revenue Estimating Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis; Theresa Gullo, Director of Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to amend the Surface Mining Control and Reclamation Act of 1977 to allow the Secretary of the Interior to delegate certain emergency reclamation activities to the States and

Tribes and extend the Abandoned Mine Land Reclamation Fund for 15 years.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, the bill would impose a private-sector mandate as defined by the Unfunded Mandates Reform Act (UMRA) by extending the obligation of coal miners to pay a reclamation fee that is set to expire under current law in 2021. CBO estimates that the cost of the mandate would average about \$115 million annually, falling below the annual private-sector threshold established by UMRA (\$168 million, adjusted annually for inflation).

According to CBO, H.R. 4248 contains no intergovernmental mandates as defined in UMRA.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139. The Regulation of Surface Coal Mining and Surface Effects of Underground Coal Mining (CFDA No. 15.250) and Abandoned Mine Land Reclamation (AMLR) (CFDA No. 15.252)—authorized by the Surface Mining Control and Reclamation Act of 1977 and reauthorized by this bill—are related and complementary to, but not duplicative of, each other and the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104: Not-for-Profit AMD Reclamation (CFDA No. 15.253), OSM/VISTA AmeriCorps (CFDA No. 15.254), and Science and Technology Projects Related to Coal Mining and Reclamation (CFDA No. 15.255).

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics,

and existing law in which no change is proposed is shown in roman):

**SURFACE MINING CONTROL AND RECLAMATION ACT
OF 1977**

* * * * *

TITLE IV—ABANDONED MINE RECLAMATION

ABANDONED MINE RECLAMATION FUND AND PURPOSES

SEC. 401. (a) There is created on the books of the Treasury of the United States a trust fund to be known as the Abandoned Mine Reclamation Fund (hereinafter referred to as the “fund”) which shall be administered by the Secretary of the Interior. State abandoned mine reclamation funds (State funds) generated by grants from this title shall be established by each State pursuant to an approved State program.

(b) The fund shall consist of amounts deposited in the fund, from time to time derived from—

- (1) the reclamation fees levied under section 402;
 - (2) any user charge imposed on or for land reclaimed pursuant to this title, after expenditures for maintenance have been deducted;
 - (3) donations by persons, corporations, associations, and foundations for the purposes of this title;
 - (4) recovered moneys as provided for in this title; and
 - (5) interest credited to the fund under subsection (e).
- (c) Moneys in the fund may be used for the following purposes:
- (1) reclamation and restoration of land and water resources adversely affected by past coal mining, including but not limited to reclamation and restoration of abandoned surface mine areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling abandoned deep mine entries and voids; planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of stream beds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ; prevention, abatement, and control of coal mine subsidence; and establishment of self-sustaining, individual State administered programs to insure private property against damages caused by land subsidence resulting from underground coal mining in those States which have reclamation plans approved in accordance with section 503 of this Act: *Provided*, That funds used for this purpose shall not exceed \$3,000,000 of the funds made available to any State under section 402(g)(1) of this Act;
 - (2) acquisition and filling of voids and sealing of tunnels, shafts, and entryways under section 409;
 - (3) acquisition of land as provided for in this title;
 - (4) enforcement and collection of the reclamation fee provided for in section 402 of this title;

(5) restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining which constitutes an emergency as provided for in this title;

(6) grants to the States to accomplish the purposes of this title;

(7) administrative expenses of the United States and each State to accomplish the purposes of this title;

(8) for use under section 411;

(9) for the purpose of section 507(c), except that not more than \$10,000,000 shall annually be available for such purpose;

(10) for the purpose described in section 402(h); and

(11) all other necessary expenses to accomplish the purposes of this title.

(d) AVAILABILITY OF MONEYS; NO FISCAL YEAR LIMITATION.—

(1) IN GENERAL.—Moneys from the fund for expenditures under subparagraphs (A) through (D) of section 402(g)(3) shall be available only when appropriated for those subparagraphs.

(2) NO FISCAL YEAR LIMITATION.—Appropriations described in paragraph (1) shall be made without fiscal year limitation.

(3) OTHER PURPOSES.—Moneys from the fund shall be available for all other purposes of this title without prior appropriation as provided in subsection (f).

(e) INTEREST.—The Secretary of the Interior shall notify the Secretary of the Treasury as to what portion of the fund is not, in his judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the fund in public debt securities with maturities suitable for achieving the purposes of the transfers under section 402(h) and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the fund for the purpose of the transfers under section 402(h).

(f) GENERAL LIMITATION ON OBLIGATION AUTHORITY.—

(1) IN GENERAL.—From amounts deposited into the fund under subsection (b), the Secretary shall distribute during each fiscal year beginning after September 30, 2007, an amount determined under paragraph (2).

(2) AMOUNTS.—

(A) FOR FISCAL YEARS 2008 THROUGH **[2022]** 2037.—For each of fiscal years 2008 through **[2022]** 2037, the amount distributed by the Secretary under this subsection shall be equal to—

(i) the amounts deposited into the fund under paragraphs (1), (2), and (4) of subsection (b) for the preceding fiscal year that were allocated under paragraphs (1) and (5) of section 402(g); plus

(ii) the amount needed for the adjustment under section 402(g)(8) for the current fiscal year.

(B) FISCAL YEARS **[2023]** 2038 AND THEREAFTER.—For fiscal year **[2023]** 2038 and each fiscal year thereafter, to the extent that funds are available, the Secretary shall distribute an amount equal to the amount distributed under subparagraph (A) during fiscal year **[2022]** 2037.

(3) DISTRIBUTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for each fiscal year, of the amount to be distributed to States and Indian tribes pursuant to paragraph (2), the Secretary shall distribute—

(i) the amounts allocated under paragraph (1) of section 402(g), the amounts allocated under paragraph (5) of section 402(g), and any amount reallocated under section 411(h)(3) in accordance with section 411(h)(2), for grants to States and Indian tribes under section 402(g)(5); and

(ii) the amounts allocated under section 402(g)(8).

(B) EXCLUSION.—Beginning on October 1, 2007, certified States shall be ineligible to receive amounts under section 402(g)(1).

(4) AVAILABILITY.—Amounts in the fund available to the Secretary for obligation under this subsection shall be available until expended.

(5) ADDITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount distributed under this subsection for each fiscal year shall be in addition to the amount appropriated from the fund during the fiscal year.

(B) EXCEPTIONS.—Notwithstanding paragraph (3), the amount distributed under this subsection for the first 4 fiscal years beginning on and after October 1, 2007, shall be equal to the following percentage of the amount otherwise required to be distributed:

(i) 50 percent in fiscal year 2008.

(ii) 50 percent in fiscal year 2009.

(iii) 75 percent in fiscal year 2010.

(iv) 75 percent in fiscal year 2011.

RECLAMATION FEE

SEC. 402. (a) All operators of coal mining operations subject to the provisions of this Act shall pay to the Secretary of the Interior, for deposit in the fund, a reclamation fee of 28 cents per ton of coal produced by surface coal mining and 12 cents per ton of coal produced by underground mining or 10 per centum of the value of the coal at the mine, as determined by the Secretary, whichever is less, except that the reclamation fee for lignite coal shall be at a rate of 2 per centum of the value of the coal at the mine, or 8 cents per ton, whichever is less.

(b) Such fee shall be paid no later than thirty days after the end of each calendar quarter beginning with the first calendar quarter occurring after the date of enactment of this Act, and ending **[September 30, 2021]** *September 30, 2036*.

(c) Together with such reclamation fee, all operators of coal mine operations shall submit a statement of the amount of coal produced during the calendar quarter, the method of coal removal and the type of coal, the accuracy of which shall be sworn to by the operator and notarized. Such statement shall include an identification of the permittee of the surface coal mining operation, any operator in addition to the permittee, the owner of the coal, the preparation plant, tripple, or loading point for the coal, and the person purchasing the coal from the operator. The report shall also specify the

number of the permit required under section 506 and the mine safety and health identification number. Each quarterly report shall contain a notification of any changes in the information required by this subsection since the date of the preceding quarterly report. The information contained in the quarterly reports under this subsection shall be maintained by the Secretary in a computerized database.

(d)(1) Any person, corporate officer, agent or director, on behalf of a coal mine operator, who knowingly makes any false statement, representation or certification, or knowingly fails to make any statement, representation, or certification required in this section shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than one year, or both.

(2) The Secretary shall conduct such audits of coal production and the payment of fees under this title as may be necessary to ensure full compliance with the provisions of this title. For purposes of performing such audits the Secretary (or any duly designated officer, employee, or representative of the Secretary) shall, at the reasonable times, upon request, have access to, and may copy, all books, papers, and other documents of any person subject to the provisions of this title. The Secretary may at any time conduct audits of any surface coal mining and reclamation operation, including without limitation, tipples and preparation plants, as may be necessary in the judgment of the Secretary to ensure full and complete payment of the fees under this title.

(e) Any portion of the reclamation fee not properly or promptly paid pursuant to this section shall be recoverable, with statutory interest, from coal mine operators, in any court of competent jurisdiction in any action at law to compel payment of debts.

(f) All Federal and State agencies shall fully cooperate with the Secretary of the Interior in the enforcement of this section. Whenever the Secretary believes that any person has not paid the full amount of the fee payable under subsection (a) the Secretary shall notify the Federal agency responsible for ensuring compliance with the provisions of section 4121 of the Internal Revenue Code of 1986.

(g) ALLOCATION OF FUNDS.—(1) Except as provided in subsection (h), moneys deposited into the fund shall be allocated by the Secretary to accomplish the purposes of this title as follows:

(A) 50 percent of the reclamation fees collected annually in any State (other than fees collected with respect to Indian lands) shall be allocated annually by the Secretary to the State, subject to such State having each of the following:

(i) An approved abandoned mine reclamation program pursuant to section 405.

(ii) Lands and waters which are eligible pursuant to section 404 (in the case of a State not certified under section 411(a)) or pursuant to section 411(b) (in the case of a State certified under section 411(a)).

(B) 50 percent of the reclamation fees collected annually with respect to Indian lands shall be allocated annually by the Secretary to the Indian tribe having jurisdiction over such lands, subject to such tribe having each of the following:

(i) an approved abandoned mine reclamation program pursuant to section 405.

- (ii) Lands and waters which are eligible pursuant to section 404 (in the case of an Indian tribe not certified under section 411(a)) or pursuant to section 411(b) (in the case of a tribe certified under section 411(a)).
- (C) The funds allocated by the Secretary under this paragraph to States and Indian tribes shall only be used for annual reclamation project construction and program administration grants.
- (D) To the extent not expended within 3 years after the date of any grant award under this paragraph (except for grants awarded during fiscal years 2008, 2009, and 2010 to the extent not expended within 5 years), such grant shall be available for expenditure by the Secretary under paragraph (5).
- (2) In making the grants referred to in paragraph (1)(C) and the grants referred to in paragraph (5), the Secretary shall ensure strict compliance by the States and Indian tribes with the priorities described in section 403(a) until a certification is made under section 411(a).
- (3) Amounts available in the fund which are not allocated to States and Indian tribes under paragraph (1) or allocated under paragraph (5) are authorized to be expended by the Secretary for any of the following:
 - (A) For the purpose of section 507(c), either directly or through grants to the States, subject to the limitation contained in section 401(c)(9).
 - (B) For the purpose of section 410 (relating to emergencies).
 - (C) For the purpose of meeting the objectives of the fund set forth in section 403(a) for eligible lands and waters pursuant to section 404 in States and on Indian lands where the State or Indian tribe does not have an approved abandoned mine reclamation program pursuant to section 405.
 - (D) For the administration of this title by the Secretary.
 - (E) For the purpose of paragraph (8).
- (4)(A) Amounts available in the fund which are not allocated under paragraphs (1), (2), and (5) or expended under paragraph (3) in any fiscal year are authorized to be expended by the Secretary under this paragraph for the reclamation or drainage abatement of lands and waters within unreclaimed sites which are mined for coal or which were affected by such mining, wastebanks, coal processing or other coal mining processes and left in an inadequate reclamation status.
 - (B) Funds made available under this paragraph may be used for reclamation or drainage abatement at a site referred to in subparagraph (A) if the Secretary makes either of the following findings:
 - (i) A finding that the surface coal mining operation occurred during the period beginning on August 4, 1977, and ending on or before the date on which the Secretary approved a State program pursuant to section 503 for a State in which the site is located, and that any funds for reclamation or abatement which are available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site.
 - (ii) A finding that the surface coal mining operation occurred during the period beginning on August 4, 1977, and ending on or before the date of enactment of this paragraph, and that the

surety of such mining operator became insolvent during such period, and as of the date of enactment of this paragraph, funds immediately available from proceedings relating to such insolvency, or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement at the site.

(C) In determining which sites to reclaim pursuant to this paragraph, the Secretary shall follow the priorities stated in paragraphs (1) and (2) of section 403(a). The Secretary shall ensure that priority is given to those sites which are in the immediate vicinity of a residential area or which have an adverse economic impact upon a local community.

(D) Amounts collected from the assessment of civil penalties under section 518 are authorized to be appropriated to carry out this paragraph.

(E) Any State may expend grants made available under paragraphs (1) and (5) for reclamation and abatement of any site referred to in subparagraph (A) if the State, with the concurrence of the Secretary, makes either of the findings referred to in clause (i) or (ii) of subparagraph (B) and if the State determines that the reclamation priority of the site is the same or more urgent than the reclamation priority for eligible lands and waters pursuant to section 404 under the priorities stated in paragraphs (1) and (2) of section 403(a).

(F) For the purposes of the certification referred to in section 411(a), sites referred to in subparagraph (A) of this paragraph shall be considered as having the same priorities as those stated in section 403(a) for eligible lands and waters pursuant to section 404. All sites referred to in subparagraph (A) of this paragraph within any State shall be reclaimed prior to such State making the certification referred to in section 411(a).

(5)(A) The Secretary shall allocate 60 percent of the amount in the fund after making the allocation referred to in paragraph (1) for making additional annual grants to States and Indian tribes which are not certified under section 411(a) to supplement grants received by such States and Indian tribes pursuant to paragraph (1)(C) until the priorities stated in paragraphs (1) and (2) of section 403(a) have been achieved by such State or Indian tribe. The allocation of such funds for the purpose of making such expenditures shall be through a formula based on the amount of coal historically produced in the State or from the Indian lands concerned prior to August 3, 1977. Funds made available under paragraph (3) or (4) of this subsection for any State or Indian tribe shall not be deducted against any allocation of funds to the State or Indian tribe under paragraph (1) or under this paragraph.

(B) Any amount that is reallocated and available under section 411(h)(3) shall be in addition to amounts that are allocated under subparagraph (A).

(6)(A) Any State with an approved abandoned mine reclamation program pursuant to section 405 may receive and retain, without regard to the 3-year limitation referred to in paragraph (1)(D), up to 30 percent of the total of the grants made annually to the State under [paragraphs (1) and (5)] *paragraphs (1), (5), and (8)* if those amounts are deposited into an acid mine drainage abatement and treatment fund established under State law, from which amounts

(together with all interest earned on the amounts) are expended by the State for the abatement of the causes and the treatment of the effects of acid mine drainage in a comprehensive manner within qualified hydrologic units affected by coal mining practices.

(B) In this paragraph, the term “qualified hydrologic unit” means a hydrologic unit—

(i) in which the water quality has been significantly affected by acid mine drainage from coal mining practices in a manner that adversely impacts biological resources; and

(ii) that contains land and water that are—

(I) eligible pursuant to section 404 and include any of the priorities described in section 403(a); and

(II) the subject of expenditures by the State from the forfeiture of bonds required under section 509 or from other States sources to abate and treat acid mine drainage.

(7) In complying with the priorities described in section 403(a), any State or Indian tribe may use amounts available in grants made annually to the State or tribe under paragraphs (1) and (5) for the reclamation of eligible land and water described in section 403(a)(3) before the completion of reclamation projects under paragraphs (1) and (2) of section 403(a) only if the expenditure of funds for the reclamation is done in conjunction with the expenditure before, on, or after the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 of funds for reclamation projects under paragraphs (1) and (2) of section 403(a).

(8)(A) In making funds available under this title, the Secretary shall ensure that the grant awards total not less than **[\$3,000,000]** \$5,000,000 annually to each State and each Indian tribe having an approved abandoned mine reclamation program pursuant to section 405 and eligible land and water pursuant to section 404, so long as an allocation of funds to the State or tribe is necessary to achieve the priorities stated in paragraphs (1) and (2) of section 403(a).

(B) Notwithstanding any other provision of law, this paragraph applies to the States of Tennessee and Missouri.

(9) From amounts withheld pursuant to the Budget Control Act of 2011 (2 U.S.C. 901(a)) from payments to States under title IV of the Surface Mining Control and Reclamation Act (30 U.S.C. 1232(g)) during fiscal years 2013 through 2018, the Secretary shall distribute for fiscal year 2019 an amount to each State equal to the total amount so withheld.

(h) TRANSFERS OF INTEREST EARNED BY FUND.—

(1) IN GENERAL.—

(A) TRANSFERS TO COMBINED BENEFIT FUND.—As soon as practicable after the beginning of fiscal year 2007 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year to transfer to the Combined Benefit Fund such amounts as are estimated by the trustees of such fund to offset the amount of any deficit in net assets in the Combined Benefit Fund as of October 1, 2006, and to make the transfer described in paragraph (2)(A).

(B) TRANSFERS TO 1992 AND 1993 PLANS.—As soon as practicable after the beginning of fiscal year 2008 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year (reduced by the amount used under subparagraph (A)) to make the transfers described in paragraphs (2)(B) and (2)(C).

(2) TRANSFERS DESCRIBED.—The transfers referred to in paragraph (1) are the following:

(A) UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND.—A transfer to the United Mine Workers of America Combined Benefit Fund equal to the amount that the trustees of the Combined Benefit Fund estimate will be expended from the fund for the fiscal year in which the transfer is made, reduced by—

(i) the amount the trustees of the Combined Benefit Fund estimate the Combined Benefit Fund will receive during the fiscal year in—

(I) required premiums; and

(II) payments paid by Federal agencies in connection with benefits provided by the Combined Benefit Fund; and

(ii) the amount the trustees of the Combined Benefit Fund estimate will be expended during the fiscal year to provide health benefits to beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, but only to the extent that such amount does not exceed the amounts described in subsection (i)(1)(A) that the Secretary estimates will be available to pay such estimated expenditures.

(B) UNITED MINE WORKERS OF AMERICA 1992 BENEFIT PLAN.—A transfer to the United Mine Workers of America 1992 Benefit Plan, in an amount equal to the difference between—

(i) the amount that the trustees of the 1992 UMWA Benefit Plan estimate will be expended from the 1992 UMWA Benefit Plan during the next calendar year to provide the benefits required by the 1992 UMWA Benefit Plan on the date of enactment of this subparagraph; minus

(ii) the amount that the trustees of the 1992 UMWA Benefit Plan estimate the 1992 UMWA Benefit Plan will receive during the next calendar year in—

(I) required monthly per beneficiary premiums, including the amount of any security provided to the 1992 UMWA Benefit Plan that is available for use in the provision of benefits; and

(II) payments paid by Federal agencies in connection with benefits provided by the 1992 UMWA Benefit Plan.

(C) MULTIEMPLOYER HEALTH BENEFIT PLAN.—

(i) TRANSFER TO THE PLAN.—A transfer to the Multi-employer Health Benefit Plan established after July 20, 1992, by the parties that are the settlors of the 1992 UMWA Benefit Plan referred to in subparagraph (B) (referred to in this subparagraph and subparagraph (D) as “the Plan”), in an amount equal to the excess (if any) of—

(I) the amount that the trustees of the Plan estimate will be expended from the Plan during the next calendar year, to provide benefits no greater than those provided by the Plan as of December 31, 2006; over

(I) the amount that the trustees estimated the Plan will receive during the next calendar year in payments paid by Federal agencies in connection with benefits provided by the Plan.

(ii) CALCULATION OF EXCESS.—The excess determined under clause (i) shall be calculated by taking into account only—

(I) those beneficiaries actually enrolled in the Plan as of the date of the enactment of the Health Benefits for Miners Act of 2017 who are eligible to receive health benefits under the Plan on the first day of the calendar year for which the transfer is made, other than those beneficiaries enrolled in the Plan under the terms of a participation agreement with the current or former employer of such beneficiaries; and

(II) those beneficiaries whose health benefits, defined as those benefits payable, following death or retirement or upon a finding of disability, directly by an employer in the bituminous coal industry under a coal wage agreement (as defined in section 9701(b)(1) of the Internal Revenue Code of 1986), would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012 or 2015.

For purposes of subclause (I), a beneficiary enrolled in the Plan as of the date of the enactment of the Health Benefits for Miners Act of 2017 shall be deemed to have been eligible to receive health benefits under the Plan on January 1, 2017.

(iii) ELIGIBILITY OF CERTAIN RETIREES.—Individuals referred to in clause (ii)(II) shall be treated as eligible to receive health benefits under the Plan.

(iv) REQUIREMENTS FOR TRANSFER.—The amount of the transfer otherwise determined under this subparagraph for a fiscal year shall be reduced by any amount transferred for the fiscal year to the Plan, to pay benefits required under the Plan, from a voluntary employees’ beneficiary association established as a result of a bankruptcy proceeding described in clause (ii).

(v) VEBA TRANSFER.—The administrator of such voluntary employees’ beneficiary association shall transfer to the Plan any amounts received as a result of

such bankruptcy proceeding, reduced by an amount for administrative costs of such association.

(D) INDIVIDUALS CONSIDERED ENROLLED.—For purposes of subparagraph (C), any individual who was eligible to receive benefits from the Plan as of the date of enactment of this subsection, even though benefits were being provided to the individual pursuant to a settlement agreement approved by order of a bankruptcy court entered on or before September 30, 2004, will be considered to be actually enrolled in the Plan and shall receive benefits from the Plan beginning on December 31, 2006.

(3) ADJUSTMENT.—If, for any fiscal year, the amount of a transfer under subparagraph (A), (B), or (C) of paragraph (2) is more or less than the amount required to be transferred under that subparagraph, the Secretary shall appropriately adjust the amount transferred under that subparagraph for the next fiscal year.

(4) ADDITIONAL AMOUNTS.—

(A) PREVIOUSLY CREDITED INTEREST.—Notwithstanding any other provision of law, any interest credited to the fund that has not previously been transferred to the Combined Benefit Fund referred to in paragraph (2)(A) under this section—

(i) shall be held in reserve by the Secretary until such time as necessary to make the payments under subparagraphs (A) and (B) of subsection (i)(1), as described in clause (ii); and

(ii) in the event that the amounts described in subsection (i)(1) are insufficient to make the maximum payments described in subparagraphs (A) and (B) of subsection (i)(1), shall be used by the Secretary to supplement the payments so that the maximum amount permitted under those paragraphs is paid.

(B) PREVIOUSLY ALLOCATED AMOUNTS.—All amounts allocated under subsection (g)(2) before the date of enactment of this subparagraph for the program described in section 406, but not appropriated before that date, shall be available to the Secretary to make the transfers described in paragraph (2).

(C) ADEQUACY OF PREVIOUSLY CREDITED INTEREST.—The Secretary shall—

(i) consult with the trustees of the plans described in paragraph (2) at reasonable intervals; and

(ii) notify Congress if a determination is made that the amounts held in reserve under subparagraph (A) are insufficient to meet future requirements under subparagraph (A)(ii).

(D) ADDITIONAL RESERVE AMOUNTS.—In addition to amounts held in reserve under subparagraph (A), there is authorized to be appropriated such sums as may be necessary for transfer to the fund to carry out the purposes of subparagraph (A)(ii).

(E) INAPPLICABILITY OF CAP.—The limitation described in subsection (i)(3)(A) shall not apply to payments made from the reserve fund under this paragraph.

(5) LIMITATIONS.—

(A) AVAILABILITY OF FUNDS FOR NEXT FISCAL YEAR.—The Secretary may make transfers under subparagraphs (B) and (C) of paragraph (2) for a calendar year only if the Secretary determines, using actuarial projections provided by the trustees of the Combined Benefit Fund referred to in paragraph (2)(A), that amounts will be available under paragraph (1), after the transfer, for the next fiscal year for making the transfer under paragraph (2)(A).

(B) RATE OF CONTRIBUTIONS OF OBLIGORS.—

(i) IN GENERAL.—

(I) RATE.—A transfer under paragraph (2)(C) shall not be made for a calendar year unless the persons that are obligated to contribute to the plan referred to in paragraph (2)(C) on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of this subsection.

(II) APPLICATION.—The contributions described in subclause (I) shall be applied first to the provision of benefits to those plan beneficiaries who are not described in paragraph (2)(C)(ii).

(ii) INITIAL CONTRIBUTIONS.—

(I) IN GENERAL.—From the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 through December 31, 2010, the persons that, on the date of enactment of that Act, are obligated to contribute to the plan referred to in paragraph (2)(C) shall be obligated, collectively, to make contributions equal to the amount described in paragraph (2)(C), less the amount actually transferred due to the operation of subparagraph (C).

(II) FIRST CALENDAR YEAR.—Calendar year 2006 is the first calendar year for which contributions are required under this clause.

(III) AMOUNT OF CONTRIBUTION FOR 2006.—Except as provided in subclause (IV), the amount described in paragraph (2)(C) for calendar year 2006 shall be calculated as if paragraph (2)(C) had been in effect during 2005.

(IV) LIMITATION.—The contributions required under this clause for calendar year 2006 shall not exceed the amount necessary for solvency of the plan described in paragraph (2)(C), measured as of December 31, 2006, and taking into account all assets held by the plan as of that date.

(iii) DIVISION.—The collective annual contribution obligation required under clause (ii) shall be divided among the persons subject to the obligation, and applied uniformly, based on the hours worked for which contributions referred to in clause (i) would be owed.

(C) PHASE-IN OF TRANSFERS.—For each of calendar years 2008 through 2010, the transfers required under subpara-

graphs (B) and (C) of paragraph (2) shall equal the following amounts:

(i) For calendar year 2008, the Secretary shall make transfers equal to 25 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

(ii) For calendar year 2009, the Secretary shall make transfers equal to 50 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

(iii) For calendar year 2010, the Secretary shall make transfers equal to 75 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

(i) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the plans described in subsection (h)(2) such sums as are necessary to pay the following amounts:

(A) To the Combined Fund (as defined in section 9701(a)(5) of the Internal Revenue Code of 1986 and referred to in this paragraph as the “Combined Fund”), the amount that the trustees of the Combined Fund estimate will be expended from premium accounts maintained by the Combined Fund for the fiscal year to provide benefits for beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, subject to the following limitations:

(i) For fiscal year 2008, the amount paid under this subparagraph shall equal—

(I) the amount described in subparagraph (A);
minus

(II) the amounts required under section 9706(h)(3)(A) of the Internal Revenue Code of 1986.

(ii) For fiscal year 2009, the amount paid under this subparagraph shall equal—

(I) the amount described in subparagraph (A);
minus

(II) the amounts required under section 9706(h)(3)(B) of the Internal Revenue Code of 1986.

(iii) For fiscal year 2010, the amount paid under this subparagraph shall equal—

(I) the amount described in subparagraph (A);
minus

(II) the amounts required under section 9706(h)(3)(C) of the Internal Revenue Code of 1986.

(B) On certification by the trustees of any plan described in subsection (h)(2) that the amount available for transfer by the Secretary pursuant to this section (determined after application of any limitation under subsection (h)(5)) is

less than the amount required to be transferred, to the plan the amount necessary to meet the requirement of subsection (h)(2).

(C) To the Combined Fund, \$9,000,000 on October 1, 2007, \$9,000,000 on October 1, 2008, \$9,000,000 on October 1, 2009, and \$9,000,000 on October 1, 2010 (which amounts shall not be exceeded) to provide a refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1986) paid on or before September 7, 2000, to the Combined Fund, plus interest on the premium calculated at the rate of 7.5 percent per year, on a proportional basis and to be paid not later than 60 days after the date on which each payment is received by the Combined Fund, to those signatory operators (to the extent that the Combined Fund has not previously returned the premium amounts to the operators), or any related persons to the operators (as defined in section 9701(c) of the Internal Revenue Code of 1986), or their heirs, successors, or assigns who have been denied the refunds as the result of final judgments or settlements if—

(i) prior to the date of enactment of this paragraph, the signatory operator (or any related person to the operator)—

(I) had all of its beneficiary assignments made under section 9706 of the Internal Revenue Code of 1986 voided by the Commissioner of the Social Security Administration; and

(II) was subject to a final judgment or final settlement of litigation adverse to a claim by the operator that the assignment of beneficiaries under section 9706 of the Internal Revenue Code of 1986 was unconstitutional as applied to the operator; and

(ii) on or before September 7, 2000, the signatory operator (or any related person to the operator) had paid to the Combined Fund any premium amount that had not been refunded.

(2) PAYMENTS TO STATES AND INDIAN TRIBES.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior for distribution to States and Indian tribes such sums as are necessary to pay amounts described in paragraphs (1)(A) and (2)(A) of section 411(h).

(3) LIMITATIONS.—

(A) CAP.—The total amount transferred under this subsection for any fiscal year shall not exceed \$490,000,000.

(B) INSUFFICIENT AMOUNTS.—In a case in which the amount required to be transferred without regard to this paragraph exceeds the maximum annual limitation in subparagraph (A), the Secretary shall adjust the transfers of funds under paragraph (1) so that—

(i) each such transfer for the fiscal year is a percentage of the amount described;

(ii) the amount is determined without regard to subsection (h)(5)(A); and

(iii) the percentage transferred is the same for all transfers made under paragraph (1) for the fiscal year.

(4) AVAILABILITY OF FUNDS.—Funds shall be transferred under paragraphs (1) and (2) beginning in fiscal year 2008 and each fiscal year thereafter, and shall remain available until expended.

* * * * *

STATE RECLAMATION PROGRAMS

SEC. 405. (a) Not later than the end of the one hundred and eighty-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering implementation of an abandoned mine reclamation program incorporating the provisions of title IV and establishing procedures and requirements for preparation, submission, and approval of State programs consisting of the plan and annual submissions of projects.

(b) Each State having within its borders coal mined lands eligible for reclamation under this title, may submit to the Secretary a State Reclamation Plan and annual projects to carry out the purposes of this title.

(c) The Secretary shall not approve, fund, or continue to fund a State abandoned mine reclamation program unless that State has an approved State regulatory program pursuant to section 503 of this Act.

(d) If the Secretary determines that State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of this title, ~~sections 402 and 410 excepted~~ *section 402 excepted*, the Secretary shall approve such State program and shall grant to the State exclusive responsibility and authority to implement the provisions of the approved program: *Provided*, That the Secretary shall withdraw such approval and authorization if he determines upon the basis of information provided under this section that the State program is not in compliance with the procedures, guidelines, and requirements established under subsection 405(a).

(e) Each State Reclamation Plan shall generally identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the proposed reclamation to surrounding areas, the specific criteria for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform such work in conformance with the provisions of this title.

(f) On an annual basis, each State having an approved State Reclamation Plan may submit to the Secretary an application for the support of the State program and implementation of specific reclamation projects. Such annual requests shall include such information as may be requested by the Secretary including:

- (1) a general description of each proposed project;
- (2) a priority evaluation of each proposed project;
- (3) a statement of the estimated benefits in such terms as: number of acres restored, miles of stream improved, acres of surface lands protected from subsidence, population protected

from subsidence, air pollution, hazards of mine and coal refuse disposal area fires;

(4) an estimate of the cost for each proposed project;

(5) in the case of proposed research and demonstration projects, a description of the specific techniques to be evaluated or objective to be attained;

(6) an identification of lands or interest therein to be acquired and the estimated cost; and

(7) in each year after the first in which a plan is filed under this title, an inventory of each project funded under the previous year's grant: which inventory shall include details of financial expenditures on such project together with a brief description of each such project, including project locations, landowner's name, acreage, type of reclamation performed.

(g) The costs for each proposed project under this section shall include; actual construction costs, actual operation and maintenance costs of permanent facilities, planning and engineering costs, construction inspection costs, and other necessary administrative expenses.

(h) Upon approval of State Reclamation Plan by the Secretary and of the surface mine regulatory program pursuant to section 503, the Secretary shall grant, on an annual basis, funds to be expended in such State pursuant to subsection 402(g) and which are necessary to implement the State reclamation program as approved by the Secretary.

(i) The Secretary, through his designated agents, will monitor the progress and quality of the program. The States shall not be required at the start of any project to submit complete copies of plans and specifications.

(j) The Secretary shall require annual and other reports as may be necessary to be submitted by each State administering the approved State reclamation program with funds provided under this title. Such reports shall include that information which the Secretary deems necessary to fulfill his responsibilities under this title.

(k) Indian tribes having within their jurisdiction eligible lands pursuant to section 404 or from which coal is produced, shall be considered as a "State" for the purposes of this title except for purposes of subsection (c) of this section with respect to the Navajo, Hopi and Crow Indian Tribes

(1) No State shall be liable under any provision of Federal law for any costs or damages as a result of action taken or omitted in the course of carrying out a State abandoned mine reclamation plan approved under this section. This subsection shall not preclude liability for cost or damages as a result of gross negligence or intentional misconduct by the State. For purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

* * * * *

EMERGENCY POWERS

SEC. 410. (a) The Secretary is authorized to expend moneys, including through reimbursement to a State or Tribal Government described in subsection (c), from the fund for the emergency restora-

tion, reclamation, abatement, control, or prevention of adverse effects of coal mining practices, on eligible lands, if the Secretary makes a finding of fact that—

- (1) an emergency exists constituting a danger to the public health, safety, or general welfare; and
- (2) no other person or agency will act expeditiously to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices.

(b) The Secretary, his agents, employees, and contractors shall have the right to enter upon any land where the emergency exists and any other land to have access to the land where the emergency exists to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices and to do all things necessary or expedient to protect the public health, safety, or general welfare. Such entry shall be construed as an exercise of the police power and shall not be construed as an act of condemnation of property nor of trespass thereof. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry: *Provided however*, That this provision is not intended to create new rights of action or eliminate existing immunities.

(c) *STATE OR TRIBAL GOVERNMENT.*—A State or Tribal Government is eligible to receive reimbursement from the Secretary under subsection (a) if such State or Tribal Government has submitted, and the Secretary has approved, an Abandoned Mine Land Emergency Program as part of an approved State or Tribal Reclamation Plan under section 405.

* * * * *

**BALANCED BUDGET AND EMERGENCY DEFICIT
CONTROL ACT**

**PART C—EMERGENCY POWERS TO ELIMINATE
DEFICITS IN EXCESS OF MAXIMUM DEFICIT AMOUNT**

* * * * *

SEC. 255. EXEMPT PROGRAMS AND ACTIVITIES.

(a) **SOCIAL SECURITY BENEFITS AND TIER I RAILROAD RETIREMENT BENEFITS.**—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act (42 U.S.C. 401 et seq.), and benefits payable under sections 3 and 4 of the Railroad Retirement Act of 1937 (45 U.S.C. 231 et seq.), shall be exempt from reduction under any order issued under this part.

(b) **VETERANS PROGRAMS.**—The following programs shall be exempt from reduction under any order issued under this part:

All programs administered by the Department of Veterans Affairs.

Special Benefits for Certain World War II Veterans (28–0401–0–1–701).

(c) NET INTEREST.—No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this part.

(d) REFUNDABLE INCOME TAX CREDITS.—Payments to individuals made pursuant to provisions of the Internal Revenue Code of 1986 establishing refundable tax credits shall be exempt from reduction under any order issued under this part.

(e) NON-DEFENSE UNOBLIGATED BALANCES.—Unobligated balances of budget authority carried over from prior fiscal years, except balances in the defense category, shall be exempt from reduction under any order issued under this part.

(f) OPTIONAL EXEMPTION OF MILITARY PERSONNEL.—

(1) IN GENERAL.—The President may, with respect to any military personnel account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply.

(2) LIMITATION.—The President may not use the authority provided by paragraph (1) unless the President notifies the Congress of the manner in which such authority will be exercised on or before the date specified in section 254(a) for the budget year.

(g) OTHER PROGRAMS AND ACTIVITIES.—

(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this part:

Activities resulting from private donations, bequests, or voluntary contributions to the Government.

Activities financed by voluntary payments to the Government for goods or services to be provided for such payments.

Administration of Territories, Northern Mariana Islands Covenant grants (14-0412-0-1-808).

Advances to the Unemployment Trust Fund and Other Funds (16-0327-0-1-600).

Black Lung Disability Trust Fund Refinancing (16-0329-0-1-601).

Bonneville Power Administration Fund and borrowing authority established pursuant to section 13 of Public Law 93-454 (1974), as amended (89-4045-0-3-271).

Claims, Judgments, and Relief Acts (20-1895-0-1-808).

Compact of Free Association (14-0415-0-1-808).

Compensation of the President (11-0209-01-1-802).

Comptroller of the Currency, Assessment Funds (20-8413-0-8-373).

Continuing Fund, Southeastern Power Administration (89-5653-0-2-271).

Continuing Fund, Southwestern Power Administration (89-5649-0-2-271).

Dual Benefits Payments Account (60-0111-0-1-601).

Emergency Fund, Western Area Power Administration (89-5069-0-2-271).

Exchange Stabilization Fund (20-4444-0-3-155).

Farm Credit Administration Operating Expenses Fund (78-4131-0-3-351).

Farm Credit System Insurance Corporation, Farm Credit Insurance Fund (78-4171-0-3-351).

Federal Deposit Insurance Corporation, Deposit Insurance Fund (51-4596-0-4-373).

Federal Deposit Insurance Corporation, FSLIC Resolution Fund (51-4065-0-3-373).

Federal Deposit Insurance Corporation, Noninterest Bearing Transaction Account Guarantee (51-4458-0-3-373).

Federal Deposit Insurance Corporation, Senior Unsecured Debt Guarantee (51-4457-0-3-373).

Federal Home Loan Mortgage Corporation (Freddie Mac).

Federal Housing Finance Agency, Administrative Expenses (95-5532-0-2-371).

Federal National Mortgage Corporation (Fannie Mae).

Federal Payment to the District of Columbia Judicial Retirement and Survivors Annuity Fund (20-1713-0-1-752).

Federal Payment to the District of Columbia Pension Fund (20-1714-0-1-601).

Federal Payments to the Railroad Retirement Accounts (60-0113-0-1-601).

Federal Reserve Bank Reimbursement Fund (20-1884-0-1-803).

Financial Agent Services (20-1802-0-1-803).

Foreign Military Sales Trust Fund (11-8242-0-7-155).

Hazardous Waste Management, Conservation Reserve Program (12-4336-0-3-999).

Host Nation Support Fund for Relocation (97-8337-0-7-051).

Internal Revenue Collections for Puerto Rico (20-5737-0-2-806).

Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect.

Medical Facilities Guarantee and Loan Fund (75-9931-0-3-551).

National Credit Union Administration, Central Liquidity Facility (25-4470-0-3-373).

National Credit Union Administration, Corporate Credit Union Share Guarantee Program (25-4476-0-3-376).

National Credit Union Administration, Credit Union Homeowners Affordability Relief Program (25-4473-0-3-371).

National Credit Union Administration, Credit Union Share Insurance Fund (25-4468-0-3-373).

National Credit Union Administration, Credit Union System Investment Program (25-4474-0-3-376).

National Credit Union Administration, Operating fund (25-4056-0-3-373).

National Credit Union Administration, Share Insurance Fund Corporate Debt Guarantee Program (25-4469-0-3-376).

National Credit Union Administration, U.S. Central Federal Credit Union Capital Program (25-4475-0-3-376).

Office of Thrift Supervision (20-4108-0-3-373).

Panama Canal Commission Compensation Fund (16-5155-0-2-602).

Payment of Vietnam and USS Pueblo prisoner-of-war claims within the Salaries and Expenses, Foreign Claims Settlement account (15-0100-0-1-153).

Payment to Civil Service Retirement and Disability Fund (24-0200-0-1-805).

Payment to Department of Defense Medicare-Eligible Retiree Health Care Fund (97-0850-0-1-054).

Payment to Judiciary Trust Funds (10-0941-0-1-752).

Payment to Military Retirement Fund (97-0040-0-1-054).

Payment to the Foreign Service Retirement and Disability Fund (19-0540-0-1-153).

Payments to Copyright Owners (03-5175-0-2-376).

Payments to Health Care Trust Funds (75-0580-0-1-571).

Payment to Radiation Exposure Compensation Trust Fund (15-0333-0-1-054).

Payments to Social Security Trust Funds (28-0404-0-1-651).

Payments to the United States Territories, Fiscal Assistance (14-0418-0-1-806).

Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds.

Payments to widows and heirs of deceased Members of Congress (00-0215-0-1-801).

Postal Service Fund (18-4020-0-3-372).

Radiation Exposure Compensation Trust Fund (15-8116-0-1-054).

Reimbursement to Federal Reserve Banks (20-0562-0-1-803).

Salaries of Article III judges.

Soldiers and Airmen's Home, payment of claims (84-8930-0-7-705).

Tennessee Valley Authority Fund, except nonpower programs and activities (64-4110-0-3-999).

Tribal and Indian trust accounts within the Department of the Interior which fund prior legal obligations of the Government or which are established pursuant to Acts of Congress regarding Federal management of tribal real property or other fiduciary responsibilities, including but not limited to Tribal Special Fund (14-5265-0-2-452), Tribal Trust Fund (14-8030-0-7-452), White Earth Settlement (14-2204-0-1-452), and Indian Water Rights and Habitat Acquisition (14-5505-0-2-303).

United Mine Workers of America 1992 Benefit Plan (95-8260-0-7-551).

United Mine Workers of America 1993 Benefit Plan (95-8535-0-7-551).

United Mine Workers of America Combined Benefit Fund (95-8295-0-7-551).

United States Enrichment Corporation Fund (95-4054-0-3-271).

Universal Service Fund (27-5183-0-2-376).

Vaccine Injury Compensation (75-0320-0-1-551).

Vaccine Injury Compensation Program Trust Fund (20-8175-0-7-551).

Payments to States and Indian Tribes from the Abandoned Mine Reclamation Fund, mandatory grants to States and Indian Tribes (12-50q5-0-2-999).

(B) The following Federal retirement and disability accounts and activities shall be exempt from reduction under any order issued under this part:

Black Lung Disability Trust Fund (20-8144-0-7-601).

Central Intelligence Agency Retirement and Disability System Fund (56-3400-0-1-054).

Civil Service Retirement and Disability Fund (24-8135-0-7-602).

Comptrollers general retirement system (05-0107-0-1-801).

Contributions to U.S. Park Police annuity benefits, Other Permanent Appropriations (14-9924-0-2-303).

Court of Appeals for Veterans Claims Retirement Fund (95-8290-0-7-705).

Department of Defense Medicare-Eligible Retiree Health Care Fund (97-5472-0-2-551).

District of Columbia Federal Pension Fund (20-5511-0-2-601).

District of Columbia Judicial Retirement and Survivors Annuity Fund (20-8212-0-7-602).

Energy Employees Occupational Illness Compensation Fund (16-1523-0-1-053).

Foreign National Employees Separation Pay (97-8165-0-7-051).

Foreign Service National Defined Contributions Retirement Fund (19-5497-0-2-602).

Foreign Service National Separation Liability Trust Fund (19-8340-0-7-602).

Foreign Service Retirement and Disability Fund (19-8186-0-7-602).

Government Payment for Annuitants, Employees Health Benefits (24-0206-0-1-551).

Government Payment for Annuitants, Employee Life Insurance (24-0500-0-1-602).

Judicial Officers' Retirement Fund (10-8122-0-7-602).

Judicial Survivors' Annuities Fund (10-8110-0-7-602).

Military Retirement Fund (97-8097-0-7-602).

National Railroad Retirement Investment Trust (60-8118-0-7-601).

National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306).

Pensions for former Presidents (47-0105-0-1-802).

Postal Service Retiree Health Benefits Fund (24-5391-0-2-551).

Public Safety Officer Benefits (15-0403-0-1-754).

Rail Industry Pension Fund (60-8011-0-7-601).

Retired Pay, Coast Guard (70-0602-0-1-403).
 Retirement Pay and Medical Benefits for Commissioned Officers, Public Health Service (75-0379-0-1-551).
 September 11th Victim Compensation Fund (15-0340-0-1-754).
 Special Benefits for Disabled Coal Miners (16-0169-0-1-601).
 Special Benefits, Federal Employees' Compensation Act (16-1521-0-1-600).
 Special Workers Compensation Expenses (16-9971-0-7-601).
 Tax Court Judges Survivors Annuity Fund (23-8115-0-7-602).
 United States Court of Federal Claims Judges' Retirement Fund (10-8124-0-7-602).
 United States Secret Service, DC Annuity (70-0400-0-1-751).
 Victims Compensation Fund established under section 410 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note).
 United States Victims of State Sponsored Terrorism Fund.
 Voluntary Separation Incentive Fund (97-8335-0-7-051).
 World Trade Center Health Program Fund (75-0946-0-1-551).

(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this part:

Biomass Energy Development (20-0114-0-1-271).
 Check Forgery Insurance Fund (20-4109-0-3-803).
 Credit liquidating accounts.
 Credit reestimates.
 Employees Life Insurance Fund (24-8424-0-8-602).
 Federal Aviation Insurance Revolving Fund (69-4120-0-3-402).
 Federal Crop Insurance Corporation Fund (12-4085-0-3-351).
 Federal Emergency Management Agency, National Flood Insurance Fund (58-4236-0-3-453).
 Geothermal resources development fund (89-0206-0-1-271).
 Low-Rent Public Housing—Loans and Other Expenses (86-4098-0-3-604).
 Maritime Administration, War Risk Insurance Revolving Fund (69-4302-0-3-403).
 Natural Resource Damage Assessment Fund (14-1618-0-1-302).
 Overseas Private Investment Corporation, Noncredit Account (71-4184-0-3-151).
 Pension Benefit Guaranty Corporation Fund (16-4204-0-3-601).
 San Joaquin Restoration Fund (14-5537-0-2-301).
 Servicemembers' Group Life Insurance Fund (36-4009-0-3-701).

Terrorism Insurance Program (20–0123–0–1–376).

(h) **LOW-INCOME PROGRAMS.**—The following programs shall be exempt from reduction under any order issued under this part:

Academic Competitiveness/Smart Grant Program (91–0205–0–1–502).

Child Care Entitlement to States (75–1550–0–1–609).

Child Enrollment Contingency Fund (75–5551–0–2–551).

Child Nutrition Programs (with the exception of special milk programs) (12–3539–0–1–605).

Children’s Health Insurance Fund (75–0515–0–1–551).

Commodity Supplemental Food Program (12–3507–0–1–605).

Contingency Fund (75–1522–0–1–609).

Family Support Programs (75–1501–0–1–609).

Federal Pell Grants under section 401 of title IV of the Higher Education Act.

Grants to States for Medicaid (75–0512–0–1–551).

Payments for Foster Care and Permanency (75–1545–0–1–609).

Supplemental Nutrition Assistance Program (12–3505–0–1–605).

Supplemental Security Income Program (28–0406–0–1–609).

Temporary Assistance for Needy Families (75–1552–0–1–609).

(i) **ECONOMIC RECOVERY PROGRAMS.**—The following programs shall be exempt from reduction under any order issued under this part:

GSE Preferred Stock Purchase Agreements (20–0125–0–1–371).

Office of Financial Stability (20–0128–0–1–376).

Special Inspector General for the Troubled Asset Relief Program (20–0133–0–1–376).

(j) **SPLIT TREATMENT PROGRAMS.**—Each of the following programs shall be exempt from any order under this part to the extent that the budgetary resources of such programs are subject to obligation limitations in appropriations bills:

Federal-Aid Highways (69–8083–0–7–401).

Highway Traffic Safety Grants (69–8020–0–7–401).

Operations and Research NHTSA and National Driver Register (69–8016–0–7–401).

Motor Carrier Safety Operations and Programs (69–8159–0–7–401).

Motor Carrier Safety Grants (69–8158–0–7–401).

Formula and Bus Grants (69–8350–0–7–401).

Grants-In-Aid for Airports (69–8106–0–7–402).

(k) **IDENTIFICATION OF PROGRAMS.**—For purposes of subsections (b), (g), and (h), each account is identified by the designated budget account identification code number set forth in the Budget of the United States Government 2010–Appendix, and an activity within an account is designated by the name of the activity and the identification code number of the account.

* * * * *

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

COMMITTEE CORRESPONDENCE

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

ROB BISHOP OF UTAH
RANKING REPUBLICAN

PARISH BRADEN
REPUBLICAN STAFF DIRECTOR

November 23, 2020

The Honorable John Yarmuth
Chair
Committee on the Budget
U.S. House of Representatives
204 Cannon House Office Building
Washington, D.C. 20515

Dear Chair Yarmuth:

I write to you concerning H.R. 4248 the, "Surface Mining Control and Reclamation Act Amendments of 2019."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Budget. I acknowledge that your Committee will not formally consider H.R. 4248 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Rob Bishop, Ranking Member
The Honorable Jason Smith, Parliamentarian

JOHN YARMUTH, KENTUCKY
 CHAIRMAN
 ELLEN BALIS, STAFF DIRECTOR
 (202) 226-7200



STEVE WOMACK, RANKING MEMBER
 BECKY RELIC, MINORITY STAFF DIRECTOR
 (202) 226-7270

U.S. House of Representatives
 COMMITTEE ON THE BUDGET
 Washington, DC 20515

November 25, 2020

The Honorable Raúl M. Grijalva
 Chair, Committee on Natural Resources
 U.S. House of Representatives
 1324 Longworth House Office Building
 Washington, D.C. 20515

Dear Mr. Grijalva:

I write to confirm our mutual understanding regarding H.R. 4248, the *Surface Mining Control and Reclamation Act Amendments of 2019*. This legislation contains provisions that fall within the rule X jurisdiction of the Committee on the Budget. However, the committee agrees to waive formal consideration of the bill.

The Committee on the Budget takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. The committee also reserves the right to seek appointment to any House-Senate conference convened on this legislation or similar legislation and requests your support if such a request is made.

Thank you for ensuring that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill, and I look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

John Yarmuth
 Chairman

cc: The Honorable Steve Womack, Ranking Member, Committee on the Budget
 The Honorable Rob Bishop, Ranking Member, Committee on Natural Resources
 The Honorable Jason Smith, Parliamentarian

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS
None.

