



## COALEX INQUIRY REPORT - 301

October 1994

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**TOPIC:** LEGISLATIVE HISTORY OF 1989-90 AML LEGISLATION

**INQUIRY:** Please locate legislative history material on the 1989 AML bills and the 1990 AML Act which discusses the justification for reclamation fees.

**SEARCH RESULTS:** Using LEXIS, Congressional Record and related materials were identified that discuss the background, need and purpose of the AML Fund. These discussions should provide you with the justification for assessing reclamation fees. Excerpts from several legislative items and the implementing OSM rules published in the Federal Register appear below. Copies of all of the items listed are attached.

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### **1. CONGRESSIONAL RECORD, 135 Cong Rec H 7335 (October 23, 1989). Debate on H.R. 2095, Abandoned Mine Reclamation Act of 1989.**

Comments of Mr. Rahall:

"H.R. 2095 would make a number of improvements to the existing program. Perhaps the most noteworthy is the legislation's focusing of the program's resources to combating the most high priority abandoned coal mine reclamation projects.

...

"This legislation also proposes a number of new initiatives....the legislation explicitly recognizes the severe public health hazard associated with water supplies contaminated by abandoned coal mine workings...H.R. 2095 acknowledges the need to engage in the comprehensive abatement and treatment of acid mine drainage...through a new subtitle to title IV, the bill would establish an abandoned minerals and mineral materials mine reclamation fund.

"This is in recognition of the fact that abandoned noncoal mines can pose the same types of health, safety and environmental hazards as do abandoned coal mines."

### **2. H.R. REP. 294 (H.R. 2095), 101st Cong, 1st Sess (1989).**



An Unfulfilled Promise (p. 18):

"The need for H.R. 2095, as amended, is premised on the large inventory of abandoned coal mine reclamation projects which would not be addressed after the obligation of reclamation fees received through the August 3, 1992, expiration date for fee collection. The Office of Surface Mining Reclamation and Enforcement estimates that over \$4 billion worth of high priority abandoned coal mine reclamation projects would go unfunded. This estimate does not include the entire scope of the abandoned coal mine land situation as the National AML Inventory, maintained by the agency, is based almost entirely on priority 1 and 2 sites."

"In addition, the General Accounting Office estimates there are approximately \$100 million worth of 'interim program' abandoned sites in West Virginia and Pennsylvania alone.... Testimony has also been presented to the Committee which indicates there are over 31,000 acres of unreclaimed land at more than 800 mining sites in 16 states where the mining company was affected by a surety bankruptcy during the 'interim' program period."

See the Report for additional descriptions of "Need".

**Also see these items:**

**3. CONGRESSIONAL RECORD, 135 Cong Rec E 1337, 101st Cong, 1st Sess (April 25, 1989).** Extension of remarks. Introduction of H.R. 2095 by Mr. Rahall.

**4. CONGRESSIONAL RECORD, 135 Cong Rec E 2423, 101st Cong, 1st Sess (June 29, 1989).** Extension of remarks by Mr. Boucher.

**5. BILL TRACKING REPORT, 101 Bill Tracking H.R. 2095.**

**6. CONGRESSIONAL RECORD, 136 Cong Rec S 17512, 101st Cong, 2nd Sess (October 27, 1990).** AML Reauthorization. Comments of Mr. McClure.

**7. CONGRESSIONAL RECORD, 135 Cong Rec S 2720, 101st Cong, 1st Sess (March 15, 1989).** Introduction of S. 599 by Mr. Heinz. [S. 599 was a bill to discontinue assessment of reclamation fees for certain reclaimed coal.]

**8. CONGRESSIONAL RECORD. 135 Cong Rec S 5006, 101st Cong, 1st Sess (May 9, 1989).** Introduction of S. 943 by Mr. McConnell. [S. 943 proposed to amend SMCRA to facilitate use of aml fund money to replace contaminated or diminished water supplies.]

**9. BILL TRACKING REPORT, 101 Bill Tracking H.R. 5835.** Budget reconciliation.



**10. CONGRESSIONAL RECORD, 136 Cong Rec H 10107, 101st Cong, 2nd Sess (October 16, 1990).** Text of H.R. 5835, Omnibus Budget Reconciliation Act of 1990.

**11. CONGRESSIONAL RECORD, 136 Cong Rec H 12423, 101st Cong, 2nd Sess (October 26, 1990).**

**12. CONFERENCE REPORT, H. Rep 964, of H.R. 5835. (2 items)**

**13. 59 FR 28136 (MAY 31, 1994). Final rule. AML Fund reauthorization implementation.**

The rules implement amendments made to Title IV of SMCRA by the Omnibus Budget Reconciliation Act of 1990 (November 5, 1990) which included the Abandoned Mine Reclamation Act of 1990, as amended (AMRA), and by the Energy Policy Act of 1992 (October 24, 1992).

"Besides extending the authority to collect reclamation fees, the amendments to Title IV contain several other significant provisions as follows:

"The amendments concentrate a greater amount of resources toward combating the highest priority abandoned coal mine reclamation projects. This goal is accomplished by allocating forty percent of the Federal share of funds to program States and Indian tribes until they complete all of their priority 1 and 2 abandoned coal mine reclamation projects.

"The new provisions also provide additional resources to combat abandoned coal mine hazards by enabling interest to accrue to amounts in the AML Fund and by strengthening reclamation fee collection and auditing authority.

"The legislation also recognizes the severe hazards to public health and safety caused by water supplies contaminated by past mining practices.

"The new amendments allow States and Indian tribes to establish comprehensive acid mine drainage programs to combat the devastating effects on land, water and quality of life in areas affected by acid mine drainage.

"The new provisions allow States and Indian tribes to address high priority coal sites abandoned after enactment of the 1977 Act. Sites which were abandoned prior to a State receiving primacy pursuant to Title V of SMCRA, or which remain unreclaimed due to the insolvency of a surety company, cannot be addressed with Title IV funds.

"The new legislation provides for a specific allocation of collected fees from which funds may be transferred annually to the Department of Agriculture to administer RAMP under Section 406 of SMCRA."



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U.S. Department of the Interior