

108TH CONGRESS  
2D SESSION

# S. 2208

To amend the Surface Mining Control and Reclamation Act of 1977 to reduce the amounts of reclamation fees, to modify requirements relating to transfers from the Abandoned Mine Reclamation Fund, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 12, 2004

Mr. ROCKEFELLER (for himself, Mr. BOND, and Mr. BUNNING) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to reduce the amounts of reclamation fees, to modify requirements relating to transfers from the Abandoned Mine Reclamation Fund, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RECLAMATION FEE.**

4 (a) RATES.—Section 402(a) of the Surface Mining  
5 Control and Reclamation Act of 1977 (30 U.S.C. 1232(a))  
6 is amended—

1           (1) by striking “35 cents per ton” and inserting  
2           “28 cents per ton”;

3           (2) by striking “15 cents per ton” and inserting  
4           “12 cents per ton”; and

5           (3) by striking “10 cents per ton” and inserting  
6           “8 cents per ton”.

7           (b) ESTABLISHMENT OF RATES BY REGULATION.—  
8           Section 402(b) of the Surface Mining Control and Rec-  
9           lamation Act of 1977 (30 U.S.C. 1232(b)) is amended by  
10          striking “September 30, 2004, after which time the fee  
11          shall be established at a rate to continue to provide for  
12          the deposit referred to in subsection (h) of this section”  
13          and inserting “September 30, 2019. After that date, the  
14          Secretary shall, by regulation, establish the fee at a rate  
15          sufficient to provide for the transfers required under sub-  
16          section (h)”.

17          **SEC. 2. TRANSFERS OF FUNDS.**

18          Section 402(h) of the Surface Mining Control and  
19          Reclamation Act of 1977 (30 U.S.C. 1232(h)) is amended  
20          to read as follows:

21          “(h) TRANSFERS OF INTEREST EARNED BY FUND.—

22                 “(1) IN GENERAL.—The Secretary shall, as of  
23                 the beginning of each fiscal year beginning on or  
24                 after October 1, 2004, and before making any allo-  
25                 cation with respect to the fiscal year under sub-

1 section (g), use an amount not to exceed the amount  
2 of interest that the Secretary estimates will be  
3 earned and paid to the fund during the fiscal year  
4 to make the transfers described in paragraph (2).

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

7 “(A) A transfer to the United Mine Work-  
8 ers of America Combined Benefit Fund, in an  
9 amount equal to the difference between—

10 “(i) the amount that the trustees of  
11 the Combined Benefit Fund estimate will  
12 be expended from the premium accounts  
13 maintained by the Combined Benefit Fund  
14 for the fiscal year of the fund in which the  
15 transfer is made; minus

16 “(ii) the amount the trustees of the  
17 Combined Benefit Fund estimate the Com-  
18 bined Benefit Fund will receive during  
19 such fiscal year in required health benefit  
20 premiums.

21 “(B) A transfer to the United Mine Work-  
22 ers of America 1992 Benefit Plan, in an  
23 amount equal to the difference between—

24 “(i) the amount that the trustees of  
25 the 1992 Benefit Plan estimate will be ex-

1           pended from the 1992 Benefit Plan during  
2           the next calendar year to provide the bene-  
3           fits required by the 1992 Benefit Plan on  
4           the date of enactment of this subpara-  
5           graph; minus

6           “(ii) the amount that the trustees of  
7           the 1992 Benefit Plan estimate the 1992  
8           Benefit Plan will receive during such cal-  
9           endar year in required monthly per bene-  
10          ficiary premiums, including the amount of  
11          any security provided to the 1992 Benefit  
12          Plan that is available for use in the provi-  
13          sion of benefits.

14          “(C) A transfer to the multiemployer  
15          health benefit plan established after July 20,  
16          1992, by the parties that are the settlors of the  
17          1992 Benefit Plan referred to in subparagraph  
18          (B), in an amount equal to the difference be-  
19          tween—

20                 “(i) the amount that the trustees of  
21                 the multiemployer health benefit plan esti-  
22                 mate will be expended from such plan dur-  
23                 ing the next calendar year, to provide ben-  
24                 efits no greater than those provided by

1           such plan on the date of enactment of this  
2           subparagraph; minus

3           “(ii) the amount of income that such  
4           trustees estimate such plan will receive  
5           during such calendar year.

6           “(3) ADJUSTMENT.—If, for any fiscal year, the  
7           amount of a transfer under subparagraph (A), (B),  
8           or (C) of paragraph (2) is more or less than the  
9           amount required to be transferred under that sub-  
10          paragraph, the Secretary shall appropriately adjust  
11          the amount transferred under that subparagraph for  
12          the next fiscal year.

13          “(4) ADDITIONAL AMOUNTS.—

14                 “(A) PREVIOUSLY CREDITED INTEREST.—  
15                 Notwithstanding any other provision of law, any  
16                 interest credited to the fund that has not pre-  
17                 viously been transferred to the Combined Ben-  
18                 efit Fund referred to in paragraph (2)(A) under  
19                 this section shall be used—

20                         “(i) to transfer to the Combined Ben-  
21                         efit Fund such amounts as are estimated  
22                         by the trustees of the Combined Benefit  
23                         Fund to offset the amount of any deficit in  
24                         net assets in the Combined Benefit Fund;  
25                         and

1           “(ii) to the extent any such interest  
2           remains after the transfer under clause (i),  
3           to make the transfers described in sub-  
4           paragraphs (A), (B), and (C) of paragraph  
5           (2).

6           “(B)           PREVIOUSLY           ALLOCATED  
7           AMOUNTS.—All amounts allocated under sub-  
8           section (g)(2), including interest, before the  
9           date of enactment of this subparagraph for the  
10          program set forth under section 406, but not  
11          appropriated prior to such date, shall be avail-  
12          able to the Secretary to make the transfers de-  
13          scribed in paragraph (2).

14          “(5) LIMITATIONS.—

15                 “(A) The Secretary may make transfers  
16                 under subparagraphs (B) and (C) of paragraph  
17                 (2) for a fiscal year only if the Secretary deter-  
18                 mines, using actuarial projections provided by  
19                 the trustees of the Combined Benefit Fund re-  
20                 ferred to in paragraph (2)(A), that amounts  
21                 will be available under paragraph (1), after  
22                 such transfer, for the next fiscal year for mak-  
23                 ing the transfer under paragraph (2)(A).

24                 “(B) A transfer under paragraph (2)(C)  
25                 shall not be made for a fiscal year unless the

1 persons that are obligated to contribute to the  
2 plan referred to in paragraph (2)(C) on the  
3 date of the transfer are obligated to make such  
4 contributions at rates that are no less than  
5 those in effect on the date of enactment of this  
6 subparagraph.”

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