

Subcommittee on Energy and Mineral Resources

Paul Gosar, Chairman

Hearing Memorandum

March 31, 2017

To: All Subcommittee on Energy and Mineral Resources Members

From: Majority Committee Staff—Joshua Hoffman and Andrew Vecera
Subcommittee on Energy and Mineral Resources (x5-9297)

Hearing: **Legislative hearing on H.R. 1731 (Rep. Hal Rogers)**, To amend the Surface Mining Control and Reclamation Act of 1977 to provide funds to States and Indian tribes for the purpose of promoting economic revitalization, diversification, and development in economically distressed communities through the reclamation and restoration of land and water resources adversely affected by coal mining carried out before August 3, 1977, and for other purposes.
April 5, 2017, 10:00 AM, 1324 Longworth House Office Building

H.R. 1731 (Rep. Hal Rogers, R-KY), *“Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More Act of 2017”* or the *“RECLAIM Act of 2017”*

Summary of the Bill

Amends the Surface Mining Control and Reclamation Act of 1977 to make \$200 million available to the Department of the Interior for each of fiscal year (FY) 2018-2022 for distribution to states and Indian tribes to for the reclamation and restoration of land and water resources adversely affected by “abandoned mine lands” (AML) stemming from coal mining carried out before August 3, 1977 to catalyze economic revitalization, diversification, and development in economically distressed communities.

Invited Witnesses

Panel I

The Honorable Harold Rogers (R-KY)

Member of Congress

Panel II (in alphabetical order)

Mr. Fritz Boettner

Principal, Geographic Information Systems Program

Downstream Strategies

Morgantown, WV

Ms. Autumn Coleman

Program Manager

Abandoned Mine Lands Program - Montana Department of Environmental Quality

(On Behalf of National Association of Abandoned Mine Lands Programs)

Helena, MT

Mr. Robert F. Scott, PE, PLS

Director, Division of Abandoned Mine Lands, Kentucky Department of Natural Resources
Vice President, National Association of Abandoned Mine Land Programs
(On Behalf of Interstate Mining Compact Commission (IMCC))
Frankfort, KY

Cosponsors: Reps. Cartwright, Matt (D-PA-17), Griffith, Morgan (R-VA-9), Jenkins, Evan (R-WV-3), McKinley, David (R-WV-1), Shuster, Bill (R-PA-9), Stivers, Steve (R-OH-15), Thompson, Glenn, (R-PA-5)

Background

Title IV of the Surface Mine Control and Reclamation Act of 1977 (“SMCRA”) established a system for the reclamation of abandoned mine lands (“AML”). AML sites are “those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes . . . and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or other Federal laws.”¹

Thus, to qualify as an AML site, two attributes must exist: first, the site must have been affected by coal mining activities and abandoned prior to August 3, 1977; and second, there must be no responsible party for the reclamation of the land under state or Federal laws. With no liable party, the state in which an AML site is located becomes the de facto entity responsible for remediating the site. These sites pose an economic burden to states’ economies, as well as health and environmental hazards to the local community.

Classifying AML Sites

Although all AML sites share two basic attributes, AML sites are further divided into a priority system dependent on the observed severity and threat of the condition:

- Priority 1 conditions are those that pose an extreme danger to public health, safety, and property;
- Priority 2 conditions are those that threaten adverse effects to public health and safety; and
- Priority 3 conditions are defined as those with environmental degradation, in either water or land resources, due to the adverse effects of coal mining.²

Therefore, SMCRA established a clear preference to prioritize the remediation of conditions that impact human health over those that degrade the environment.³

Despite the distinguishing characteristics between each priority, the actual classification of a condition is contingent on a number of considerations made by a state reclamation program,

¹ 30 U.S.C. § 1234.

² 30 U.S.C. § 1233(a).

³ See 30 U.S.C. § 1232(g).

including the geographic and climatic features of the site, proximity to the public, and the realities of the regional coal mining practices. As such, each condition must be independently assessed. For instance, water runoff flowing from a site or an abandoned highwall may be classified as Priority 1, 2, or 3 depending on the perceived impact the condition will have on surrounding communities.⁴

Furthermore, AML sites do not generally fit neatly within a single classification. Indeed, many AML sites include a number of conditions with varying priorities – and thus, state reclamation programs are not able to prioritize the reclamation of sites based solely on the corresponding Priority numbers.⁵

Certified and Uncertified States

Another important element established within Title IV of SMCRA is the distinction made between certified and uncertified states, a classification meant to indicate whether a state has achieved the remediation of all Priorities within its boundaries.⁶

Initially, all states with an approved reclamation program are deemed uncertified, but a state may seek certification from the Secretary of the Interior (“Secretary”) once, in the state’s own determination, the state has achieved “all of the priorities stated in section 403(a) . . . for eligible lands and waters.” Such certification is contingent on the Secretary concurring with the determination after proceeding through notice and comment procedures in the Federal Register.⁷

Once certified, states are given more latitude on how they spend federal AML funding. Specifically, states may spend federal AML funds on the protection and restoration of land or water resources affected by “mineral mining and processing practices,” as certified states are presumed by definition to no longer have sites affected by abandoned coal mining operations.⁸ Unfortunately, when several states sought certification in the early 1980s, the breadth of AML sites was not fully understood, and as such, several states that achieved certification have updated AML inventories with liabilities exceeding \$100 million.⁹

Abandoned Mine Reclamation Fund and Costs of AML Sites

Title IV of SMCRA established a funding mechanism for associated reclamation activities, an “Abandoned Mine Reclamation Fund” (“Fund”), which is funded via a fee imposed on current mining operations.¹⁰ Currently, the fee is assessed at 28 cents per ton for surface coal mining, 12 cents per ton for underground coal mining, and 8 cents per ton for lignite coal. In

⁴ OSM, e-AMLIS Priority 1 and 2, available at https://www.osmre.gov/programs/AMLIS/priority1_2.shtm#dh, and OSM, e-AMLIS Priority 3, <https://www.osmre.gov/programs/AMLIS/priority3.shtm#h>.

⁵ For instance, in Clearfield, PA one site included three Priority 1 conditions, three Priority 2 conditions, and two Priority 3 Conditions. Site Number PA006462, available at <https://amlis.osmre.gov/QueryAdvanced.aspx>.

⁶ See 30 U.S.C. § 1240a.

⁷ 30 U.S.C. § 1240(a)(1).

⁸ 30 U.S.C. § 1240(c).

⁹ See Appendix A of this hearing memorandum for an updated list of outstanding, unfunded liabilities by state.

¹⁰ See 30 U.S.C. § 1232.

total, the Fund is predicted to have raised a cumulative total of \$11.2 billion by the end of the current fiscal year.¹¹

SMCRA tasks the Secretary with the collection of the fee and the paying of uncertified states in their ongoing reclamation efforts from the Fund. Each uncertified state receives 50% of the fees collected within its boundaries, as well as an additional sum of money conditioned on the amount of historic coal production that occurred within its borders.¹² All uncertified states are statutorily required to receive at least \$3,000,000 annually.¹³

For certified states, SMCRA directs the U.S. Department of the Treasury (“Treasury”) to provide the funding. Unlike uncertified states, certified state payments are limited to 50% of the fees collected from coal mining within the state.¹⁴

An important distinction between the payments to certified and uncertified states is the source of the funding itself. While both are mandatory, uncertified payments remain insulated from potential budgetary offsets because they are derived from the Fund itself, whereas certified payments are paid out of the General Fund of the Treasury. As such, certified state payments have been subjected to unfair and improper budgetary caps in the past to pay for non-AML spending programs.¹⁵

Although the Fund has been in existence for nearly 40 years and collected over \$10 billion in fees, much work is yet to be done. On top of the \$3.8 billion in completed projects, the Secretary currently assesses outstanding and unfunded liabilities in excess of \$10.4 billion, including \$475.2 million in unfunded Priority 1 sites and \$7.2 billion in unfunded Priority 2 sites.¹⁶

H.R. 1731: The RECLAIM Act of 2017

The *RECLAIM Act of 2017* seeks to address outstanding AML issues, while also encouraging the reinvigoration of the economies of depressed coal communities by accelerating the release of \$1 billion from the remaining, unappropriated balance in the Fund. Reclaiming abandoned mines near coal communities impacted by both abandoned mine lands and the recent decrease in coal mining paves the way for the economic revitalization of these communities. To be clear, the monies authorized to be spent by *RECLAIM* are limited to reclamation work alone. Community partnerships would be leveraged for the economic after-projects. While the

¹¹ OSM, Fiscal Year 2017 Budget Justification, at 118, available at https://www.doi.gov/sites/doi.gov/files/uploads/FY2017_OSM_Budget_Justification.pdf.

¹² See 30 U.S.C. § 1232(g). Given the shift in market conditions to favor western coal production, the majority of eastern states now receive more money based on historic coal production numbers than they do from fees collected. See OSM, Fiscal Year 2017 Grant Distribution, available at <https://www.osmre.gov/resources/grants/docs/FY17GrantDist.pdf>.

¹³ 30 U.S.C. § 1232(g)(8).

¹⁴ See 30 U.S.C. § 1232(i)(2).

¹⁵ See e.g. Moving Ahead for Progress in the 21st Century, Pub. L. No. 112-175, § 100125 (2012) (capping the amount of money certified states could receive from the Treasury at \$15,000,000).

¹⁶ Data taken from query of the Abandoned Mine Land Inventory System on March 22, 2017, available at <https://amlis.osmre.gov/QueryAdvanced.aspx>.

economic component is only explicitly required for Priority 3 sites, nothing prohibits a state from considering additional resources brought to bear from community organizations when considering Priority 1 or 2 sites.

Major Provisions/Section-by-Section Analysis of H.R. 1731

Section 1 - Short Title

Section 2 – Economic Revitalization for Coal Country

Provides for the addition of Section 416: Abandoned Mine Land Economic Revitalization to Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Section 416 is outlined below:

Subsection (a): Purpose – summarizes the purpose of Section 416, which is to promote economic revitalization, diversification, and development in economically distressed mining communities.

Subsection (b): In General – provides the Secretary of Interior with \$200 million annually from Fiscal Year 2017 to 2021 for the purposes outlined in section (a).

Subsection (c): Use of Funds for Projects at Priority 3 Sites – specifies that funding distributed to States and Indian tribes used to carry out reclamation projects on Priority 3 sites must be intended to create favorable conditions for economic development in the surrounding area.

Eligible project applicants include state, local, county, or tribal entities and project-related activities may be sub-contracted out to nongovernmental organizations. These projects must be conducted in areas that have been adversely affected by a recent reduction in coal mining-related activity or in communities that have traditionally relied on coal mining for a substantial portion of their economy.

Each project applicant must engage in appropriate project planning and can collaborate with outside persons or organizations if necessary. The public must be notified during the project planning process and be given the opportunity to comment at public meetings near proposed project sites.

Subsection (d): Distribution of Funds – distributes funds to states and Indian tribes:

Uncertified States and Indian Tribes

\$195 million will be distributed to uncertified states and tribes with approved AML programs each year from Fiscal Year 2017 to 2021.

- Fiscal Years 2017, 2018, and 2019 – funding is allocated based on the distribution formula. The formula is based on historical coal production and the proportion coal fees paid into the AML fund between the years of 2012 and 2016.

- Fiscal Year 2020 through 2021 – if a state or tribe has fully committed the funding it received in FY17, FY18, and FY19 to projects, it will receive the same amount it received in those years for each of FY20-21 (if it fully utilizes its allocation in each year). It will also have an opportunity to apply for additional funding through the reallocation process explained below. This process will award additional funding to states and tribes based on their unmet reclamation needs, the amount they paid into the AML Fund, and coal mining employment losses. If a state or tribe has not fully committed the funding it received in the previous fiscal year, then it will receive either the amount it has committed to projects in that previous year, or the amount it received in FY17 (whichever amount is lesser).
- Fiscal Year 2022 – each state or Indian tribe that has committed the full amount of its FY21 allocation to projects is eligible for a reallocation or “bonus payment” in FY22. These payments will be awarded from the pot of funds that remain uncommitted from all previous fiscal years. The reallocation process is described below.

Additional Funding to Certain State and Indian Tribes

An additional \$5 million will be available each year to certified states, to be distributed by the Secretary through a grant application process.

Reallocation of Uncommitted Funds

This section is intended to incentivize states and tribes to execute project agreements and to use the funding they are granted under this section in a timely manner. It will also ensure that funding allocated under this section is used for its intended purpose and not wasted by states and tribes who choose not to use it. By reallocating unused funds to states and tribes, the program is offering them the opportunity of a bonus payment (if funds are available) as a reward for using their funds for eligible projects. This process will allow for the efficient reclamation of as much abandoned mine land as possible during the life of the program. The reallocation process is summarized here:

- Fiscal Year 2020 through 2021 – states and tribes will lose any funding that they have not committed to projects from their FY17, FY18, and FY19 allocation. The Secretary will redistribute unused funding to states and tribes that have fully utilized their funding allocations in each of FY20-21 through an application process. For eligible states and tribes, this section essentially provides them with an opportunity to apply for “bonus payments” on top of the direct allocation they receive from the Secretary. In order to remain eligible for bonus payments, a state or tribe must commit its full allocation from the previous year to projects.
- Fiscal Year 2022 – the Secretary will award “bonus payments” to states and tribes that have committed all of the funding allotted to them in FY21 for projects, provided that

funds are available. Funds will be available for these bonus payments if there are funds that remain uncommitted from previous fiscal years.

- Amount of Reallocation – the amount to be reallocated to states and Indian tribes will be based on the amount of unmet reclamation needs in their inventory, the amount the state or Indian tribe paid into the Fund, and the proportion of recent coal mining employment loss incurred in the state or tribe, based on MSHA coal employment data.

The term “committed” is defined to mean that funds received by the state or Indian tribe have been reserved for a specific project or have been expended or designated for the completion of a project.

Subsection (e): Resolution of Secretary’s Concerns and Congressional Notification – requires the Secretary to engage with the relevant state or Indian tribe if it determines that a selected project does not meet the criteria specified in the bill. This process will take place before a project is rejected by the Secretary, and is intended to assist states and tribes in making their preferred projects eligible for the program. This process can take no longer than 45 days from the moment problems are identified with the project in question. If a project must be rejected, the Secretary will provide Congress with an explanation for the rejection.

Subsection (f): Acid Mine Drainage Treatment – authorizes states and Indian tribes to use up to 30% of the funds received under this section to be used for the treatment of acid mine drainage problems. If a state or tribe can demonstrate that its current acid mine drainage funding allocation is insufficient, it may use funding from this program to remedy existing acid mine drainage problems. As with any other project funded through this program, if a state or tribe executes a project agreement to use funding provided under this section for acid mine drainage work, then it will be considered “committed” for purposes of reallocation.

Subsection (g): Project Planning and Administration – allows states and tribes to designate up to 10% of their distribution for project planning and administrative purposes. During project planning, the state or Indian tribe should identify eligible projects, update the inventory of abandoned mine sites, develop project designs, prepare cost estimates, and engage in other similar activities necessary to facilitate the reclamation of these lands.

Subsection (h): Report to Congress – requires the Secretary to report to the Committees on Natural Resources and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate about the projects they have undertaken and the resulting economic and community benefits.

Section 3 – Technical and Conforming Amendments

This section makes several conforming and technical amendments to title IV of SMCRA, including adding references to the new authority in several sections and updating the inventory language in section 403(c) to achieve a more accurate inventory of existing AML problems.

Section 4 – Minimum State Payments

Language is included raising the cap on minimum state payments from \$3 million to \$5 million per year.

Section 5 – GAO Study on Use of Funds

GAO must issue a report to Congress no later than two years after enactment on the solvency of the Abandoned Mine Reclamation Fund and the impact of the RECLAIM Act on the payments issued to certified and uncertified states under SMCRA and transfers to the United Mine Workers of America Combined Benefit Fund.

Section 6 – Abandoned Mine Land Reclamation and Restoration Initiative

Clarifies that ARC funds appropriated by Congress can be used for economic and community development projects on AML land.

Section 7 – Headquarters of the Appalachian Regional Commission

The Federal Co-chairs of the Appalachian Regional Commission must develop a plan to move the headquarters of the Appalachian Regional Commission from Washington, D.C. to a location in Appalachia.

Cost

Unknown at this time

Administration Position

Unknown at this time

Effect on Current Law

Showing Current Law as Amended by H.R. 1731

[new text highlighted in yellow; text to be deleted bracketed and highlighted in blue]

Surface Mining Control and Reclamation Act (SMCRA) of 1977 Title IV, §415 (30 U.S.C. 1244). Remining incentives

(a) In general

Notwithstanding any other provision of this chapter, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remining of eligible land under section 1234 of this title in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

(b) Requirements

Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State regulatory authority referred to in subchapter V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

(c) Incentives

(1) In general

Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to-

- (A) a rebate or waiver of the reclamation fees required under section 1232(a) of this title; and
- (B) the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 1259 of this title.

(2) Limitations

(A) Use

A rebate or waiver under paragraph (1)(A) shall be used only for operations that-

- (i) remove or reprocess abandoned coal mine waste; or
- (ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 1233(a) of this title.

(B) Amount

The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section.

(Pub. L. 95-87, title IV, §415, as added Pub. L. 109-432, div. C, title II, §207, Dec. 20, 2006, 120 Stat. 3018.)

SMCRA of 1977 Title IV, §416 (30 U.S.C. 1245). Abandoned mine land economic revitalization

(a) PURPOSE.—The purpose of this section is to promote economic revitalization, diversification, and development in economically distressed mining communities through the reclamation and restoration of land and water resource adversely affected by coal mining carried out before August, 3 1977.

(b) IN GENERAL.—From amounts deposited into the fund under section 401(b) before October 1, 2007, and not otherwise appropriated to the extent such funds are not otherwise appropriated to the extent such funds are available, \$200,000,000 shall be made available to the Secretary, without further appropriation, for each of fiscal years 2017 through 2021 for distribution to States and Indian tribes in accordance with this section for reclamation and restoration projects at sites identified as priorities under section 403(a): Provided, That if less than \$200,000,000 is available in any fiscal year to the Secretary, such remaining amount shall be made available to the Secretary, without further appropriation, and such fiscal year shall end distributions made available under this section.

(c) USE OF FUNDS FOR PRIORITY SITES.—Funds distributed to a State or Indian tribe under subsection (d) shall be used only for projects classified under the priorities of section 403(a). In addition, if the project is classified under paragraph (3) of such section, the project also must meet the following criteria:

(1) CONTRIBUTION TO FUTURE ECONOMIC OR COMMUNITY DEVELOPMENT.—

(A) IN GENERAL.—The project, upon completion of reclamation, is intended to create favorable conditions for the economic development of the project site or create favorable conditions that promote the general welfare through economic and community development of the area in which the project is conducted.

(B) DEMONSTRATION OF CONDITIONS.—

Such conditions are demonstrated by—

(i) documentation of the role of the project in such area's economic development strategy or other economic and community development planning process;

(ii) any other documentation of the planned economic and community use of the project site after the primary reclamation activities are completed, which may include contracts, agreements in principle, or other evidence that, once reclaimed, the site is reasonably anticipated to be used for one or more industrial, commercial, residential, agricultural, or recreational purposes; or

(iii) any other documentation agreed to by the State or Indian tribe that demonstrates the project will meet the criteria set forth in this subsection.

(2) LOCATION IN COMMUNITY AFFECTED BY RECENT DECLINE IN MINING.—The project will be conducted in a community—

(A) that has been adversely affected economically by a recent reduction in coal mining-related activity, as demonstrated by employment data, per capita income, or other indicators of reduced economic activity attributable to such reduction; or

(B)(i) that has historically relied on coal mining for a substantial portion of its economy; and

(ii) in which the economic contribution of coal mining has significantly declined.

(3) STAKEHOLDER COLLABORATION.—

(A) IN GENERAL.—The project has been the subject of project planning under subsection (g) and has been the focus of collaboration, including partnerships, as appropriate, with interested persons or local organizations.

(B) PUBLIC NOTICE.—As part of project planning, the public has been notified and has been given an opportunity to comment at a public meeting convened in a community near the proposed site.

(4) ELIGIBLE APPLICANTS.—The project has been proposed by entities of State, local, county, or tribal governments, or local organizations, and will be approved and executed by State or tribal programs, approved under section 405 or referred to in section 402(g)(8)(B), which may include subcontracting project-related activities, as appropriate.

(d) DISTRIBUTION OF FUNDS.—

(1) UNCERTIFIED STATES.—

(A) IN GENERAL.—From the amount made available in subsection (b), the Secretary shall distribute \$195,000,000 annually for each of fiscal years 2017 through 2021 to States and Indian tribes that have a State or tribal program approved under section 405 or are referred to in section 402(g)(8)(B), and have not made a certification under section 411(a) in which the Secretary has concurred as follows:

(i) Four-fifths of such amount shall be distributed based on the proportion of the amount of coal historically produced in each State or from the lands of each Indian tribe concerned before August 3, 1977.

(ii) One-fifth of such amount shall be distributed based on the proportion of reclamation fees paid during the period of fiscal years 2012 through 2016 for lands in each State or lands of each Indian tribe concerned.

(B) SUPPLEMENTAL FUNDS.—Funds distributed under this section—

(i) shall be in addition to, and shall not affect, the amount of funds distributed—

(I) to States and Indian tribes under section 401(f); and

(II) to States and Indian tribes that have made a certification under section 411(a) in which the Secretary has concurred, subject to the cap described in section 402(i)(3); and

(ii) shall not reduce any funds distributed to a State or Indian tribe by reason of the application of section 402(g)(8).

(2) ADDITIONAL FUNDING TO CERTAIN STATES AND INDIAN TRIBES.—

(A) ELIGIBILITY.—From the amount made available in subsection(b), the Secretary shall distribute \$5,000,000 annually for each of the five fiscal years beginning with fiscal year 2017 to States and Indian tribes that have a State program approved under section 405 and have made a certification under section 411(a) in which the Secretary has concurred.

(B) APPLICATION FOR FUNDS.—Using the process in section 405(f), any State or Indian tribe described in subparagraph (A) may submit a grant application to the Secretary for funds under this paragraph. The Secretary shall review each grant application to confirm that the projects identified in the application for funding are eligible under subsection (c).

(C) DISTRIBUTION OF FUNDS.—The amount of funds distributed to each State or Indian tribe under this paragraph shall be determined by the Secretary based on the demonstrated need for the funding to accomplish the purpose of this section.

(3) REALLOCATION OF UNCOMMITTED FUNDS.—

(A) COMMITTED DEFINED.—For the purposes of this paragraph the term “committed”—

(i) means that funds received by the State or Indian tribe—

(I) have been exclusively applied to or reserved for a specific project and therefore are not available for any other purpose; or

(II) have been expended or designated by the State or Indian tribe for the completion of a project;

(ii) includes use of any amount for project planning under subsection (g); and

(iii) reflects an acknowledgement by Congress that, based on the documentation required under subsection (c)(2)(B), any unanticipated delays to commit such funds that are outside the control of the State or Indian tribe concerned shall not affect its allocations under this section.

(B) FISCAL YEARS 2020 AND 2021.—For each of fiscal years 2020 and 2021, the Secretary shall reallocate in accordance with subparagraph (D) any amount available for distribution under this subsection that has not been committed to eligible projects in the preceding 2 fiscal years, among the States and Indian tribes that have committed to eligible projects the full amount of their annual allocation for the preceding fiscal year.

(C) FISCAL YEAR 2022.—For fiscal year 2022, the Secretary shall reallocate in accordance with subparagraph (D) any amount available for distribution under this subsection that has not been committed to eligible projects or distributed under paragraph (1)(A), among the States and Indian tribes that have committed to eligible projects the full amount of their annual allocation for the preceding fiscal years.

(D) AMOUNT OF REALLOCATION.—The amount reallocated to each State or Indian tribe under each subparagraphs (B) and (C) shall be determined by the Secretary to reflect, to the extent practicable—

(i) the proportion of unreclaimed eligible lands and waters the State or Indian tribe has in the inventory maintained under section 403(c);

(ii) the average of the proportion of reclamation fees paid for lands in each State or lands of each Indian tribe concerned; and

(iii) the proportion of coal mining employment loss incurred in the State or on lands of the Indian tribe, respectively, as determined by the Mine Safety and Health Administration, over the 5-year period preceding the fiscal year for which the reallocation is made.

(e) RESOLUTION OF SECRETARY'S CONCERNS; CONGRESSIONAL NOTIFICATION.—If the Secretary does not agree with a State or Indian tribe that a proposed project meets the criteria set forth in subsection (c)—

(1) the Secretary and the State or tribe shall meet and confer for a period of not more than 45 days to resolve the Secretary's concerns, except that such period may be shortened by the Secretary if the Secretary's concerns are resolved;

(2) during that period, at the State's or Indian tribe's request, the Secretary may consult with any appropriate Federal agency; and

(3) at the end of that period, if the Secretary's concerns are not resolved the Secretary shall provide to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an explanation of the concerns and such project proposal shall not be eligible for funds distributed under this section.

(f) ACID MINE DRAINAGE TREATMENT.—

(1) IN GENERAL.—Subject to paragraph (2), a State or Indian tribe that receives funds under this section may use up to 30 percent of such funds as necessary to supplement the State’s or tribe’s acid mine drainage abatement and treatment fund established under section 402(g)(6)(A), for future operations and maintenance costs for the treatment of acid mine drainage associated with the individual projects funded under this section. A State or Indian tribe shall specify the total funds allotted for such costs in its application submitted under subsection (d)(2)(B).

(2) CONDITION.—A State or Indian tribe may use funds under this subsection only if the State or tribe can demonstrate that the annual grant distributed to the State or tribe pursuant to section 401(f), including any interest from the State’s or tribe’s acid mine drainage abatement and treatment fund that is not used for the operation or maintenance of preexisting acid mine drainage treatment systems, is insufficient to fund the operation and maintenance of any acid mine drainage treatment system associated with an individual project funded under this section.

(g) PROJECT PLANNING AND ADMINISTRATION.—

(1) STATES AND INDIAN TRIBES.—

(A) IN GENERAL.—A State or Indian tribe may use up to 10 percent of its annual distribution under this section for project planning and the costs of administering this section.

(B) PLANNING REQUIREMENTS.—Planning under this paragraph may include—

(i) identifying eligible projects;

(ii) updating the inventory referred to in section 403(c);

(iii) developing project designs;

(iv) collaborating with stakeholders, including public meetings;

(v) preparing cost estimates; or

(vi) engaging in other similar activities necessary to facilitate reclamation activities under this section.

(2) SECRETARY.—The Secretary may expend, from amounts made available to the Secretary under section 402(g)(3)(D), not more than \$3,000,000 during the fiscal years for which distributions occur under subsection (b) for staffing and other administrative expenses necessary to carry out this section.

(h) REPORT TO CONGRESS.—The Secretary shall provide to the Committee on Natural Resources of the House of Representatives, the Committees on Appropriations of the House of Representatives and the Senate, and the Committee on Energy and Natural Resources of the Senate at the end of each fiscal year for which such funds are distributed a detailed report—

(1) on the various projects that have been undertaken with such funds;

(2) the extent and degree of reclamation using such funds that achieved the priorities described in paragraph (1) and (2) of section 403(a);

(3) the community and economic benefits that are resulting from, or are expected to result from, the use of the funds that achieved the priorities described in paragraph (3) of section 403(a); and

(4) the reduction since the previous report in the inventory referred to in section 403(c).

U.S.C. CHAPTER 25—SURFACE MINING CONTROL AND RECLAMATION

SUBCHAPTER IV—ABANDONED MINE RECLAMATIONS

- 1231. Abandoned Mine Reclamation Fund.
- 1232. Reclamation fee.
- 1233. Objectives of fund.
- 1234. Eligible lands and water.
- 1235. State reclamation program.
- 1236. Reclamation of rural lands.
- 1237. Acquisition and reclamation of land adversely affected by past coal mining practices.
- 1238. Liens.
- 1239. Filling voids and sealing tunnels.
- 1240. Emergency powers.
- 1240a. Certification.
- 1241. Omitted.
- 1242. Powers of Secretary or State.
- 1243. Interagency cooperation.
- 1244. Remining incentives.
- 1245 (Sec. 416 of SMCRA of 1977.). Abandoned mine land economic revitalization.

Section 401(c) of SMCRA of 1977 (30 U.S.C. 1231(c))

(c) Use of moneys

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 1253 of this title: *Provided*, That funds used for this purpose shall not exceed \$3,000,000 of the funds made available to any State under section 1232(g)(1) of this title;
- (2) acquisition and filling of voids and sealing of tunnels, shafts, and entryways under section 1239 of this title;
- (3) acquisition of land as provided for in this subchapter;
- (4) enforcement and collection of the reclamation fee provided for in section 1232 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 subchapter;
- (6) grants to the States to accomplish the purposes of this subchapter;
- (7) administrative expenses of the United States and each State to accomplish the purposes of this subchapter;
- (8) for use under section 1240a of this title;
- (9) for the purpose of section 1257(c) of this title, except that not more than \$10,000,000 shall annually be available for such purpose;
- (10) for the purpose described in section 1232(h) of this title; **and**

(11) to implement section 416; and

12 [(11)] all other necessary expenses to accomplish the purposes of this subchapter.

(d) Availability of moneys; no fiscal year limitation

(1) In general

Moneys from the fund for expenditures under subparagraphs (A) through (D) of section 1232(g)(3) of this title 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 subchapter without prior appropriation as provided in subsection (f) and section 416(a) [subsection (f)].

(Pub. L. 95–87, title IV, §401, Aug. 3, 1977, 91 Stat. 456 ; Pub. L. 98–473, title I, §101(c) [title III, §324], Oct. 12, 1984, 98 Stat. 1837 , 1875; Pub. L. 101–508, title VI, §6002, Nov. 5, 1990, 104 Stat. 1388–289 ; Pub. L. 102–486, title XIX, §19143(b)(3)(A), title XXV, §2504(c)(1), Oct. 24, 1992, 106 Stat. 3056 , 3105; Pub. L. 109–432, div. C, title II, §201(a), Dec. 20, 2006, 120 Stat. 3006 .)

Section 402(g) of SMCRA of 1977 (30 U.S.C. 1232(g))

(g) Allocation of funds

(1) Except as provided in subsection (h) and section 416, moneys deposited into the fund shall be allocated by the Secretary to accomplish the purposes of this subchapter 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 1235 of this title.

(ii) Lands and waters which are eligible pursuant to section 1234 of this title (in the case of a State not certified under section 1240a(a) of this title) or pursuant to section 1240a(b) of this title (in the case of a State certified under section 1240a(a) of this title).

(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 ² approved abandoned mine reclamation program pursuant to section 1235 of this title.

(ii) Lands and waters which are eligible pursuant to section 1234 of this title (in the case of an Indian tribe not certified under section 1240a(a) of this title) or pursuant to section 1240a(b) of this title (in the case of a tribe certified under section 1240a(a) of this title).

(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 1233\(a\) of this title](#) until a certification is made under [section 1240a\(a\) of this title](#).

(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 1257\(c\) of this title](#), either directly or through grants to the States, subject to the limitation contained in [section 1231\(c\)\(9\) of this title](#).

(B) For the purpose of [section 1240 of this title](#) (relating to emergencies).

(C) For the purpose of meeting the objectives of the fund set forth in [section 1233\(a\) of this title](#) for eligible lands and waters pursuant to [section 1234 of this title](#) in States and on Indian lands where the State or Indian tribe does not have an approved abandoned mine reclamation program pursuant to [section 1235 of this title](#).

(D) For the administration of this subchapter by the Secretary.

(E) For the purpose of paragraph (8).

(F) For the purpose of [section 416\(d\)\(2\)\(A\)](#).

(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 1253 of this title](#) 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 November 5, 1990, and that the surety of such mining operator became insolvent during such period, and as of November 5, 1990, 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 1233\(a\) of this title](#). 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 1268 of this title](#) 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 1234 of this title](#) under the priorities stated in paragraphs (1) and (2) of [section 1233\(a\) of this title](#).

(F) For the purposes of the certification referred to in [section 1240a\(a\) of this title](#), sites referred to in subparagraph (A) of this paragraph shall be considered as having the same priorities as those stated in [section 1233\(a\) of this title](#) for eligible lands and waters pursuant to [section 1234 of this title](#). 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 1240a\(a\) of this title](#).

(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 1240a\(a\) of this title](#) 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 1233\(a\) of this title](#) 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 1240a\(h\)\(3\) of this title](#) 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 1235 of this title](#) 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) 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 1234 of this title](#) and include any of the priorities described in [section 1233\(a\) of this title](#); and

(II) the subject of expenditures by the State from the forfeiture of bonds required under [section 1259 of this title](#) or from other States sources to abate and treat acid mine drainage.

(7) In complying with the priorities described in [section 1233\(a\) of this title](#), 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 1233\(a\)\(3\) of this title](#) before the completion of reclamation projects under paragraphs (1) and (2) of [section 1233\(a\) of this title](#) only if the expenditure of funds for the reclamation is done in conjunction with the expenditure before, on, or after December 20, 2006, of funds for reclamation projects under paragraphs (1) and (2) of [section 1233\(a\) of this title](#).

(8)(A) In making funds available under this subchapter, the Secretary shall ensure that the grant awards total not less than **\$5,000,000** [**\$3,000,000**] annually to each State and each Indian tribe having an approved abandoned mine reclamation program pursuant to [section 1235 of this title](#) and eligible land and water pursuant to [section 1234 of this title](#), 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 1233\(a\) of this title](#).

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

Section 403(c) of SMCRA of 1977 (30 U.S.C. 1233(c))

(c) Inventory

For the purposes of assisting in the planning and evaluation of reclamation projects pursuant to [section 1235 of this title](#), and assisting in making the certification referred to in [section 1240a\(a\) of this title](#), the Secretary shall maintain an inventory of eligible lands and waters pursuant to [section 1234 of this title](#) which meet the priorities stated in paragraphs (1) and (2) of subsection (a). Under standardized procedures established by the Secretary, States and Indian tribes with approved abandoned mine reclamation programs pursuant to [section 1235 of this title](#) may offer amendments, subject to the approval of the Secretary, to update the inventory as it applies to eligible lands and waters under the jurisdiction of such States or tribes. **As practicable, States and Indian tribes shall offer such amendments based on the use of remote sensing, global positioning systems, and other advanced technologies.** The Secretary shall provide such States and tribes with the financial and technical assistance necessary for the purpose of making inventory amendments. The Secretary shall compile and maintain an inventory for States and Indian lands in the case when a State or Indian tribe does not have an approved abandoned mine reclamation program pursuant to [section 1235 of this title](#). On a regular basis, but not less than annually, the projects completed under this subchapter shall be so noted on the inventory under standardized procedures established by the Secretary.

([Pub. L. 95–87, title IV, §403, Aug. 3, 1977, 91 Stat. 458](#) ; [Pub. L. 101–508, title VI, §6005, Nov. 5, 1990, 104 Stat. 1388–294](#) ; [Pub. L. 102–486, title XXV, §2504\(c\)\(2\), \(e\), Oct. 24, 1992, 106 Stat. 3105](#) , [3106](#); [Pub. L. 109–432, div. C, title II, §203, Dec. 20, 2006, 120 Stat. 3015](#) .)

U.S.C. Title 40—Public Buildings, Property, And Works

In subchapter I of chapter 145 of title 40, a new section is added:

§14510. Abandoned mine land reclamation and restoration initiative

(a) **IN GENERAL.**—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities on lands, or on or in waters, that have been reclaimed or restored with amounts provided under title IV of the Surface Mining Control or Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) or that are eligible for such reclamation or restoration.

(b) **LIMITATION ON AVAILABLE AMOUNTS.**—Of the cost of any activity eligible for a grant under this section—

(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and

(2) notwithstanding paragraph (1)—

(A) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section.

(c) **SOURCES OF ASSISTANCE.**—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available—

(1) under any other Federal program; or

(2) from any other source.

(d) **FEDERAL SHARE.**—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.

CHAPTER 145—SPECIAL APPALACHIAN PROGRAMS

SUBCHAPTER I—PROGRAMS

Sec.

14501. Appalachian development highway system.

14502. Demonstration health projects.

14503. Assistance for proposed low- and middle-income housing projects.

14504. Telecommunications and technology initiative.

14505. Entrepreneurship initiative.

14506. Regional skills partnerships.

14507. Supplements to federal grant programs.

14508. Economic and energy development initiative.

14509. High-speed broadband deployment initiative.

14510. Abandoned mine land reclamation and restoration initiative.

40 U.S.C. 14301. Establishment, membership, and employees

(a) Establishment.-There is an Appalachian Regional Commission.

(b) Membership.-

(1) Federal and state members.-The Commission is composed of the Federal Cochairman, appointed by the President by and with the advice and consent of the Senate, and the Governor of each participating State in the Appalachian region.

(2) Alternate members.-Each state member may have a single alternate, appointed by the Governor from among the members of the Governor's cabinet or the Governor's personal staff. The President,¹ shall appoint an alternate for the Federal Cochairman. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate. A state alternate shall not be counted toward the establishment of a quorum of the Commission when a quorum of the state members is required.

(3) Cochairmen.-The Federal Cochairman is one of the two Cochairmen of the Commission. The state members shall elect a Cochairman of the Commission from among themselves for a term of not less than one year.

(c) Compensation.-The Federal Cochairman shall be compensated by the Federal Government at level III of the Executive Schedule as set out in [section 5314 of title 5](#). The Federal Cochairman's alternate shall be compensated by the Government at level V of the Executive Schedule as set out in [section 5316 of title 5](#). Each state member and alternate shall be compensated by the State which they represent at the rate established by law of that State.

(d) Delegation.-

(1) Powers and responsibilities.-Commission powers and responsibilities specified in [section 14302\(c\) and \(d\) of this title](#), and the vote of any Commission member, may not be delegated to an individual who is not a Commission member or who is not entitled to vote in Commission meetings.

(2) Alternate federal cochairman.-The alternate to the Federal Cochairman shall perform the functions and duties the Federal Cochairman delegates when not actively serving as the alternate.

(e) Executive Director.-The Commission has an executive director. The executive director is responsible for carrying out the administrative functions of the Commission, for directing the Commission staff, and for other duties the Commission may assign.

(f) Status of Personnel.-Members, alternates, officers, and employees of the Commission are not federal employees for any purpose, except the Federal Cochairman, the alternate to the Federal Cochairman, the staff of the Federal Cochairman, and federal employees detailed to the Commission under [section 14306\(a\)\(3\) of this title](#).

(g) Headquarters.—The headquarters of the Commission shall be located in the Appalachian Region.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1256 ; Pub. L. 112–166, §2(n), Aug. 10, 2012, 126 Stat. 1287 .)

APPENDIX A: UNFUNDED AML LIABILITIES BY STATE

<u>State/Tribe</u>	<u>Total Unfunded P1</u>	<u>Total Unfunded P2</u>	<u>Total Unfunded P3</u>	<u>Total</u>
AK	\$464,400.00	\$52,377,109.00	\$1,852,500.00	\$54,694,009.00
AL	\$37,271,885.74	\$150,502,805.67	\$262,574,517.00	\$450,349,208.41
AR	\$465,000.00	\$15,088,113.00	\$5,150,180.00	\$20,703,293.00
AZ	\$0.00	\$0.00	\$0.00	\$0.00
CA	\$120,000.00	\$21,334,188.00	\$0.00	\$21,454,188.00
CO	\$41,527,616.00	\$175,000.00	\$12,421,450.00	\$54,124,066.00
GA	\$0.00	\$36,772,936.00	\$116,000.00	\$36,888,936.00
IA*	\$17,430,808.42	\$0.00	\$13,866,746.00	\$31,297,554.42
IL	\$9,490,960.00	\$116,485,123.00	\$29,568,567.00	\$155,544,650.00
IN	\$19,450,722.00	\$161,912,034.00	\$6,861,795.00	\$188,224,551.00
KS	\$2,960,200.00	\$740,076,233.00	\$11,154,848.00	\$754,191,281.00
KY	\$41,630,665.00	\$309,334,321.00	\$124,033,696.00	\$474,998,682.00
LA*	\$4,174,198.00	\$9,365,640.00	\$538,500.00	\$14,078,338.00
MA	\$0.00	\$0.00	\$5,000.00	\$5,000.00
MD	\$0.00	\$32,229,400.00	\$32,627,849.00	\$64,857,249.00
MI	\$0.00	\$3,215,000.00	\$145,000.00	\$3,360,000.00
MO	\$359,802.00	\$108,644,060.00	\$16,420,181.00	\$125,424,043.00
MS*	\$0.00	\$12,500.00	\$4,785.00	\$17,285.00
MT*	\$186,000.00	\$211,059,813.00	\$8,687,000.00	\$219,932,813.00
ND	\$0.00	\$38,612,568.00	\$423,500.00	\$39,036,068.00
NM	\$11,489,151.22	\$21,860,740.00	\$7,062,000.00	\$40,411,891.22
OH	\$90,733,436.65	\$161,578,274.59	\$95,755,814.68	\$348,067,525.92
OK	\$5,789,375.00	\$83,203,811.00	\$50,537,925.00	\$139,531,111.00
OR	\$0.00	\$0.00	\$0.00	\$0.00
PA	\$93,681,132.00	\$3,833,556,237.80	\$1,115,837,355.99	\$5,043,074,725.79
TN	\$687,275.00	\$14,995,464.00	\$28,373,339.00	\$44,056,078.00
TX*	\$80,000.00	\$7,213,626.19	\$1,664,452.02	\$8,958,078.21
UT	\$3,885,905.00	\$4,102,050.00	\$0.00	\$7,987,955.00
VA	\$8,356,113.00	\$89,280,675.32	\$323,670,494.00	\$421,307,282.32
WA	\$0.00	\$0.00	\$0.00	\$0.00
WV	\$59,017,872.85	\$893,519,248.92	\$570,375,333.35	\$1,522,912,455.12
WY*	\$26,024,922.00	\$67,789,937.00	\$24,987,967.00	\$118,802,826.00
TOTAL	\$475,277,439.88	\$7,184,296,908.49	\$2,744,716,795.04	\$10,404,291,143.41

**Indicates a "Certified" state under 30 U.S.C. § 1240a.*