

Opening Statement of
Chairman Paul Gosar
Wednesday April 5, 2017 at 10:00 a.m.
1324 Longworth House Office Building
Before the Energy and Mineral Resources Subcommittee
Legislative Hearing on:
“RECLAIM Act of 2017”

Today the Subcommittee will address H.R. 1731, the “Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More Act of 2017,” also known as the “RECLAIM Act.” The Act seeks to address part of the \$10.4 billion dollar problem of Abandoned Mine Lands (“AML”) across the country by expediting the effective and efficient use of \$1 billion from the Abandoned Mine Reclamation fund.

Initially, the RECLAIM Act was derived from the prior administration’s Power Plus plan – a plan that sought to leverage AML Funds to promote economic development in distressed coal communities. In some sense, this was an attempt by the Obama administration to salve the economic hemorrhaging of coal country due to the regulatory onslaught his administration chose to inflict upon them.

However, there were concerns with the bill as it had been introduced in the 114th Congress. Originally, it allowed for the use of funds on lands merely adjacent to AML sites, and was ambiguous regarding what activities the funds could have been used to support. Both of these provisions proved to be disingenuous to the Fund's original intent of being solely for cleaning up abandoned coal mine issues on abandoned coal mine sites. Furthermore, it authorized the Secretary to mandate when resource constrained states updated their AML inventories, and heavily favored eastern states in the distribution formula.

H.R. 1731 not only acknowledges these problems, it finds a hard struck balance between many interested states and interested parties. First, H.R. 1731 clarifies that any funds released must be spent directly on remediating an AML site. Second, it ensures Priority 1 and 2 sites – those sites representing dangers to human health – can be eligible for RECLAIM funds with no economic nexus. Importantly, this allows states with remote sites the opportunity to clean up long

existing problems. Third, H.R. 1731 changes the distribution formula to account for recent coal production – allowing Western states an opportunity to benefit from the goals of the RECLAIM Act. Finally, H.R. 1731 clarifies the Secretary’s role and maintains the authority to update AML inventory solely with a state.

To clarify two misconceptions about the bill, I want to reiterate, first, that no funds authorized by the RECLAIM Act may be spent on economic development. The dollar stops at the hole in the ground. Second, this bill does not modify any existing payments under the current AML grants process. Both certified and uncertified states will continue to receive their distributions as recognized under Title 4 of the Surface Mining Control and Reclamation Act.

In reality, this bill represents how an existing federal program can be leveraged to provide an economic stimulus for numerous states including western members. For instance, Colorado would receive \$9 million per year, and Utah and New Mexico would both receive over \$7 million. Without this

legislation, those states would continue to receive only \$3 million per year – an amount hardly sufficient to cover the administrative costs of AML programs.

What's more is the RECLAIM Act does not draw upon taxpayer dollars. Instead, it taps the Abandoned Mine Reclamation fund, which is funded solely by a fee paid by industry.

The decline in coal mining is not an eastern or western issue. Abandoned coal mines are not solely an eastern or western issue. Any bill designed to alleviate these issues cannot be designed with only one region in mind. H.R. 1731, which has been crafted through a long process of stakeholder engagement, is written to balance carefully both regional consideration and the concerns voiced by those who have paid into this fund and those who seek to leverage it for community development. The RECLAIM Act before us today is what compromise looks like and is the product of how this body was intended to craft laws.