

108TH CONGRESS  
2D SESSION

# H. R. 5308

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mr. COSTELLO (for himself, Mr. SHIMKUS, Mr. RAHALL, Mr. WHITFIELD, Mrs. CAPITO, Ms. HART, Mr. BOUCHER, Mr. HOLDEN, and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 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. TRANSFERS OF FUNDS.**

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

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

1           “(1) IN GENERAL.—The Secretary shall, as of  
2           the beginning of each fiscal year beginning on or  
3           after October 1, 2004, and before making any allo-  
4           cation with respect to the fiscal year under sub-  
5           section (g), use an amount not to exceed the amount  
6           of interest that the Secretary estimates will be  
7           earned and paid to the fund during the fiscal year  
8           to make the transfers described in paragraph (2).

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

11               “(A) UNITED MINE WORKERS OF AMERICA  
12               COMBINED BENEFIT FUND.—A transfer to the  
13               United Mine Workers of America Combined  
14               Benefit Fund, in an amount equal to the dif-  
15               ference between—

16                       “(i) the amount that the trustees of  
17                       the Combined Benefit Fund estimate will  
18                       be expended from the premium accounts  
19                       maintained by the Combined Benefit Fund  
20                       for the fiscal year of the fund in which the  
21                       transfer is made; minus

22                       “(ii) the amount the trustees of the  
23                       Combined Benefit Fund estimate the Com-  
24                       bined Benefit Fund will receive during

1           such fiscal year in required health benefit  
2           premiums.

3           “(B) UNITED MINE WORKERS OF AMERICA  
4           1992 BENEFIT PLAN.—A transfer to the United  
5           Mine Workers of America 1992 Benefit Plan, in  
6           an amount equal to the difference between—

7                   “(i) the amount that the trustees of  
8                   the 1992 Benefit Plan estimate will be ex-  
9                   pended from the 1992 Benefit Plan during  
10                  the next calendar year to provide the bene-  
11                  fits required by the 1992 Benefit Plan on  
12                  the date of enactment of this subpara-  
13                  graph; minus

14                   “(ii) the amount that the trustees of  
15                   the 1992 Benefit Plan estimate the 1992  
16                   Benefit Plan will receive during such cal-  
17                   endar year in required monthly per bene-  
18                   ficiary premiums, including the amount of  
19                   any security provided to the 1992 Benefit  
20                   Plan that is available for use in the provi-  
21                   sion of benefits.

22           “(C) MULTIEMPLOYER HEALTH BENEFIT  
23           PLAN.—A transfer to the multiemployer health  
24           benefit plan established after July 20, 1992, by  
25           the parties that are the settlors of the 1992

1           Benefit Plan referred to in subparagraph (B),  
2           in an amount equal to the difference between—

3                   “(i) the amount that the trustees of  
4                   the multiemployer health benefit plan esti-  
5                   mate will be expended from such plan dur-  
6                   ing the next calendar year, to provide ben-  
7                   efits no greater than those provided by  
8                   such plan on the date of enactment of this  
9                   subparagraph; minus

10                   “(ii) the amount of income that such  
11                   trustees estimate such plan will receive  
12                   during such calendar year.

13           “(3) ADJUSTMENT.—If, for any fiscal year, the  
14           amount of a transfer under subparagraph (A), (B),  
15           or (C) of paragraph (2) is more or less than the  
16           amount required to be transferred under that sub-  
17           paragraph, the Secretary shall appropriately adjust  
18           the amount transferred under that subparagraph for  
19           the next fiscal year.

20           “(4) ADDITIONAL AMOUNTS.—

21                   “(A) PREVIOUSLY CREDITED INTEREST.—  
22                   Notwithstanding any other provision of law, any  
23                   interest credited to the fund that has not pre-  
24                   viously been transferred to the Combined Ben-

1           efit Fund referred to in paragraph (2)(A) under  
2           this section shall be used—

3                   “(i) to transfer to the Combined Ben-  
4                   efit Fund such amounts as are estimated  
5                   by the trustees of the Combined Benefit  
6                   Fund to offset the amount of any deficit in  
7                   net assets in the Combined Benefit Fund;  
8                   and

9                   “(ii) to the extent any such interest  
10                  remains after the transfer under clause (i),  
11                  to make the transfers described in sub-  
12                  paragraphs (A), (B), and (C) of paragraph  
13                  (2).

14                  “(B)           PREVIOUSLY           ALLOCATED  
15                  AMOUNTS.—All amounts allocated under sub-  
16                  section (g)(2), including interest, before the  
17                  date of enactment of this subparagraph for the  
18                  program set forth under section 406, but not  
19                  appropriated prior to such date, shall be avail-  
20                  able to the Secretary to make the transfers de-  
21                  scribed in paragraph (2).

22                  “(5) LIMITATIONS.—

23                   “(A) AVAILABILITY OF FUNDS FOR NEXT  
24                   FISCAL YEAR.—The Secretary may make trans-  
25                   fers under subparagraphs (B) and (C) of para-

graph (2) for a fiscal 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 such transfer, for the next fiscal year for making the transfer under paragraph (2)(A).

“(B) RATE OF CONTRIBUTIONS OF OBLIGORS.—A transfer under paragraph (2)(C) shall not be made for a fiscal 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 such contributions at rates that are no less than those in effect on the date of enactment of this subparagraph.”.

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