

111TH CONGRESS
2D SESSION

S. 3649

To amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2010

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

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, 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. SHORT TITLE.**

4 This Act may be cited as the “Coal Accountability
5 and Retired Employee Act of 2010” or the “CARE Act”.

1 **SEC. 2. AMENDMENT OF SURFACE MINING CONTROL AND**
 2 **RECLAMATION ACT OF 1977.**

3 Section 402(i)(2) of the Surface Mining Control and
 4 Reclamation Act of 1977 (30 U.S.C. 1232(i)(2)) is
 5 amended—

6 (1) by striking “Subject to” and inserting the
 7 following:

8 “(A) IN GENERAL.—Subject to”; and

9 (2) by adding at the end the following:

10 “(B) EXCESS AMOUNTS.—

11 “(i) IN GENERAL.—Subject to para-
 12 graph (3), and after all transfers referred
 13 to in paragraph (1) and subparagraph (A)
 14 of this paragraph have been made, any
 15 amounts remaining after the application of
 16 paragraph (3)(A) (without regard to this
 17 subparagraph) shall be transferred to the
 18 trustees of the 1974 UMWA Pension Plan
 19 and used solely to pay pension benefits re-
 20 quired under such plan.

21 “(ii) 1974 UMWA PENSION PLAN.—In
 22 this subparagraph, the term ‘1974 UMWA
 23 Pension Plan’ means a pension plan re-
 24 ferred to in section 9701(a)(3) of the In-
 25 ternal Revenue Code of 1986 but without
 26 regard to whether participation in such

- 1 plan is limited to individuals who retired in
- 2 1976 and thereafter.”.

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