
Key Differences between the RECLAIM Act and the AML Pilot Program

These two federal initiatives are both aimed at connecting the cleanup and reclamation of abandoned coal mine sites with economic development opportunities across the country – however there are some important differences between them.

The RECLAIM Act (HR 2156) is bipartisan legislation that would create jobs and revitalize communities by funding AML reclamation projects that lay the foundation for future economic development. The RECLAIM Act calls for \$1 billion from the AML Fund to be invested in coal mining communities over the next five years, creating about 4,600 good new jobs improving damaged land and waterways.

The AML Pilot Program was originally billed as a pilot program for the RECLAIM Act with the intent of exploring and implementing strategies to return legacy coal sites to productive uses by tying reclamation to economic development end-use projects. This pilot program provides grants from general appropriations of the federal budget to six states- Pennsylvania, West Virginia, Kentucky, Ohio, Alabama, and Virginia. The AML Pilot program is administered by state AML programs via the Office of Surface Mining Reclamation and Enforcement.

How are they different?

Eligibility and criteria

RECLAIM Act funding must be spent on the reclamation of AML sites. AML sites are coal mining sites abandoned before the passage of the Surface Mining Control and Reclamation Act of 1977. RECLAIM Act funds can only be spent on reclamation activities, and cannot be spent on “brick and mortar” aspects of economic development projects. Twenty eight states and tribes are afflicted with abandoned mine lands, are currently eligible for AML Funds, and would continue to be eligible for these funds under the RECLAIM Act, in most cases receiving more annually than they currently do.

The AML Pilot Program currently appropriates funds to only 6 states. Pennsylvania, West Virginia and Kentucky each received \$25 million in FY19 appropriations, while Ohio, Alabama and Virginia received \$10 million each and the Navajo Nation, Hopi Tribe, and Crow Tribe each received \$3.33 million. Because the funding for the Pilot Program is from the general treasury and was not collected explicitly to reclaim AML sites, there is more leeway in the criteria for how the funds are spent. While the OSMRE has issued a guidance document for how the funds are intended to be used, there are no requirements for AML cleanup to be included in each project, and interpretations of eligibility requirements differ from state to state.

Funding sources

The RECLAIM Act (HR 2156) would be funded exclusively through the acceleration of existing money in the Abandoned Mine Land Trust Fund, which is raised through a per ton fee on coal production.

The AML Pilot Program receives funds exclusively from the federal general treasury through annual appropriations to the Office of Surface Mining Reclamation and Enforcement.

Community & stakeholder collaboration

Advocates of the **RECLAIM Act** have worked hard to ensure that it will work for communities most impacted by the pollution left behind by the declining coal industry. The bill includes language that requires stakeholder collaboration during project planning and administration, including the requirements for public notice of proposed projects and the opportunity to comment at a public meeting convened in a community near the proposed site.

The AML Pilot Program holds no such requirements, though the OSMRE does encourage state and tribal AML programs to collaborate with local economic development authorities and local communities on proposed projects. As a result, in some states, residents are only finding out about projects via press releases or brief summaries after they have been approved for funding. Many feel that increased stakeholder engagement would strengthen the pilot program and increase the success and impact of the projects.

What you can do

The RECLAIM Act (HR 2156) should be passed as quickly as possible. Advocates for the bill should let representatives know you support the legislation and share model projects with your delegation to show the impact that reclamation and development has on your community.

The AML Pilot Program provides opportunities to cleanup abandoned mine lands without relying on funds from the coal industry. OSMRE and state/tribal AML agencies should strengthen accountability for the program around process, transparency and community engagement to ensure it is being implemented as intended. Because of the opportunities and potential it provides, members of Congress should support expanding the program with increased appropriations and expand eligibility to more states plagued with abandoned mine lands.

Together these two programs represent a powerful opportunity for communities that have historically depended on the coal industry to rebuild themselves by creating new, diverse economies on their own terms.
