

**Statement of  
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Before the  
Committee on Natural Resources  
Subcommittee on Energy and Mineral Resources  
U.S. House of Representatives  
Examining the President’s FY 2024 Budget Request for the Office of Surface Mining  
Reclamation and Enforcement.  
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**Introduction and Background**

Chairman Stauber, Ranking Member Ocasio-Cortez, and other Members of the Subcommittee, thank you for the invitation to testify on behalf of the Office of Surface Mining Reclamation and Enforcement (OSMRE) on the FY 2024 President’s budget request and priorities for the bureau.

Through the Surface Mining Control and Reclamation Act (SMCRA) of 1977 (P.L. 95-87), Congress established OSMRE for two primary purposes:

**First**, to ensure that the Nation’s coal mines operate in a manner that protects citizens and the environment during mining, and to restore the land affected to a condition capable of supporting the uses it could support before any mining, or higher or better uses following mining.

**Second**, to implement an Abandoned Mine Land (AML) Program to address the hazards and environmental degradation resulting from two centuries of coal mining activities that occurred before the law was passed in 1977.

OSMRE is committed to protecting people, land, water, and the environment while ensuring coal mining is conducted in an environmentally responsible way. Currently, 24 States have approved regulatory programs in place pursuant to the requirements of Title V of SMCRA. There are 25 States and 3 Tribes that administer approved AML reclamation plans pursuant to Title IV of SMCRA. The major tasks for OSMRE are to ensure that States and Tribes successfully address coal mining activities for active and abandoned coal mines by ensuring that primacy States administer high-quality and effective regulatory and AML frameworks. OSMRE monitors these activities through oversight of the State Programs. To ensure that primacy States and Tribes have the tools necessary to administer their SMCRA Programs effectively, OSMRE provides significant funding, technical assistance, training, and technological tools to support their efforts.

## **FY 2024 Budget Request Highlights**

OSMRE's FY 2024 budget request is \$301.9 million, which is \$11.9 million above the FY 2023 enacted level. The FY 2024 budget request for the Regulation and Technology appropriation is \$127.3 million and for the Abandoned Mine Reclamation Fund appropriation is \$174.6 million. The \$301.9 million budget request in discretionary appropriations will enable OSMRE to fulfill its Title IV (Abandoned Mine Land Reclamation) and Title V (Control of the Environmental Impacts of Surface Coal Mining) responsibilities under SMCRA. In addition to discretionary appropriations, the budget includes \$1.3 billion in mandatory funding for reclamation grants to States and Tribes, and for the United Mine Workers of America (UMWA) health benefit plans and the 1974 UMWA pension plans. The FY 2024 budget focuses on funding OSMRE's core mission responsibilities and supporting the highest priority efforts and activities. The FY 2024 budget request will provide for the oversight of responsible coal production through the protection, preservation, and restoration of mined lands and the restoration of mined lands left unreclaimed from past mining operations. Approximately 66% (\$200 million) of OSMRE's FY 2024 total request for discretionary appropriations provides financial assistance in the form of regulatory grants (\$65 million) and AML Economic Revitalization (AMLER) grants (\$135 million) to eligible States and Tribes. The remaining 34 % (\$101.9 million) covers OSMRE's operational costs in fulfilling its SMCRA responsibilities.

OSMRE's discretionary appropriation includes five Budget Activities: Environmental Protection, which includes regulatory grants; Environmental Restoration, which supports AML programs and funds AMLER grants; Technology Development & Transfer; Financial Management; and Executive Direction & Administration.

### **Environmental Protection – Title V – Regulation and Technology**

OSMRE's FY 2024 budget request for Environmental Protection is \$90.6 million and 181 FTEs. This will enable OSMRE to meet its 2024 performance goals for the Environmental Protection business line, which includes providing \$65.0 million in regulatory grants to fund the costs for 23 primacy State regulatory programs and funding the regulatory program development costs for three Tribes.

The FY 2024 Environmental Protection request includes \$9.7 million to oversee and evaluate State and Tribal regulatory programs. The request also includes \$8.5 million to fund Federal regulatory programs in non-primacy States, such as Tennessee and Washington, and on Indian Lands. Also, included in the FY 2024 budget request is \$1.6 million for OSMRE to carry out mining plan reviews for Federal lands and \$5.8 million for program development and maintenance to continue efforts to streamline mining plan decision processes and ensure that regulatory standards adequately reflect changes in technologies and program needs.

### **Environmental Restoration – Title IV – Abandoned Mine Reclamation Fund**

The FY 2024 budget request for Environmental Restoration is \$155.4 million and 43 FTEs, a program increase of \$3.0 million above the FY 2023 enacted level. The request focuses on State and Tribal AML program evaluations, abatement of high-priority coal mining-related hazards through the Federal Reclamation Program, for which OSMRE has reclamation responsibility, and strategic partnerships to address acid mine drainage (AMD) and other water pollution problems. In FY 2024, the Environmental Restoration program plans to reclaim 9,800 acres of abandoned coal mine lands through traditional mandatory AML grants and annual appropriations by eliminating health, safety, and environmental hazards and providing several hundred thousand people with reduced exposure to safety risks from abandoned mine lands. Under the State Program Evaluation activities, OSMRE coordinates evaluation and oversight of the State and Tribal AML reclamation operations. Federal Reclamation Program Projects and Operations addresses issues in States and Tribes without an approved AML program. This program also funds the Watershed Cooperative Agreement Program (WCAP) to support cooperative conservation with local nonprofit organizations. The Environmental Restoration business line also funds the Program Development and Maintenance Program activity, which provides policy direction, support and services to States and Tribes.

In addition to the above-mentioned activities, the Environmental Restoration business line funds OSMRE's administration of the AMLER program and provides eligible States and Tribes with AMLER grants and guidance on project eligibility criteria and reporting requirements. This program administers grants to six States and three Tribal nations to with the dual purpose of supporting economic and community development, and reclaiming AML sites.

The FY 2024 budget includes \$135.0 million for AMLER grants and allocates 0.75 percent of AMLER appropriations for OSMRE administration and 0.5 percent for oversight by the DOI Office of the Inspector General. The proposal provides OSMRE with dedicated funding for AMLER administration for the first time since the program's inception in 2016 and will allow the bureau to enhance support for States and Tribes to develop projects and speed the Federal project approval process. Further, authorizing the transfer of 0.5 percent of AMLER funding to the DOI Office of the Inspector General will help ensure that program funding is put to effective and efficient use, avoiding waste or abuse and maximizing the economic development and environmental benefits that the funding is intended to deliver. From creating recreational opportunities, developing tourism, and enhancing infrastructure, to providing job training, skills, and opportunities, continued funding of the AMLER Program will provide economic opportunities and assistance to Appalachian coalfield communities and on Indian lands that have a long history of scarred landscapes from AML and legacy water pollution problems.

OSMRE provides verification and assistance with project eligibility on AMLER project applications submitted by States and Tribes. To that end, OSMRE has developed an external-facing AMLER project tracking spreadsheet to inform the public and increase transparency of each AMLER project's status. The AMLER project tracking system will provide transparency on the approval rate and status of project proposals.

### **Priority Federal Reclamation Projects in Oklahoma**

Pursuant to the Supreme Court decision in *McGirt v. Oklahoma*, OSMRE is charged with enforcing SMCRA on Tribal lands within Oklahoma, including assuming responsibility for addressing outstanding priority 1 and priority 2 AML problems. The FY 2024 request of an additional \$1.0 million will build on the \$4.0 million in existing base funding to increase the number of AML projects that can be addressed in Oklahoma. OSMRE will be fully staffed to undertake additional reclamation projects in Oklahoma in FY 2024.

### **Passive Treatment Protection Program (PTPP)**

Passive Treatment Protection Program projects are investments that will reduce water pollution discharges from abandoned mine lands. In FY 2023, OSMRE was appropriated \$500,000 to begin a PTPP program. The FY 2024 budget request includes \$2.0 million for the PTPP program to provide grants to non-governmental organizations and to local and State government agencies to help operate, maintain, and rehabilitate AML passive treatment systems that were previously constructed to address water pollution from mine drainage.

### **Technology Development & Transfer – Title IV & V**

The FY 2024 budget request for Technology Development and Transfer is \$21.3 million and 99 FTEs, with \$16.8 million to support Regulation and Technology activities and \$4.4 million to support AML Reclamation Fund activities. The Technology Development and Transfer (TDT) activities provide technical support and training to ensure States and Tribes have the necessary technical skills and expertise needed to effectively operate their SMCRA programs including training, technology development, and technology transfer activities to Federal, State, and Tribal regulatory and reclamation staff. The TDT funding also facilitates OSMRE's efforts to implement effective partnerships with stakeholders to meet SMCRA's restoration and protection goals.

### **Financial Management – Title IV & V**

The FY 2024 budget request for the Financial Management business line is \$7.0 million and 36 FTEs. The Financial Management business line provides resources for OSMRE to carry out its financial management program responsibilities through three activities: fee compliance, revenue management, and grants accounting management. Under this business line, OSMRE also manages the statutorily required transfers to the UMWA Health Benefit Plans and the 1974 Pension Plan and is responsible for AML fund investments.

**Executive Direction & Administration – Title IV & Title V**

The FY 2024 budget request for Executive Direction and Administration is \$27.6 million and 70 FTEs. This is a program increase of \$4.96 million and 2 additional FTE from the FY 2023 enacted level. The Executive Direction and Administration business line activities are integral to OSMRE’s Environmental Restoration and Environmental Protection mission and Technology Development and Transfer efforts. The Executive Direction and Administration business line provides leadership, policy, and program management guidance, and support for all areas of OSMRE’s SMCRA responsibilities. The Executive Direction and Administration activity includes the salaries and operating expenses for the Office of the Director and six immediate staff offices, including the offices of Equal Opportunity; Communications; Planning, Analysis, and Budget; Information Resources; Administration; and Human Resources.

**Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL)**

The BIL provides OSMRE a total of \$11.293 billion to be spent over a period of 15 years. OSMRE has already distributed the majority of the FY 2022 grants and will continue to distribute amounts made available in the appropriation on an equal annual basis over a 15-year period, in accordance with the provisions of the BIL.

**Conclusion**

With the funding requested for FY 2024, OSMRE will continue its core mission and work with its State and Tribal regulatory partners in protecting the environment, the public, and property from the adverse impacts of active and historic coal mining activities. OSMRE’s ongoing efforts to improve its partnerships with local, State, and Tribal governments, industry, non-profits, and watershed and citizens groups will ensure greater effectiveness in addressing the wide range of environmental and public health and safety problems associated with coal mining activities.

Thank you for the opportunity to present this testimony today, and I am happy to answer any questions you may have at this time.