

**CONGRESSIONAL RECORD May 27, 1977**  
**Legislative History**

Congressional Record May 27, 1977

Following is the May 27, 1977 Congressional Record. The text below is compiled from the Office of Surface Mining's COALEX data base, not an original printed document, and the reader is advised that coding or typographical errors could be present.

**123 CONG.REC. E3397**  
**May 27, 1977**

{E3397} SPEECH OF

E3397 HON. PAUL SIMON OF ILLINOIS

E3397 IN THE HOUSE OF REPRESENTATIVES

E3397 Thursday, April 28, 1977

E3397 The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

E3397 Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words.

E3397 Mr. Chairman, I direct some questions to my colleague from Arizona, the chairman of the committee. I have to confess that there is some confusion on my part here, and I hope we can clarify this matter. I am concerned about subsidence. It is a problem in my district in southern Illinois, and it is going to be a greater problem.

E3397 I submitted an amendment and discussed it with the chairman of the committee. He indicated that he would oppose the amendment, which would have had the effect of an additional 1 cent fund for subsidence, and a fund specifically to be used for subsidence problems. As I read the act, the Secretary, under section 407, can reclaim surface impacts of underground or surface mines so that the Secretary can act. Then, when I look at what the States can do, I see that the States can protect from subsidence on page 210, section 404. But, it does not say what they can do after the subsidence takes place.

E3397 Then, there is a second part of the question, and I say this having come from a caucus of the Budget Committee, where we have a few problems also, but as I see the question, and in my brief conversation with the members of the staff, even if this protection from subsidence can be viewed as the impact from subsidence, yet funds cannot be used.

E3397 For example, for a school building in my district where there is a huge crack in the building and we want to get that fixed, it is a poor school district and they cannot get insurance.

E3397 Mr. UDALL. Let me take up the gentleman's questions in order. In the first place, I want to make the record clear. This is a broad gage fund. This is designed to help overcome all the devastations and different kinds of surface damages from underground mining. Those include subsidence, acid waste drainage, waste bank fires, the whole range of kinds of things, and not just going out and planting trees and putting topsoil back on.

E3397 With respect to the second point, we have found that time after time people want to get more and more into this fund. We had the people out West a few moments ago trying to get us to build schools, hospitals, roads, front end impact money. We had to draw a line.

E3397 What we are saying is that if we repair damage for the subsidence, cut back underground, do whatever is needed so that we do not have further subsidence, we do not think we ought to go beyond that to build the school for the gentleman. I recognize it is a serious problem, but we will set a precedent if we open the door here.

E3397 Mr. SIMON. So, again to clarify, the fund can fix the land, but it cannot repair the school?

E3397 Mr. UDALL. That is correct.

E3397 Mr. SIMON. So that those of us who feel that we ought to be repairing schools - and I see my colleague from Indiana who, if he has not had problems already, soon will be - those of us who feel something like this ought to be done will have to amend the act sometime in the future if it passes in its present form.

E3397 Mr. UDALL. Yes. And I did not think it would drain too much from the major purposes, which are to reclaim the land. This is a land reclamation program. If there were some excess, or enough of them in the fund to take care of these things. I am for education, too, and I would like to help.

E3397 Mr. SIMON. If this bill passes and is signed by the President, I may be back to the gentleman's committee for an amendment to the act.