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The Western Pennsylvania Watershed Program

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December 15, 2006

As most of you know by now, we have won a huge victory - working with the PA AML Campaign - to secure reauthorization of the AML Program after an exhausting, resilient 3 1/2 year legislative campaign in Congress.

Despite great odds against winning this year and against conventional wisdom in Washington that the AML Program would not get reauthorized in the Lameduck session of Congress after the November elections, our AML Campaign succeeded in getting our legislation attached to a giant 500 plus page bill, called "The Tax Relief and Health Care Act of 2006" in the final hours before Congress adjourned at 4:30 am on Saturday, December 9th.

The AML Reauthorization, which amends the 1977 Surface Mining Control and Reclamation Act (SMCRA), extends the AML Program for at least 15 years and will triple AML funds PA receives from reclamation fees collected from every ton of coal produced. PA is expected to receive at least \$1.5 billion over the next 15 years to clean up the worst Priority 1 and 2 AML sites. For the first time, there will be guaranteed funding for AML clean-up from fees collected from the coal companies, stopping the practice of Congressional Appropriations Committees creating annual tug-of-wars over AML distribution as well as diversion of AML funds to unrelated Federal projects.

This legislation represents an unprecedented consensus among watershed, conservation and coalfield community groups as well as the United Mine Workers of America, the coal industry, and eastern and western coal producing states.

PA has had the most at stake in this long debate with the most AML acreage in the nation (250,000 acres), 44 out of 67 PA counties blighted and 4,600 miles of biologically dead streams and rivers. DEP has estimated the total PA AML clean-up price tag at \$15 billion.

Despite a huge setback at the end of July, when the AML legislation was attached to a highly controversial, doomed to fail complex estate tax bill, the PA Campaign continued to press ahead, working with a broad array of interest groups. But, Congress still refused to pass the AML legislation in September before the November elections. The only chance left was the short one week, frenetic Lameduck session December 4-9. Many PA AML Campaign allies had by then given up hope and had stopped pressing Congress to pass AML in the Lameduck session.

The PA AML Campaign, working with local and national groups, the UMWA, coal industry and a bipartisan small group of Members of Congress pressed on, at times around the clock, to persuade the House and Senate Republican leadership (still in control) to attach the AML Reauthorization to the giant tax and health care bill. It was unclear - right to the end - if our efforts would be successful. At one point Friday evening (12/08) in the House, an amendment that was really directed at another provision involving oil drilling on the Outer Continental Shelf came within 2 votes (205-207) of passing which would have killed the whole bill at that point. The House of Representatives passed the omnibus bill, HR 6111, Friday evening and adjourned. The bill did not reach the Senate until nearly 11 pm and did not pass the Senate until just before 2 am Saturday morning (12/09). The bill had to overcome continued attacks from Senator Judd Gregg (R-NH), the powerful Senate Budget Committee chairman, and three separate votes in the Senate.

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Please be sure to express your appreciations to the bipartisan informal Congressional team who worked tirelessly along with the PA AML Campaign to pass this landmark AML legislation: Senators Specter (R-PA), Santorum (R-PA), Rep. John Peterson (R-PA), Rep. Ralph Regula (R-OH), and Senators Rockefeller (D-WV), Byrd (D-WV), Enzi (R-WY).

More information on implementation of the new AML law to follow after the holidays. Legislation language can be found at the U.S. Senate website of the Senate Finance Committee as follows: Finance.Senate.gov Then go to Legislation. The bill is HR 6111. AML can be found in Division C, Title II. It is also printed on Page H9045 of the Congressional Record (12/08/06).

Congratulations to all of you who have helped in this long effort with so many ups and downs. In the end we have prevailed and every one of your efforts truly made a difference!

For more information, contact the PA AML Campaign

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