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	U·S·DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: AML-9 Transmittal Number: 364 Date: 8/5/87

Subject: Use of Deobligated/Unrequested AML Grant Funds

Approval: Ted D. Christensen | **Title:** Director

1. Purpose. This directive provides guidance on the use of deobligated or unrequested grant funds that are available for award under the Abandoned Mine Land (AML) reclamation program.

2. Definitions.

a. Allocation. For the purpose of this directive, the term "allocation" refers to those funds appropriated annually by Congress for use in AML reclamation program grants by AML program States and Indian Tribes (States). These grant monies, appropriated from the AML Fund, are proportionately distributed to the AML program States by the Office of Surface Mining Reclamation and Enforcement (OSMRE). The allocated grant monies are available for award for State AML reclamation grants.

b. Deobligated AML Grant Funds. The unused, or unobligated, portion of an AML grant award that is recovered from the grant, either during the period of performance or at the time of closeout.

c. Unrequested AML Grant Funds. Those grant funds that remain unawarded at the end of a fiscal year (FY). These funds include deobligated monies which have not been reobligated to active State grants.

3. Policy/Procedure.

a. Concept.

(1) Section 405(c) of the Surface Mining Control and Reclamation Act requires States to have approved regulatory programs and approved reclamation plans in order to be eligible to receive monies from the Abandoned Mine Land Fund for AML reclamation grants. These funds are made available through congressional appropriation and are without fiscal year limitation. Except in circumstances where OSMRE may take adverse action, such as suspension or revocation of a grant or project for cause, or if loss of primacy should occur, grant funds available for award in a given fiscal year, will include the following:

(a) Monies deobligated from a State's AML reclamation grants, cooperative agreements for AML plan development and Rural Abandoned Mine Land Program RAMP grant/project awarded by OSMRE in FY 1983 (whether deobligated from an active grant or at the time of closeout).

These funds are available for award to that State for use in current or new grants and may be carried over for award to that State in a new fiscal year beginning with grant funds carried over from FY 1986.

(b) Funds from a State's previous year grant allocation that remain unrequested at the end of that fiscal year. These funds may be carried over and added to that State's new fiscal year grant allocation.

(c) Funds deobligated during the current fiscal year from a State's AML grants, plan development cooperative agreements, and RAMP grant/project.

(d) Funds allocated to a State for new fiscal year reclamation grants.

(2) Deobligated monies not available for use in AML grants are those recovered from Federal Reclamation Program (FRP) cooperative agreements and emergency projects under AML reclamation grants (for those States that have received emergency program authority). These deobligated funds are returned to the FRP account. Funding for emergency projects under new fiscal year State AML grants will come from the new fiscal year FRP appropriations.

(3) Deobligated grant funds should be used before carryover allocations and new fiscal year allocations are used.

(4) Any allocated grant funds that remain unrequested three years after the date of allocation will be available for reallocation to other States. Funds deobligated from an expired three-year grant that remain unrequested for a period of one year after date of deobligation are subject to the same policy.

b. Procedures.

All procedures must be in accordance with grants administration requirements set out in the Federal Assistance Manual, requirements of the Office of Management and Budget (OMB) Circular A-102, as well as other applicable requirements.

4. Responsibilities.

a. The States are responsible for submitting complete grant applications and reports to the appropriate Field Offices.

b. The Field Offices are responsible for the review, approval and administration of all AML reclamation grants.

c. The Assistant Directors for Eastern and Western Field Operations are responsible for coordinating the letter of credit activities with the Division of Financial Management. They also coordinate with Headquarters AML Division to track grant funds.

d. The Headquarters AML Division is responsible for developing grant allocations and programmatic policy for AML grants. The Division also coordinates with Eastern and Western Field Operations in tracking grant funds.

5. Reporting Requirements. Semi-Annual Financial Status Report, SF-269 or SF-271, and Performance Report, OSM-51 or OSM-60, as appropriate.

6. References. OMB Circular A-102; Surface Mining Control and Reclamation Act, Section 405(j); 30 CFR Part 886.23; Federal Assistance Manual, Action Transmittals DOI-OSM-MB-80-1 and 80-2.

7. Effect on other Documents. Supersedes memorandum dated October 16, 1986, to the Indianapolis Field Office Director establishing the AML policy regarding the use of deobligated and/or unrequested grants funds.

8. Effective Date. Upon Issuance.

9. Contact. Division of Abandoned Mine Lands, (202) 343-7910.

10. Rescission and Cancellation. Upon Notice.