

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish an abandoned hardrock mine reclamation grant program.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. _____

To invest in the energy and outdoor infrastructure of the United States to deploy new and innovative technologies, update existing infrastructure to be reliable and resilient, and secure energy infrastructure against physical and cyber threats, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HEINRICH

Viz:

- 1 At the end of title VII, add the following:
- 2 **SEC. 7004. ABANDONED HARDROCK MINE RECLAMATION.**
- 3 (a) ESTABLISHMENT.—Not later than 90 days after
- 4 the date of enactment of this Act, the Secretary of the
- 5 Interior (referred to in this section as the “Secretary”)
- 6 shall establish a program to inventory, assess, decommis-
- 7 sion, reclaim, respond to hazardous substance releases on,
- 8 and remediate abandoned hardrock mine land based on
- 9 conditions including need, public health and safety, poten-
- 10 tial environmental harm, and other land use priorities.

1 (b) AWARD OF GRANTS.—Subject to the availability
2 of funds, the Secretary shall provide grants on a competi-
3 tive or formula basis to States and Indian Tribes that have
4 jurisdiction over abandoned hardrock mine land to reclaim
5 that land.

6 (c) ELIGIBILITY.—Amounts made available under
7 this section may only be used for Federal, State, Tribal,
8 local, and private land that has been affected by past
9 hardrock mining activities, and water resources that tra-
10 verse or are contiguous to such land, including any of the
11 following:

12 (1) Land and water resources that were—

13 (A) used for, or affected by, hardrock min-
14 ing activities; and

15 (B) abandoned or left in an inadequate
16 reclamation status before the date of enactment
17 of this Act.

18 (2) Land for which the Secretary makes a de-
19 termination that there is no continuing reclamation
20 responsibility of a claim holder, liable party, oper-
21 ator, or other person that abandoned the site prior
22 to completion of required reclamation under Federal
23 or State law.

24 (d) ELIGIBLE ACTIVITIES.—

1 (1) IN GENERAL.—Amounts made available to
2 carry out this section shall be used for the purposes
3 described in subsection (a).

4 (2) EXCLUSION.—Amounts made available to
5 carry out this section may not be used to fulfill obli-
6 gations under the Comprehensive Environmental Re-
7 sponse, Compensation, and Liability Act of 1980 (42
8 U.S.C. 9601 et seq.) agreed to in a legal settlement
9 or imposed by a court, whether for payment of funds
10 or for work to be performed.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to carry out this section
14 \$3,000,000,000, to remain available until expended,
15 of which—

16 (A) 50 percent shall be for grants to
17 States and Indian Tribes under subsection (b)
18 for eligible activities described in subsection
19 (d)(1); and

20 (B) 50 percent shall be for available to the
21 Secretary for eligible activities described in sub-
22 section (d)(1) on Federal land.

23 (2) TRANSFER.—The Secretary may transfer
24 amounts made available to the Secretary under
25 paragraph (1)(B) to the Secretary of Agriculture for

- 1 activities described in subsection (a) on National
- 2 Forest System land.