

fight predatory economic and trade practices; two, preventing identity theft; three, strengthening our border security; four, providing the Department of Homeland Security with adequate resources to protect our critical infrastructure; five, improving cybersecurity; and, six, fighting transnational repression and criminal organizations.

The FBI Director has stated that the CCP, the Chinese Communist Party, poses a broad and unrelenting threat. The Chinese Communist Party is also engaged in a brutal campaign of transnational repression, targeting democracy advocates, Tibetans, Hong Kongers, Uyghurs, and other ethnic minority groups.

The Chinese Communist Party actually targets Americans, including my constituents. Just before Thanksgiving, after years of fighting for his release, I received the incredible news that my constituent, Kai Li, was finally released to the U.S. after more than a decade of wrongful imprisonment in China. If we are to honor the years Mr. Li spent in Chinese detention, then we must remain clear-eyed about the CCP threat and redouble our efforts to counter it.

Among their provocative tactics is transnational repression, which can be illustrated through the torment of Dr. Gulshan Abbas and her family. In 2018, Dr. Abbas was taken to a Uyghur forced labor camp.

What was her crime, Mr. Speaker?

Her sister, Rushan Abbas, an American, spoke out against the Uyghur genocide during a panel discussion here in America, then her sister was put in prison in China.

Think about it, Mr. Speaker. The CCP is not only carrying out mass detention, torture, forced sterilization, and forced labor against religious minorities within China, but also imprisoning family members of American citizens to suppress free expression here in America.

Let me be clear: the United States cannot waver in the face of this unrelenting strategic adversary. Today, we must demonstrate our resolve by supporting the SHIELD Against CCP Act which will help ensure that our government has a strong and unified response to the Chinese Communist Party's aggression.

Working with Congressman STRONG demonstrates that when we work together, we will succeed.

Mr. Speaker, I urge all Members to support this legislation.

Ms. CLARKE of New York. Mr. Speaker, I have no more speakers, and I yield myself the balance of my time.

Mr. Speaker, I thank Representatives STRONG and SUOZZI for leading on this bill, I urge all Members to support this legislation, and I yield back the balance of my time.

Mr. GREEN of Tennessee. Mr. Speaker, in closing, I echo those comments. This is another great bipartisan effort in the Committee on Homeland Security.

Mr. Speaker, I urge my colleagues to support H.R. 9668, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GREEN) that the House suspend the rules and pass the bill, H.R. 9668, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GREEN of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### GOOD SAMARITAN REMEDIATION OF ABANDONED HARDROCK MINES ACT OF 2024

Ms. MALOY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2781) to promote remediation of abandoned hardrock mines, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2781

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024".

#### SEC. 2. DEFINITIONS.

In this Act:

(A) ABANDONED HARDROCK MINE SITE.—

(1) IN GENERAL.—The term "abandoned hardrock mine site" means an abandoned or inactive hardrock mine site and any facility associated with an abandoned or inactive hardrock mine site—

(i) that was used for the production of a mineral other than coal conducted on Federal land under sections 2319 through 2352 of the Revised Statutes (commonly known as the "Mining Law of 1872"; 30 U.S.C. 22 et seq.) or on non-Federal land; and

(ii) for which, based on information supplied by the Good Samaritan after review of publicly available data and after review of other information in the possession of the Administrator, the Administrator or, in the case of a site on land owned by the United States, the Federal land management agency, determines that no responsible owner or operator has been identified—

(I) who is potentially liable for, or has been required to perform or pay for, environmental remediation activities under applicable law; and

(II) other than, in the case of a mine site located on land owned by the United States, a Federal land management agency that has not been involved in mining activity on that land, except that the approval of a plan of operations under the hardrock mining regulations of the applicable Federal land management agency shall not be considered involvement in the mining activity.

(B) INCLUSION.—The term "abandoned hardrock mine site" includes a hardrock mine site (including associated facilities) that was previously the subject of a completed response action under the Comprehensive Environmental Response, Compensation,

and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or a similar Federal and State reclamation or cleanup program, including the remediation of mine-scarred land under the brownfields revitalization program under section 104(k) of that Act (42 U.S.C. 9604(k)).

(C) EXCLUSIONS.—The term "abandoned hardrock mine site" does not include a mine site (including associated facilities)—

(i) in a temporary shutdown or cessation;

(ii) included on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)) or proposed for inclusion on that list;

(iii) that is the subject of a planned or ongoing response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or a similar Federal and State reclamation or cleanup program;

(iv) that has a responsible owner or operator; or

(v) that actively mined or processed minerals after December 11, 1980.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(3) APPLICABLE WATER QUALITY STANDARDS.—The term "applicable water quality standards" means the water quality standards promulgated by the Administrator or adopted by a State or Indian tribe and approved by the Administrator pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(4) BASELINE CONDITIONS.—The term "baseline conditions" means the concentrations, locations, and releases of any hazardous substances, pollutants, or contaminants, as described in the Good Samaritan permit, present at an abandoned hardrock mine site prior to undertaking any action under this Act.

(5) COOPERATING PERSON.—

(A) IN GENERAL.—The term "cooperating person" means any person that is named by the Good Samaritan in the permit application as a cooperating entity.

(B) EXCLUSIONS.—The term "cooperating person" does not include—

(i) a responsible owner or operator with respect to the abandoned hardrock mine site described in the permit application;

(ii) a person that had a role in the creation of historic mine residue at the abandoned hardrock mine site described in the permit application; or

(iii) a Federal agency.

(6) COVERED PERMIT.—The term "covered permit" means—

(A) a Good Samaritan permit; and

(B) an investigative sampling permit.

(7) FEDERAL LAND MANAGEMENT AGENCY.—The term "Federal land management agency" means any Federal agency authorized by law or executive order to exercise jurisdiction, custody, or control over land owned by the United States.

(8) GOOD SAMARITAN.—The term "Good Samaritan" means a person that, with respect to historic mine residue, as determined by the Administrator—

(A) is not a past or current owner or operator of—

(i) the abandoned hardrock mine site at which the historic mine residue is located; or

(ii) a portion of that abandoned hardrock mine site;

(B) had no role in the creation of the historic mine residue; and

(C) is not potentially liable under any Federal, State, Tribal, or local law for the remediation, treatment, or control of the historic mine residue.

(9) **GOOD SAMARITAN PERMIT.**—The term “Good Samaritan permit” means a permit granted by the Administrator under section 4(a)(1).

(10) **HISTORIC MINE RESIDUE.**—

(A) **IN GENERAL.**—The term “historic mine residue” means mine residue or any condition at an abandoned hardrock mine site resulting from hardrock mining activities.

(B) **INCLUSIONS.**—The term “historic mine residue” includes—

(i) previously mined ores and minerals other than coal that contribute to acid mine drainage or other pollution;

(ii) equipment (including materials in equipment);

(iii) any tailings facilities, heap leach piles, dump leach piles, waste rock, overburden, slag piles, or other waste or material resulting from any extraction, beneficiation, or other processing activity that occurred during the active operation of an abandoned hardrock mine site;

(iv) any acidic or otherwise polluted flow in surface water or groundwater that originates from, or is pooled and contained in, an inactive or abandoned hardrock mine site, such as underground workings, open pits, in-situ leaching operations, ponds, or impoundments;

(v) any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601));

(vi) any pollutant or contaminant (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)); and

(vii) any pollutant (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)).

(11) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in—

(A) section 518(h) of the Federal Water Pollution Control Act (33 U.S.C. 1377(h)); or

(B) section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(12) **INVESTIGATIVE SAMPLING PERMIT.**—The term “investigative sampling permit” means a permit granted by the Administrator under section 4(d)(1).

(13) **PERSON.**—The term “person” means any entity described in—

(A) section 502(5) of the Federal Water Pollution Control Act (33 U.S.C. 1362(5)); or

(B) section 101(21) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(21)).

(14) **REMEDIATION.**—

(A) **IN GENERAL.**—The term “remediation” means any action taken to investigate, characterize, or cleanup, in whole or in part, a discharge, release, or threat of release of a hazardous substance, pollutant, or contaminant into the environment at or from an abandoned hardrock mine site, or to otherwise protect and improve human health and the environment.

(B) **INCLUSION.**—The term “remediation” includes any action to remove, treat, or contain historic mine residue to prevent, minimize, or reduce—

(i) the release or threat of release of a hazardous substance, pollutant, or contaminant that would harm human health or the environment; or

(ii) a migration or discharge of a hazardous substance, pollutant, or contaminant that would harm human health or the environment.

(C) **EXCLUSION.**—The term “remediation” does not include any action that requires plugging, opening, or otherwise altering the portal or adit of the abandoned hardrock mine site.

(15) **RESERVATION.**—The term “reservation” has the meaning given the term “Indian

country” in section 1151 of title 18, United States Code.

(16) **RESPONSIBLE OWNER OR OPERATOR.**—The term “responsible owner or operator” means a person that is—

(A)(i) legally responsible under section 301 of the Federal Water Pollution Control Act (33 U.S.C. 1311) for a discharge that originates from an abandoned hardrock mine site; and

(ii) financially able to comply with each requirement described in that section; or

(B)(i) a present or past owner or operator or other person that is liable with respect to a release or threat of release of a hazardous substance, pollutant, or contaminant associated with the historic mine residue at or from an abandoned hardrock mine site under section 104, 106, 107, or 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606, 9607, 9613); and

(ii) financially able to comply with each requirement described in those sections, as applicable.

### SEC. 3. SCOPE.

Nothing in this Act—

(1) except as provided in section 4(n), reduces any existing liability under Federal, State, or local law;

(2) except as provided in section 4(n), releases any person from liability under Federal, State, or local law, except in compliance with this Act;

(3) authorizes the conduct of any mining or processing other than the conduct of any processing of previously mined ores, minerals, wastes, or other materials that is authorized by a Good Samaritan permit;

(4) imposes liability on the United States or a Federal land management agency pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) or section 301 of the Federal Water Pollution Control Act (33 U.S.C. 1311); or

(5) relieves the United States or any Federal land management agency from any liability under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) or section 301 of the Federal Water Pollution Control Act (33 U.S.C. 1311) that exists apart from any action undertaken pursuant to this Act.

### SEC. 4. ABANDONED HARDROCK MINE SITE GOOD SAMARITAN PILOT PROJECT AUTHORIZATION.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Administrator shall establish a pilot program under which the Administrator shall grant not more than 15 Good Samaritan permits to carry out projects to remediate historic mine residue at any portions of abandoned hardrock mine sites in accordance with this Act.

(2) **OVERSIGHT OF PERMITS.**—The Administrator may oversee the remediation project under paragraph (1), and any action taken by the applicable Good Samaritan or any cooperating person under the applicable Good Samaritan permit, for the duration of the Good Samaritan permit, as the Administrator determines to be necessary to review the status of the project.

(3) **SUNSET.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the pilot program described in paragraph (1) shall terminate on the date that is 7 years after the date of enactment of this Act.

(B) **EXCEPTION.**—Notwithstanding subparagraph (A), the Administrator may grant a Good Samaritan permit pursuant to this Act after the date identified in subparagraph (A) if the application for the Good Samaritan permit—

(i) was submitted not later than 180 days before that date; and

(ii) was completed in accordance with subsection (c) by not later than 7 years after the date of enactment of this Act.

(C) **EFFECT ON CERTAIN PERMITS.**—Any Good Samaritan permit granted by the deadline prescribed in subparagraph (A) or (B), as applicable, that is in effect on the date that is 7 years after the date of enactment of this Act shall remain in effect after that date in accordance with—

(i) the terms and conditions of the Good Samaritan permit; and

(ii) this Act.

(b) **GOOD SAMARITAN PERMIT ELIGIBILITY.**—

(1) **IN GENERAL.**—To be eligible to receive a Good Samaritan permit to carry out a project to remediate an abandoned hardrock mine site, a person shall demonstrate that, as determined by the Administrator—

(A) the abandoned hardrock mine site that is the subject of the application for a Good Samaritan permit is located in the United States;

(B) the purpose of the proposed project is the remediation at that abandoned hardrock mine site of historic mine residue;

(C) the proposed activities are designed to result in the partial or complete remediation of historic mine residue at the abandoned hardrock mine site within the term of the Good Samaritan permit;

(D) the proposed project poses a low risk to the environment, as determined by the Administrator;

(E) to the satisfaction of the Administrator, the person—

(i) possesses, or has the ability to secure, the financial and other resources necessary—

(I) to complete the permitted work, as determined by the Administrator; and

(II) to address any contingencies identified in the Good Samaritan permit application described in subsection (c);

(ii) possesses the proper and appropriate experience and capacity to complete the permitted work; and

(iii) will complete the permitted work; and

(F) the person is a Good Samaritan with respect to the historic mine residue proposed to be covered by the Good Samaritan permit.

(2) **IDENTIFICATION OF ALL RESPONSIBLE OWNERS OR OPERATORS.**—

(A) **IN GENERAL.**—A Good Samaritan shall make reasonable and diligent efforts to identify, from a review of publicly available information in land records or on internet websites of Federal, State, and local regulatory authorities, all responsible owners or operators of an abandoned hardrock mine site proposed to be remediated by the Good Samaritan under this section.

(B) **EXISTING RESPONSIBLE OWNER OR OPERATOR.**—If the Administrator determines, based on information provided by a Good Samaritan or otherwise, that a responsible owner or operator exists for an abandoned hardrock mine site proposed to be remediated by the Good Samaritan, the Administrator shall deny the application for a Good Samaritan permit.

(c) **APPLICATION FOR PERMITS.**—To obtain a Good Samaritan permit, a person shall submit to the Administrator an application, signed by the person and any cooperating person, that provides, to the extent known or reasonably discoverable by the person on the date on which the application is submitted—

(1) a description of the abandoned hardrock mine site (including the boundaries of the abandoned hardrock mine site) proposed to be covered by the Good Samaritan permit;

(2) a description of all parties proposed to be involved in the remediation project, including any cooperating person and each

member of an applicable corporation, association, partnership, consortium, joint venture, commercial entity, or nonprofit association;

(3) evidence that the person has or will acquire all legal rights or the authority necessary to enter the relevant abandoned hardrock mine site and perform the remediation described in the application;

(4) a detailed description of the historic mine residue to be remediated;

(5) a detailed description of the expertise and experience of the person and the resources available to the person to successfully implement and complete the remediation plan under paragraph (7);

(6) to the satisfaction of the Administrator and subject to subsection (d), a description of the baseline conditions caused by the historic mine residue to be remediated that includes—

(A) the nature and extent of any adverse impact on the water quality of any body of water caused by the drainage of historic mine residue or other discharges from the abandoned hardrock mine site;

(B) the flow rate and concentration of any drainage of historic mine residue or other discharge from the abandoned hardrock mine site in any body of water that has resulted in an adverse impact described in subparagraph (A); and

(C) any other release or threat of release of historic mine residue that has resulted in an adverse impact to human health or the environment;

(7) subject to subsection (d), a remediation plan for the abandoned hardrock mine site that describes—

(A) the nature and scope of the proposed remediation activities, including—

(i) any historic mine residue to be addressed by the remediation plan; and

(ii) a description of the goals of the remediation including, if applicable, with respect to—

(I) the reduction or prevention of a release, threat of release, or discharge to surface waters; or

(II) other appropriate goals relating to water or soil;

(B) each activity that the person proposes to take that is—

(i) designed to—

(I) improve or enhance water quality or site-specific soil or sediment quality relevant to the historic mine residue addressed by the remediation plan, including making measurable progress toward achieving applicable water quality standards; or

(II) otherwise protect human health and the environment (including through the prevention of a release, discharge, or threat of release to water, sediment, or soil); and

(ii) otherwise necessary to carry out an activity described in subclause (I) or (II) of clause (i);

(C) a plan describing the monitoring or other forms of assessment that will be undertaken by the person to evaluate the success of the activities described in subparagraph (A) during and after the remediation, with respect to the baseline conditions, as described in paragraph (6);

(D) to the satisfaction of the Administrator, detailed engineering plans for the project;

(E) detailed plans for any proposed recycling or reprocessing of historic mine residue to be conducted by the person (including a description of how all proposed recycling or reprocessing activities contribute to the remediation of the abandoned hardrock mine site); and

(F) identification of any proposed contractor that will perform any remediation activity;

(8) subject to subsection (d), a schedule for the work to be carried out under the project, including a schedule for periodic reporting by the person on the remediation of the abandoned hardrock mine site;

(9) a health and safety plan that is specifically designed for mining remediation work;

(10) a specific contingency plan that—

(A) includes provisions on response and notification to Federal, State, Tribal, and local authorities with jurisdiction over downstream waters that have the potential to be impacted by an unplanned release or discharge of hazardous substances, pollutants, or contaminants; and

(B) is designed to respond to unplanned adverse events (such as adverse weather events or a potential fluid release that may result from addressing pooled water or hydraulic pressure situations), including the sudden release of historic mine residue;

(11) subject to subsection (d), a project budget and description of financial resources that demonstrate that the permitted work, including any operation and maintenance, will be completed;

(12) subject to subsection (d), information demonstrating that the applicant has the financial resources to carry out the remediation (including any long-term monitoring that may be required by the Good Samaritan permit) or the ability to secure an appropriate third-party financial assurance, as determined by the Administrator, to ensure completion of the permitted work, including any long-term operations and maintenance of remediation activities that may be—

(A) proposed in the application for the Good Samaritan permit; or

(B) required by the Administrator as a condition of granting the permit;

(13) subject to subsection (d), a detailed plan for any required operation and maintenance of any remediation, including a timeline, if necessary;

(14) subject to subsection (d), a description of any planned post-remediation monitoring, if necessary; and

(15) subject to subsection (d), any other appropriate information, as determined by the Administrator or the applicant.

(d) INVESTIGATIVE SAMPLING.—

(1) INVESTIGATIVE SAMPLING PERMITS.—The Administrator may grant an investigative sampling permit for a period determined by the Administrator to authorize a Good Samaritan to conduct investigative sampling of historic mine residue, soil, sediment, or water to determine—

(A) baseline conditions; and

(B) whether the Good Samaritan—

(i) is willing to perform further remediation to address the historic mine residue; and

(ii) will proceed with a permit conversion under subsection (e)(1).

(2) NUMBER OF PERMITS.—

(A) LIMITATION.—Subject to subparagraph (B), the Administrator may grant not more than 15 investigative sampling permits.

(B) APPLICABILITY TO CONVERTED PERMITS.—An investigative sampling permit that is not converted to a Good Samaritan permit pursuant to paragraph (5) may be eligible for reissuance by the Administrator subject to the overall total of not more than 15 investigative sampling permits allowed at any 1 time described in subparagraph (A).

(3) APPLICATION.—If a Good Samaritan proposes to conduct investigative sampling, the Good Samaritan shall submit to the Administrator an investigative sampling permit application that contains, to the satisfaction of the Administrator—

(A) each description required under paragraphs (1), (2), and (5) of subsection (c);

(B) to the extent reasonably known to the applicant, any previously documented water

quality data describing conditions at the abandoned hardrock mine site;

(C) the evidence required under subsection (c)(3);

(D) each plan required under paragraphs (9) and (10) of subsection (c); and

(E) a detailed plan of the investigative sampling.

(4) REQUIREMENTS.—

(A) IN GENERAL.—If a person submits an application that proposes only investigative sampling of historic mine residue, soil, sediment, or water that only includes the requirements described in paragraph (1), the Administrator may grant an investigative sampling permit that authorizes the person only to carry out the plan of investigative sampling of historic mine residue, soil, sediment, or water, as described in the investigative sampling permit application under paragraph (3).

(B) REPROCESSING.—An investigative sampling permit—

(i) shall not authorize a Good Samaritan or cooperating person to conduct any reprocessing of material; and

(ii) may authorize metallurgical testing of historic mine residue to determine whether reprocessing under subsection (f)(4)(B) is feasible.

(C) REQUIREMENTS RELATING TO SAMPLES.—In conducting investigative sampling of historic mine residue, soil, sediment, or water, a Good Samaritan shall—

(i) collect samples that are representative of the conditions present at the abandoned hardrock mine site that is the subject of the investigative sampling permit; and

(ii) retain publicly available records of all sampling events for a period of not less than 3 years.

(5) PERMIT CONVERSION.—Not later than 1 year after the date on which the investigative sampling under the investigative sampling permit concludes, a Good Samaritan to whom an investigative sampling permit is granted under paragraph (1) may apply to convert an investigative sampling permit into a Good Samaritan permit under subsection (e)(1).

(6) PERMIT NOT CONVERTED.—

(A) IN GENERAL.—Subject to subparagraph (B)(ii)(I), a Good Samaritan who obtains an investigative sampling permit may decline—

(i) to apply to convert the investigative sampling permit into a Good Samaritan permit under paragraph (5); and

(ii) to undertake remediation activities on the site where investigative sampling was conducted on conclusion of investigative sampling.

(B) EFFECT OF LACK OF CONVERSION.—

(i) IN GENERAL.—Notwithstanding a refusal by a Good Samaritan to convert an investigative sampling permit into a Good Samaritan permit under subparagraph (A), but subject to clause (ii), the provisions of paragraphs (1) through (4) of subsection (n) shall continue to apply to the Good Samaritan and any cooperating persons after the refusal to convert.

(ii) DEGRADATION OF SURFACE WATER QUALITY.—

(I) OPPORTUNITY TO CORRECT.—If, before the date on which a Good Samaritan refuses to convert an investigative sampling permit under subparagraph (A), actions by the Good Samaritan or any cooperating person have caused conditions at the abandoned hardrock mine site to be measurably worse, as determined by the Administrator, when compared to conditions described pursuant to paragraph (3)(B), if applicable, the Administrator shall provide the Good Samaritan or cooperating person, as applicable, the opportunity to return the conditions at the abandoned hardrock mine site to those conditions.

(II) EFFECT.—If, pursuant to subclause (I), the applicable Good Samaritan or cooperating person does not return the surface water quality at the abandoned hardrock mine site to conditions described pursuant to paragraph (3)(B), if applicable, as determined by the Administrator, clause (i) shall not apply to the Good Samaritan or any cooperating persons.

(e) INVESTIGATIVE SAMPLING CONVERSION.—

(1) IN GENERAL.—A person to which an investigative sampling permit was granted may submit to the Administrator an application in accordance with paragraph (2) to convert the investigative sampling permit into a Good Samaritan permit.

(2) APPLICATION.—

(A) INVESTIGATIVE SAMPLING.—An application for the conversion of an investigative sampling permit under paragraph (1) shall include any requirement described in subsection (c) that was not included in full in the application submitted under subsection (d)(3).

(B) PUBLIC NOTICE AND COMMENT.—An application for permit conversion under this paragraph shall be subject to—

(i) environmental review and public comment procedures required by subsection (1); and

(ii) a public hearing, if requested.

(f) CONTENT OF PERMITS.—

(1) IN GENERAL.—A Good Samaritan permit shall contain—

(A) the information described in subsection (c), including any modification required by the Administrator;

(B)(i) a provision that states that the Good Samaritan is responsible for securing, for all activities authorized under the Good Samaritan permit, all authorizations, licenses, and permits that are required under applicable law except for—

(I) section 301, 302, 306, 307, 402, or 404 of the Federal Water Pollution Control Act (33 U.S.C. 1311, 1312, 1316, 1317, 1342, 1344); and

(II) authorizations, licenses, and permits that would not need to be obtained if the remediation was conducted pursuant to section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621); or

(ii) in the case of an abandoned hardrock mine site in a State that is authorized to implement State law pursuant to section 402 or 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344) or on land of an Indian tribe that is authorized to implement Tribal law pursuant to that section, a provision that states that the Good Samaritan is responsible for securing, for all activities authorized under the Good Samaritan permit, all authorizations, licenses, and permits that are required under applicable law, except for—

(I) the State or Tribal law, as applicable; and

(II) authorizations, licenses, and permits that would not need to be obtained if the remediation was conducted pursuant to section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621);

(C) specific public notification requirements, including the contact information for all appropriate response centers in accordance with subsection (o);

(D) in the case of a project on land owned by the United States, a notice that the Good Samaritan permit serves as an agreement for use and occupancy of Federal land that is enforceable by the applicable Federal land management agency; and

(E) any other terms and conditions determined to be appropriate by the Administrator or the Federal land management agency, as applicable.

(2) FORCE MAJEURE.—A Good Samaritan permit may include, at the request of the Good Samaritan, a provision that a Good Samaritan may assert a claim of force majeure for any violation of the Good Samaritan permit caused solely by—

(A) an act of God;

(B) an act of war;

(C) negligence on the part of the United States;

(D) an act or omission of a third party, if the Good Samaritan—

(i) exercises due care with respect to the actions of the Good Samaritan under the Good Samaritan permit, as determined by the Administrator;

(ii) took precautions against foreseeable acts or omissions of the third party, as determined by the Administrator; and

(iii) uses reasonable efforts—

(I) to anticipate any potential force majeure; and

(II) to address the effects of any potential force majeure; or

(E) a public health emergency declared by the Federal Government or a global government, such as a pandemic or an epidemic.

(3) MONITORING.—

(A) IN GENERAL.—The Good Samaritan shall take such actions as the Good Samaritan permit requires to ensure appropriate baseline conditions monitoring, monitoring during the remediation project, and post-remediation monitoring of the environment under paragraphs (7) and (14) of subsection (c).

(B) MULTIPARTY MONITORING.—The Administrator may approve in a Good Samaritan permit the monitoring by multiple cooperating persons if, as determined by the Administrator—

(i) the multiparty monitoring will effectively accomplish the goals of this section; and

(ii) the Good Samaritan remains responsible for compliance with the terms of the Good Samaritan permit.

(4) OTHER DEVELOPMENT.—

(A) NO AUTHORIZATION OF MINING ACTIVITIES.—No mineral exploration, processing, beneficiation, or mining shall be—

(i) authorized by this Act; or

(ii) covered by any waiver of liability provided by this Act from applicable law.

(B) REPROCESSING OF MATERIALS.—A Good Samaritan may reprocess materials recovered during the implementation of a remediation plan only if—

(i) the project under the Good Samaritan permit is on land owned by the United States;

(ii) the applicable Federal land management agency has signed a decision document under subsection (1)(2)(G) approving reprocessing as part of a remediation plan;

(iii) the proceeds from the sale or use of the materials are used—

(I) to defray the costs of the remediation; and

(II) to the extent required by the Good Samaritan permit, to reimburse the Administrator or the head of a Federal land management agency for the purpose of carrying out this Act;

(iv) any remaining proceeds are deposited into the appropriate Good Samaritan Mine Remediation Fund established by section 5(a); and

(v) the materials only include historic mine residue.

(C) CONNECTION WITH OTHER ACTIVITIES.—The commingling or association of any other discharge of water or historic mine residue or any activity, project, or operation conducted on or after the date of enactment of this Act with any aspect of a project subject to a Good Samaritan permit shall not limit or reduce the liability of any person associ-

ated with the other discharge of water or historic mine residue or activity, project, or operation.

(g) ADDITIONAL WORK.—A Good Samaritan permit may (subject to subsection (r)(5) in the case of a project located on Federal land) allow the Good Samaritan to return to the abandoned hardrock mine site after the completion of the remediation to perform operations and maintenance or other work—

(1) to ensure the functionality of completed remediation activities at the abandoned hardrock mine site; or

(2) to protect public health and the environment.

(h) TIMING.—Work authorized under a Good Samaritan permit—

(1) shall commence, as applicable—

(A) not later than the date that is 18 months after the date on which the Administrator granted the Good Samaritan permit, unless the Administrator grants an extension under subsection (r)(2)(A); or

(B) if the grant of the Good Samaritan permit is the subject of a petition for judicial review, not later than the date that is 18 months after the date on which the judicial review, including any appeals, has concluded; and

(2) shall continue until completed, with temporary suspensions permitted during adverse weather or other conditions specified in the Good Samaritan permit.

(i) TRANSFER OF PERMITS.—A Good Samaritan permit may be transferred to another person only if—

(1) the Administrator determines that the transferee qualifies as a Good Samaritan;

(2) the transferee signs, and agrees to be bound by the terms of, the permit;

(3) the Administrator includes in the transferred permit any additional conditions necessary to meet the goals of this section; and

(4) in the case of a project under the Good Samaritan permit on land owned by the United States, the head of the applicable Federal land management agency approves the transfer.

(j) ROLE OF ADMINISTRATOR AND FEDERAL LAND MANAGEMENT AGENCIES.—In carrying out this section—

(1) the Administrator shall—

(A) consult with prospective applicants;

(B) convene, coordinate, and lead the application review process;

(C) maintain all records relating to the Good Samaritan permit and the permit process;

(D) in the case of a proposed project on State, Tribal, or private land, provide an opportunity for cooperating persons and the public to participate in the Good Samaritan permit process, including—

(i) carrying out environmental review and public comment procedures pursuant to subsection (1); and

(ii) a public hearing, if requested; and

(E) enforce and otherwise carry out this section; and

(2) the head of an applicable Federal land management agency shall—

(A) in the case of a proposed project on land owned by the United States, provide an opportunity for cooperating persons and the public to participate in the Good Samaritan permit process, including—

(i) carrying out environmental review and public comment procedures pursuant to subsection (1); and

(ii) a public hearing, if requested; and

(B) in coordination with the Administrator, enforce Good Samaritan permits issued under this section for projects on land owned by the United States.

(k) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—As soon as practicable, but not later than 14 days after the date on which the Administrator receives an application for the

remediation of an abandoned hardrock mine site under this section that, as determined by the Administrator, is complete and meets all applicable requirements of subsection (c), the Administrator shall provide notice and a copy of the application to—

(1) each local government with jurisdiction over a drinking water utility, and each Indian tribe with reservation or off-reservation treaty rights to land or water, located downstream from or otherwise near a proposed remediation project that is reasonably anticipated to be impacted by the remediation project or a potential release of contaminants from the abandoned hardrock mine site, as determined by the Administrator;

(2) each Federal, State, and Tribal agency that may have an interest in the application; and

(3) in the case of an abandoned hardrock mine site that is located partially or entirely on land owned by the United States, the Federal land management agency with jurisdiction over that land.

#### (1) ENVIRONMENTAL REVIEW AND PUBLIC COMMENT.—

(1) IN GENERAL.—Before the issuance of a Good Samaritan permit to carry out a project for the remediation of an abandoned hardrock mine site, the Administrator shall ensure that environmental review and public comment procedures are carried out with respect to the proposed project.

#### (2) RELATION TO NEPA.—

(A) MAJOR FEDERAL ACTION.—Subject to subparagraph (F), the issuance or modification of a Good Samaritan permit by the Administrator shall be considered a major Federal action for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(B) LEAD AGENCY.—The lead agency for purposes of an environmental assessment and public comment under this subsection shall be—

(i) in the case of a proposed project on land owned by the United States that is managed by only 1 Federal land management agency, the applicable Federal land management agency;

(ii) in the case of a proposed project entirely on State, Tribal, or private land, the Administrator;

(iii) in the case of a proposed project partially on land owned by the United States and partially on State, Tribal, or private land, the applicable Federal land management agency; and

(iv) in the case of a proposed project on land owned by the United States that is managed by more than 1 Federal land management agency, the Federal land management agency selected by the Administrator to be the lead agency, after consultation with the applicable Federal land management agencies.

(C) COORDINATION.—To the maximum extent practicable, the lead agency described in subparagraph (B) shall coordinate procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with State, Tribal, and Federal cooperating agencies, as applicable.

(D) COOPERATING AGENCY.—In the case of a proposed project on land owned by the United States, the Administrator shall be a cooperating agency for purposes of an environmental assessment and public comment under this subsection.

(E) SINGLE NEPA DOCUMENT.—The lead agency described in subparagraph (B) may conduct a single environmental assessment for—

(i) the issuance of a Good Samaritan permit;

(ii) any activities authorized by a Good Samaritan permit; and

(iii) any applicable permits required by the Secretary of the Interior or the Secretary of Agriculture.

#### (F) NO SIGNIFICANT IMPACT.—

(1) IN GENERAL.—A Good Samaritan permit may only be issued if, after an environmental assessment, the head of the lead agency issues a finding of no significant impact (as defined in section 111 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336e)).

(ii) SIGNIFICANT IMPACT.—If the head of the lead agency is unable to issue a finding of no significant impact (as so defined), the head of the lead agency shall not issue a Good Samaritan permit for the proposed project.

(G) DECISION DOCUMENT.—An approval or denial of a Good Samaritan permit may be issued as a single decision document that is signed by—

(i) the Administrator; and

(ii) in the case of a project on land owned by the United States, the head of the applicable Federal land management agency.

(H) LIMITATION.—Nothing in this paragraph exempts the Secretary of Agriculture or the Secretary of the Interior, as applicable, from any other requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

#### (m) PERMIT GRANT.—

(1) IN GENERAL.—The Administrator may grant a Good Samaritan permit to carry out a project for the remediation of an abandoned hardrock mine site only if—

(A) the Administrator determines that—

(i) the person seeking the permit is a Good Samaritan;

(ii) the application described in subsection (c) is complete;

(iii) the project is designed to remediate historic mine residue at the abandoned hardrock mine site to protect human health and the environment;

(iv) the proposed project is designed to meet all other goals, as determined by the Administrator, including any goals set forth in the application for the Good Samaritan permit that are accepted by the Administrator;

(v) the proposed activities, as compared to the baseline conditions described in the permit, will make measurable progress toward achieving—

(I) applicable water quality standards;

(II) improved soil quality;

(III) improved sediment quality;

(IV) other improved environmental or safety conditions; or

(V) reductions in threats to soil, sediment, or water quality or other environmental or safety conditions;

(vi) the applicant has—

(I) demonstrated that the applicant has the proper and appropriate experience and capacity to complete the permitted work;

(II) demonstrated that the applicant will complete the permitted work;

(III) the financial and other resources to address any contingencies identified in the Good Samaritan permit application described in subsections (b) and (c);

(IV) granted access and provided the authority to review the records of the applicant relevant to compliance with the requirements of the Good Samaritan permit; and

(V) demonstrated, to the satisfaction of the Administrator, that—

(aa) the applicant has, or has access to, the financial resources to complete the project described in the Good Samaritan permit application, including any long-term monitoring and operations and maintenance that the Administrator may require the applicant to perform in the Good Samaritan permit; or

(bb) the applicant has established a third-party financial assurance mechanism, such

as a corporate guarantee from a parent or other corporate affiliate, letter of credit, trust, surety bond, or insurance to assure that funds are available to complete the permitted work, including for operations and maintenance and to address potential contingencies, that—

(AA) establishes the Administrator or the head of the Federal land management agency as the beneficiary of the third-party financial assurance mechanism; and

(BB) allows the Administrator to retain and use the funds from the financial assurance mechanism in the event the Good Samaritan does not complete the remediation under the Good Samaritan permit; and

(vii) the project meets the requirements of this Act;

(B) the State or Indian tribe with jurisdiction over land on which the abandoned hardrock mine site is located has been given an opportunity to review and, if necessary, comment on the grant of the Good Samaritan permit;

(C) in the case of a project proposed to be carried out under the Good Samaritan permit partially or entirely on land owned by the United States, pursuant to subsection (1), the head of the applicable Federal land management agency has signed a decision document approving the proposed project; and

(D) the Administrator or head of the Federal land management agency, as applicable, has provided—

(i) environmental review and public comment procedures required by subsection (1); and

(ii) a public hearing under that subsection, if requested.

#### (2) DEADLINE.—

(A) IN GENERAL.—The Administrator shall grant or deny a Good Samaritan permit by not later than—

(i) the date that is 180 days after the date of receipt by the Administrator of an application for the Good Samaritan permit that, as determined by the Administrator, is complete and meets all applicable requirements of subsection (c); or

(ii) such later date as may be determined by the Administrator with notification provided to the applicant.

(B) CONSTRUCTIVE DENIAL.—If the Administrator fails to grant or deny a Good Samaritan permit by the applicable deadline described in subparagraph (A), the application shall be considered to be denied.

(3) DISCRETIONARY ACTION.—The issuance of a permit by the Administrator and the approval of a project by the head of an applicable Federal land management agency shall be considered to be discretionary actions taken in the public interest.

#### (n) EFFECT OF PERMITS.—

(1) IN GENERAL.—A Good Samaritan and any cooperating person undertaking remediation activities identified in, carried out pursuant to, and in compliance with, a covered permit—

(A) shall be considered to be in compliance with all requirements (including permitting requirements) under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including any law or regulation implemented by a State or Indian tribe under section 402 or 404 of that Act (33 U.S.C. 1342, 1344)) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) during the term of the covered permit, after the termination of the Good Samaritan permit, and after declining to convert an investigative sampling permit into a Good Samaritan permit, as applicable;

(B) shall not be required to obtain a permit under, or to comply with, section 301, 302, 306, 307, 402, or 404 of the Federal Water Pollution Control Act (33 U.S.C. 1311, 1312, 1316,

1317, 1342, 1344), or any State or Tribal standards or regulations approved by the Administrator under those sections of that Act, during the term of the covered permit, after the termination of the Good Samaritan permit, and after declining to convert an investigative sampling permit into a Good Samaritan permit, as applicable; and

(C) shall not be required to obtain any authorizations, licenses, or permits that would otherwise not need to be obtained if the remediation was conducted pursuant to section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621).

(2) UNAUTHORIZED ACTIVITIES.—

(A) IN GENERAL.—Any person (including a Good Samaritan or any cooperating person) that carries out any activity, including activities relating to mineral exploration, processing, beneficiation, or mining, including development, that is not authorized by the applicable covered permit shall be subject to all applicable law.

(B) LIABILITY.—Any activity not authorized by a covered permit, as determined by the Administrator, may be subject to liability and enforcement under all applicable law, including—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(ii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(3) NO ENFORCEMENT OR LIABILITY FOR GOOD SAMARITANS.—

(A) IN GENERAL.—Subject to subparagraphs (D) and (E), a Good Samaritan or cooperating person that is conducting a remediation activity identified in, pursuant to, and in compliance with a covered permit shall not be subject to enforcement or liability described in subparagraph (B) for—

(i) any actions undertaken that are authorized by the covered permit; or

(ii) any past, present, or future releases, threats of releases, or discharges of hazardous substances, pollutants, or contaminants at or from the abandoned hardrock mine site that is the subject of the covered permit (including any releases, threats of releases, or discharges that occurred prior to the grant of the covered permit).

(B) ENFORCEMENT OR LIABILITY DESCRIBED.—Enforcement or liability referred to in subparagraph (A) is enforcement, civil or criminal penalties, citizen suits and any liabilities for response costs, natural resource damage, or contribution under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including under any law or regulation administered by a State or Indian tribe under that Act); or

(ii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(C) DURATION OF APPLICABILITY.—Subparagraph (A) shall apply during the term of the covered permit, after the termination of the Good Samaritan permit, and after declining to convert an investigative sampling permit into a Good Samaritan permit, as applicable.

(D) OTHER PARTIES.—Nothing in subparagraph (A) limits the liability of any person that is not described in that subparagraph.

(E) DECLINE IN ENVIRONMENTAL CONDITIONS.—Notwithstanding subparagraph (A), if a Good Samaritan or cooperating person fails to comply with any term, condition, or limitation of a covered permit and that failure results in surface water quality or other environmental conditions that the Administrator determines are measurably worse than the baseline conditions as described in the permit (in the case of a Good Samaritan permit) or the conditions as described pursuant to subsection (d)(3)(B), if applicable (in the case of an investigative sampling per-

mit), at the abandoned hardrock mine site, the Administrator shall—

(i) notify the Good Samaritan or cooperating person, as applicable, of the failure to comply; and

(ii) require the Good Samaritan or the cooperating person, as applicable, to undertake reasonable measures, as determined by the Administrator, to return surface water quality or other environmental conditions to those conditions.

(F) FAILURE TO CORRECT.—Subparagraph (A) shall not apply to a Good Samaritan or cooperating person that fails to take any actions required under subparagraph (E)(ii) within a reasonable period of time, as established by the Administrator.

(G) MINOR OR CORRECTED PERMIT VIOLATIONS.—For purposes of this paragraph, the failure to comply with a term, condition, or limitation of a Good Samaritan permit or investigative sampling permit shall not be considered a permit violation or noncompliance with that permit if—

(i) that failure or noncompliance does not result in a measurable adverse impact, as determined by the Administrator, on water quality or other environmental conditions; or

(ii) the Good Samaritan or cooperating person complies with subparagraph (E)(ii).

(O) PUBLIC NOTIFICATION OF ADVERSE EVENT.—A Good Samaritan shall notify all appropriate Federal, State, Tribal, and local entities of any unplanned or previously unknown release of historic mine residue caused by the actions of the Good Samaritan or any cooperating person in accordance with—

(1) section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603);

(2) section 304 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11004);

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(4) any other applicable provision of Federal law; and

(5) any other applicable provision of State, Tribal, or local law.

(P) GRANT ELIGIBILITY.—A remediation project conducted under a Good Samaritan permit shall be eligible for funding pursuant to—

(1) section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329), for activities that are eligible for funding under that section; and

(2) section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)), subject to the condition that the recipient of the funding is otherwise eligible under that section to receive a grant to assess or remediate contamination at the site covered by the Good Samaritan permit.

(Q) EMERGENCY AUTHORITY AND LIABILITY.—

(1) EMERGENCY AUTHORITY.—Nothing in this section affects the authority of—

(A) the Administrator to take any responsive action authorized by law; or

(B) a Federal, State, Tribal, or local agency to carry out any emergency authority, including an emergency authority provided under Federal, State, Tribal, or local law.

(2) LIABILITY.—Except as specifically provided in this Act, nothing in this Act, a Good Samaritan permit, or an investigative sampling permit limits the liability of any person (including a Good Samaritan or any cooperating person) under any provision of law.

(R) TERMINATION OF GOOD SAMARITAN PERMIT.—

(1) IN GENERAL.—A Good Samaritan permit shall terminate, as applicable—

(A) on inspection and notice from the Administrator to the recipient of the Good Sa-

maritan permit that the permitted work has been completed in accordance with the terms of the Good Samaritan permit, as determined by the Administrator;

(B) if the Administrator terminates a permit under paragraph (4)(B); or

(C) except as provided in paragraph (2)—

(i) on the date that is 18 months after the date on which the Administrator granted the Good Samaritan permit, if the permitted work has not commenced by that date; or

(ii) if the grant of the Good Samaritan permit was the subject of a petition for judicial review, on the date that is 18 months after the date on which the judicial review, including any appeals, has concluded, if the permitted work has not commenced by that date.

(2) EXTENSION.—

(A) IN GENERAL.—If the Administrator is otherwise required to terminate a Good Samaritan permit under paragraph (1)(C), the Administrator may grant an extension of the Good Samaritan permit.

(B) LIMITATION.—Any extension granted under subparagraph (A) shall be not more than 180 days for each extension.

(3) EFFECT OF TERMINATION.—

(A) IN GENERAL.—Notwithstanding the termination of a Good Samaritan permit under paragraph (1), but subject to subparagraph (B), the provisions of paragraphs (1) through (4) of subsection (n) shall continue to apply to the Good Samaritan and any cooperating persons after the termination, including to any long-term operations and maintenance pursuant to the agreement under paragraph (5).

(B) DEGRADATION OF SURFACE WATER QUALITY.—

(i) OPPORTUNITY TO RETURN TO BASELINE CONDITIONS.—If, at the time that 1 or more of the conditions described in paragraph (1) are met but before the Good Samaritan permit is terminated, actions by the Good Samaritan or cooperating person have caused surface water quality at the abandoned hardrock mine site to be measurably worse, as determined by the Administrator, when compared to baseline conditions described in the permit, the Administrator shall, before terminating the Good Samaritan permit, provide the Good Samaritan or cooperating person, as applicable, the opportunity to return surface water quality to those baseline conditions.

(ii) EFFECT.—If, pursuant to clause (i), the applicable Good Samaritan or cooperating person does not return the surface water quality at the abandoned hardrock mine site to the baseline conditions described in the permit, as determined by the Administrator, subparagraph (A) shall not apply to the Good Samaritan or any cooperating persons.

(4) UNFORESEEN CIRCUMSTANCES.—

(A) IN GENERAL.—The recipient of a Good Samaritan permit may seek to modify or terminate the Good Samaritan permit to take into account any event or condition that—

(i) significantly reduces the feasibility or significantly increases the cost of completing the remediation project that is the subject of the Good Samaritan permit;

(ii) was not—

(I) reasonably contemplated by the recipient of the Good Samaritan permit; or

(II) taken into account in the remediation plan of the recipient of the Good Samaritan permit; and

(iii) is beyond the control of the recipient of the Good Samaritan permit, as determined by the Administrator.

(B) TERMINATION.—The Administrator shall terminate a Good Samaritan permit if—

(i) the recipient of the Good Samaritan permit seeks termination of the permit under subparagraph (A);



(ii) the factors described in subparagraph (A) are satisfied; and

(iii) the Administrator determines that remediation activities conducted by the Good Samaritan or cooperating person pursuant to the Good Samaritan permit may result in surface water quality conditions, or any other environmental conditions, that will be worse than the baseline conditions, as described in the Good Samaritan permit, as applicable.

(5) **LONG-TERM OPERATIONS AND MAINTENANCE.**—In the case of a project that involves long-term operations and maintenance at an abandoned hardrock mine site located on land owned by the United States, the project may be considered complete and the Administrator, in coordination with the applicable Federal land management agency, may terminate the Good Samaritan permit under this subsection if the applicable Good Samaritan has entered into an agreement with the applicable Federal land management agency or a cooperating person for the long-term operations and maintenance that includes sufficient funding for the long-term operations and maintenance.

(s) **REGULATIONS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Administrator, in consultation with the Secretary of the Interior and the Secretary of Agriculture, and appropriate State, Tribal, and local officials, may promulgate any regulations that the Administrator determines to be necessary to carry out this Act.

(2) **GUIDANCE IF NO REGULATIONS PROMULGATED.**—

(A) **IN GENERAL.**—If the Administrator does not initiate a regulatory process to promulgate regulations under paragraph (1) within 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and appropriate State, Tribal, and local officials, shall issue guidance establishing specific requirements that the Administrator determines would facilitate the implementation of this section.

(B) **PUBLIC COMMENTS.**—Before finalizing any guidance issued under subparagraph (A), the Administrator shall hold a 30-day public comment period.

## SEC. 5. SPECIAL ACCOUNTS.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a Good Samaritan Mine Remediation Fund (referred to in this section as a “Fund”) for—

(1) each Federal land management agency that authorizes a Good Samaritan to conduct a project on Federal land under the jurisdiction of that Federal land management agency under a Good Samaritan permit; and

(2) the Environmental Protection Agency.

(b) **DEPOSITS.**—Each Fund shall consist of—

(1) amounts provided in appropriation Acts;

(2) any proceeds from reprocessing deposits under section 4(f)(4)(B)(iv);

(3) any financial assurance funds collected from an agreement described in section 4(m)(1)(A)(vi)(V)(bb);

(4) any funds collected for long-term operations and maintenance under an agreement under section 4(r)(5); and

(5) any amounts donated to the Fund by any person.

(c) **UNUSED FUNDS.**—Amounts in each Fund not currently needed to carry out this Act shall be maintained as readily available or on deposit.

(d) **RETAIN AND USE AUTHORITY.**—The Administrator and each head of a Federal land management agency, as appropriate, may, notwithstanding any other provision of law, retain and use money deposited in the applicable Fund without fiscal year limitation for the purpose of carrying out this Act.

## SEC. 6. REPORT TO CONGRESS.

(a) **IN GENERAL.**—Not later than 8 years after the date of enactment of this Act, the Administrator, in consultation with the heads of Federal land management agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committees on Transportation and Infrastructure, Energy and Commerce, and Natural Resources of the House of Representatives a report evaluating the Good Samaritan pilot program under this Act.

(b) **INCLUSIONS.**—The report under subsection (a) shall include—

(1) a description of—

(A) the number, types, and objectives of Good Samaritan permits granted pursuant to this Act; and

(B) each remediation project authorized by those Good Samaritan permits;

(2) interim or final qualitative and quantitative data on the results achieved under the Good Samaritan permits before the date of issuance of the report;

(3) a description of—

(A) any problems encountered in administering this Act; and

(B) whether the problems have been or can be remedied by administrative action (including amendments to existing law);

(4) a description of progress made in achieving the purposes of this Act; and

(5) recommendations on whether the Good Samaritan pilot program under this Act should be continued, including a description of any modifications (including amendments to existing law) required to continue administering this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from Utah (Ms. MALOY) and the gentlewoman from Alaska (Mrs. PELTOLA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Utah.

### GENERAL LEAVE

Ms. MALOY. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2781.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of S. 2781, the bipartisan and bicameral Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024.

I am the Republican cosponsor of the House companion legislation. This bill is critical to removing the obstacles that are preventing the cleanup and remediation of important land and water resources across our Nation.

This map shows the hundreds of thousands of estimated abandoned mines sprinkled across the United States. This is not only a western issue, but a national one. Historic mining in the U.S. predates modern environmental laws and current reclamation standards. This leads to the creation of abandoned hardrock mine lands, which can pose environmental and safety risks to surrounding areas and communities.

Despite the danger, non-profit organizations, mining companies, State agencies, and other stakeholders with the willingness and expertise to clean up these abandoned mines are deterred from taking action.

Under the Clean Water Act and the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, Good Samaritans who wish to clean up an abandoned mine would assume liability for the pre-existing mine waste or pollution that they did not create. As a result, remediation efforts are stopped before they can even begin.

This bill directs the EPA to establish a pilot permitting program for 15 low-risk projects to allow true Good Samaritans, with no legal or financial responsibility or connection to an abandoned hardrock mine site, to remediate and clean up sites leading to improved environmental and safety conditions.

S. 2781 is the right start to allow for the cleanup and remediation of these mines in Utah and across the country while providing narrowly targeted liability protections for Good Samaritan volunteers.

This bill has robust bipartisan support from a significant number of stakeholders across the political spectrum. The legislation also passed out of the Senate Environment and Public Works Committee by voice vote, the full Senate by unanimous consent, and the House Transportation and Infrastructure Committee by voice vote in September.

Mr. Speaker, I urge support of this legislation, and I reserve the balance of my time.

Mrs. PELTOLA. Mr. Speaker, I rise in support of S. 2781, the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024, authored by Senator HEINRICH of New Mexico.

This bipartisan bill, also introduced in the House by Representative MALOY and myself, would address the significant environmental challenge posed by tens of thousands of abandoned hardrock mining sites by creating a pathway for Good Samaritan entities to receive the legal assurances they need to move ahead with remediation of historic mine pollution.

I applaud the bipartisan work that has gotten the bill to this point, and I am pleased to see that we are on the cusp of enactment.

The potential harm to the environment and society caused by these abandoned mines is great. Tens of thousands of miles of streams around the Nation are contaminated by acid and metals drained from these abandoned mine sites, and hundreds of thousands of acres of lakes and reservoirs are impacted from runoff from abandoned mines.

The Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 would establish a pilot program to allow EPA to issue certain permits to allow remediation of abandoned hardrock mine sites.

The legislation has the support of a range of outdoor conservation groups, including American Rivers, National Parks Conservation Association, National Wildlife Federation, The Nature Conservancy, and Trout Unlimited.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Ms. MALOY. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MOORE).

Mr. MOORE of Utah. Mr. Speaker, I thank the gentlewoman from Utah for yielding.

Mr. Speaker, I rise today in support of the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 introduced by my colleague Representative MALOY from Utah.

Around the country, and particularly in the West, thousands of historic hardrock mines lay abandoned, posing risks to public health and the environment.

Many of these sites sit on the same public land on which we recreate and thoroughly enjoy. The leftover residues, chemicals, and harmful contaminants affect thousands of miles of streams and waterways, endangering wildlife and fish.

Clearly, there is a problem to be solved here. Too often in this body of Congress, we create more problems than actual solutions.

This bill is fundamentally different for the way that it tries to approach and address this issue that exists out in our communities.

This bill will accelerate remediation work by allowing Good Samaritan organizations and State agencies to voluntarily take action and clean up abandoned mines to protect water quality.

With the enactment of this bill, we will help ensure that these sites are restored and no longer pose risks to the public. A key word on that is “voluntarily.” If we get in the way of these Good Samaritan and State agencies to actually solve this issue, we will continue to have these problems going forward.

In Utah, we know the importance of being good stewards of our resources, and this legislation is vital to passing on our land to future generations.

I thank Congresswoman MALOY and her work on this issue, and I urge my colleagues to support this bill.

□ 1545

Mrs. PELTOLA. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in opposition to S. 2781.

To be clear, I strongly support cleaning up abandoned mines, but this bill contains language that would undermine the cleanups it aims to support. It opens the floodgates for bad actors to take advantage of Superfund liability shields and loopholes created by this legislation for the very first time.

Providing broad Superfund exemptions undermines our ability to protect the communities we are elected to serve. For example, during a cleanup, a so-called Good Samaritan may do an

inadequate job or make the toxic contamination at a site worse. Under this bill, they would not be held responsible for the harm that they caused. By exempting polluters from liability, Congress would be shifting the costs of these cleanups onto the taxpayers, and I don't think that is right.

I fear that Congress is opening a Pandora's box, where every corporation and polluter will be asking for their own sweetheart Superfund exemption. What is more, this bill gives the incoming Trump Environmental Protection Agency Administrator unilateral power to decide which entities are Good Samaritans and which are not.

The Trump EPA also has sole power to choose which sites get selected for the program and to determine if a site is truly cleaned up in a reasonable amount of time under vague terms that make it difficult to ensure that adequate protection for human health and the environment takes place.

Mr. Speaker, EPA, the agency in charge of implementing the provisions of this bill, has also expressed serious concerns. The bill opens the program to additional litigation, takes away the possibility of downstream communities' holding Good Samaritans accountable in case of a spill, and leaves taxpayers on the hook to pay for cleaning up pollution that is discovered after a permit expires.

Mr. Speaker, for decades, the Superfund program has worked to clean up toxic sites across the Nation, particularly those contaminated with radioactive material and heavy metals. It has a strong bipartisan history of cleaning up sites, regardless of location and regardless of who is responsible or which political party controls Congress or the White House.

I believe allowing the Trump EPA to politicize this successful law is a mistake. Giving the Trump EPA additional tools to undermine Superfund cleanups should not be the way to close out this Congress.

Mr. Speaker, I have consistently been willing to work with bill supporters to address deficiencies and recognize the critical role that Good Samaritans play in mine cleanups while also making sure we don't create new toxic Superfund sites in the process. Unfortunately, attempts by me and others to improve this bill or alleviate those concerns have not been granted or didn't take place.

Mr. Speaker, I simply cannot support the way this bill is phrased. I urge a “no” vote.

Ms. MALOY. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. FULCHER).

Mr. FULCHER. Mr. Speaker, I thank the gentlewoman for her work and leadership on this measure.

Mr. Speaker, I rise in support of S. 2781, the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024.

According to the Government Accountability Office, there are over

140,000 abandoned hardrock mines on Federal lands. At least 22,500 of these mines pose serious dangers to the communities around them. Historically, the Coeur d'Alene mining district in Idaho stands as one of the most productive mining regions in silver and lead in the United States, with a legacy dating back to the 1890s. However, this history has resulted in thousands of abandoned hardrock mines on Federal lands. In some cases, they degrade the environment.

This bill simply provides limited liability protections for groups willing to step up and help. It allows Good Samaritans, nonprofits, private organizations, and local governments to clean up and remediate these sites effectively without fear of incurring harmful liability under the framework of CERCLA and the Clean Water Act.

Mr. Speaker, this is needed. Government can't and shouldn't do everything. This legislation simply encourages public-private partnerships to tackle this issue and do it in an effective and affordable way.

Mr. Speaker, I encourage my colleagues' support of this bill.

Mrs. PELTOLA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in support of the bipartisan Good Samaritan Remediation of Abandoned Hardrock Mines Act.

This bill would establish a pilot program for 15 low-risk abandoned mine remediation projects to be approved by the EPA and to be conducted by qualified State agencies, local governments, and nonprofits. It does not provide unlimited protection for everybody. It is a pilot project.

In Colorado and across the West, we are surrounded by the legacy of our pioneering mining industry, but with that comes the responsibility to address what is left behind at mining sites.

According to the GAO, of the nearly 140,000 abandoned hardrock mines in the U.S., we have 23,000 of them in Colorado alone, with over 7,400 of them posing environmental risks. Under current law, groups that volunteer to clean or restore a former mining site could become liable for the site, even if the group played no role in causing the pollution before remediating the site. The Colorado Department of Natural Resources has told me that that hurdle has stopped cleanup efforts in Colorado.

This bill represents a critical step forward, empowering those nonresponsible parties that are ready, willing, and able to help and to improve water quality in and around abandoned hardrock mines to obtain a permit to clean up those sites.

By establishing a pilot program, abandoned mines can be remediated over the next 7 years, and we will learn lessons on how to best permit and manage remediation of those sites going forward.



In September 2023, the Biden administration's recommendations to improve mining on public lands called for the establishment of a Good Samaritan remediation. The administration strongly supports the establishment of a Good Samaritan remediation program through the bill.

Mr. Speaker, I urge passage of this bill that would allow us to address important environmental issues.

Ms. MALOY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. GRAVES).

Mr. GRAVES of Louisiana. Mr. Speaker, I thank the gentlewoman from Utah (Ms. MALOY) and the gentlewoman from Alaska (Mrs. PELTOLA) for coming together on this important bipartisan legislation.

Mr. Speaker, the reality is that there are abandoned mines all over the United States. There are very few in Louisiana because you hit water when you go subsurface in most cases, but we do have some mines in the northern part of the State.

The reason I am excited about this legislation is because it incentivizes the right type of behavior.

Mr. Speaker, my colleagues need to think about the two alternatives here. One alternative is that these abandoned mines and the environmental risks that they pose are left unadulterated. They would be left behind with the risk and the threat.

The other is you allow the work of a Good Samaritan, someone who wants to come in to help carry out remediation efforts. This can't be someone that created the mine. It can't be someone who is a PRP or otherwise has liability associated with the mine. They are folks who want to come in to eliminate the risk, to reduce the risk, and to clean things up.

This is exactly the type of behavior that we should be incentivizing. This is exactly what we should be doing.

In fact, I would love to see us actually expand this into areas like coastal Louisiana, where we have lost 2,000 square miles of our coast, incentivizing Good Samaritans to come in to carry out remediation efforts or restoration efforts.

Mr. Speaker, I thank the gentlewoman from Alaska (Mrs. PELTOLA) for taking a leadership role and working together with my good friend, the gentlewoman from Utah (Ms. MALOY), on this great bipartisan legislation.

Mr. Speaker, I will say it again. This type of pilot program is the exact thing that we should be doing on a broader basis, on an expanded basis, because this incentivizes the right type of behavior. It eliminates risk and eliminates threats to the environment, and I appreciate this legislation being brought up.

Mr. Speaker, I urge my colleagues to support the bill.

Mrs. PELTOLA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. LEE).

Ms. LEE of Nevada. Mr. Speaker, I thank Mrs. PELTOLA and Ms. MALOY for their leadership.

Abandoned hardrock mines are scattered all across the American West, including in my own district, which is home to some of the oldest mine lands in Nevada. Their pollutants are poisoning our waters, threatening Tribal lands and resources, and creating hazardous landscapes that have injured and killed Americans.

A range of highly qualified partners, from State and local agencies to the nonprofit guardians of America's great outdoors, such as Trout Unlimited, stand ready to work with the Federal Government to clean up these sites.

Today's bipartisan, bicameral legislation will safely and responsibly cut through red tape currently preventing these Good Samaritans from doing so. It has taken 25 years of consensus building to craft this version of the Good Sam bill now on the floor. That is a quarter century of collaboration that has earned this version of the bill the support of every Member of the U.S. Senate; our Transportation and Infrastructure Committee; a bipartisan coalition of lawmakers, myself included, who have led the charge to get this legislation across the finish line in this Congress; and stakeholders from The Nature Conservancy to the National Congress of American Indians and the Western Governors' Association.

Mr. Speaker, here is a sobering reminder: Across these multiple decades, abandoned hardrock mines have continued to send mercury, arsenic, lead, and other toxic materials into our rivers and communities.

Let's take a look back in history to highlight just one example.

When the Senator from Montana first proposed the Good Sam legislation back in 1999, officials from the State were hoping that it would provide a pathway for them to help clean up an 1800s-era abandoned mine polluting Montana's Corbin Creek. After 25 years, with Good Sam bill after Good Sam bill dying here in Washington, Corbin Creek still remains on Montana's list of impaired waters to this day, and for no good reason since Good Samaritans have been willing to actively assist.

The time for talking is over. It is now time for the House to act. Before Congress adjourns, we have a historic opportunity to put our Nation on an accelerated path to cleaner waters and safer landscapes. This Good Sam bill is a good bill.

The Clean Water Act and Superfund both aim to restore and maintain the integrity of America's waters, and this bill moves us closer to that objective. It also includes multiple protections and provisions to prevent any abuse or backsliding.

Mr. Speaker, I ask both my Republican and Democratic colleagues to join me in voting at long last to pass it.

Ms. MALOY. Mr. Speaker, I have no further speakers and am prepared to close. I reserve the balance of my time.

Mrs. PELTOLA. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, mining is a very interesting field, and a lot of modern mining is very, very environmentally conscious. I think it is noteworthy to recognize that all rock is between zero to six or seven stages of acid rock leaching. All that means is, if acid-leaching rock is crushed, its exposure to water and air becomes a contaminant to fish.

Acid-rock drainage was not very well understood in some of the early mines, and I know that there are a lot of entities that are very interested and have a lot of philanthropic money behind them to put toward remediation and reclamation.

This act provides a reasonable, commonsense approach to ensure that voluntary parties that had nothing to do with the cause of pollution are able to take steps to reduce the environmental health and safety problems associated with abandoned mine sites.

Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

Ms. MALOY. Mr. Speaker, I yield myself the balance of my time for the purposes of closing.

The Good Samaritan Remediation of Abandoned Hardrock Mines Act, the Good Samaritan Act, is the right step forward. There is a clear irony here that the Clean Water Act and CERCLA are unintentionally standing in the way of sensible, low-risk mine clean-ups.

I ask that my colleagues support this monumental legislation, the concepts for which have been in the works for over two decades. The strong bipartisan nature of this bill cannot be overstated, with Senators and Members of Congress working alongside stakeholders and industry leaders across the political spectrum, including the White House, to make this bill into law.

I thank my co-lead, Congresswoman MARY PELTOLA, for her leadership and partnership and for the support of the bill's bipartisan cosponsors.

Mr. Speaker, I yield back the balance of my time.

□ 1600

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Utah (Ms. MALOY) that the House suspend the rules and pass the bill, S. 2781.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AMTRAK TRANSPARENCY AND ACCOUNTABILITY FOR PASSENGERS AND TAXPAYERS ACT

Ms. MALOY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8692) to require that the Amtrak Board of Directors comply with the open meetings requirements of section 552b of title 5, United States Code, and for other purposes, as amended.