

118TH CONGRESS  
2D SESSION

# S. 3858

To establish within the Office of Land and Emergency Management of the Environmental Protection Agency the Office of Mountains, Deserts, and Plains, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 29, 2024

Mr. KELLY (for himself and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## A BILL

To establish within the Office of Land and Emergency Management of the Environmental Protection Agency the Office of Mountains, Deserts, and Plains, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Legacy Mine Cleanup  
5 Act of 2024”.

6 **SEC. 2. OFFICE OF MOUNTAINS, DESERTS, AND PLAINS.**

7 (a) **DEFINITIONS.**—In this section:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) APPROPRIATE COMMITTEES OF CON-  
5           GRESS.—The term “appropriate committees of Con-  
6           gress” means—

7                   (A) the Committee on Appropriations of  
8                   the Senate;

9                   (B) the Committee on Energy and Natural  
10                  Resources of the Senate;

11                  (C) the Committee on Environment and  
12                  Public Works of the Senate;

13                  (D) the Committee on Health, Education,  
14                  Labor, and Pensions of the Senate;

15                  (E) the Committee on Indian Affairs of the  
16                  Senate;

17                  (F) the Committee on Appropriations of  
18                  the House of Representatives;

19                  (G) the Committee on Energy and Com-  
20                  merce of the House of Representatives;

21                  (H) the Committee on Transportation and  
22                  Infrastructure of the House of Representatives;

23                  (I) the Committee on Natural Resources of  
24                  the House of Representatives; and

1           (J) the Committee on Oversight and Ac-  
2           countability of the House of Representatives.

3           (3) COVERED MINE SITE.—The term “covered  
4           mine site” means the land, water, and surrounding  
5           watersheds where extraction, beneficiation, or proc-  
6           essing of hardrock ores or minerals occurred, but  
7           has been discontinued, including discontinued tem-  
8           porarily.

9           (4) INDIAN COUNTRY.—The term “Indian coun-  
10          try” has the meaning given the term in section 1151  
11          of title 18, United States Code.

12          (5) NAVAJO NATION ABANDONED URANIUM  
13          MINE SITE.—The term “Navajo Nation abandoned  
14          uranium mine site” means an abandoned uranium  
15          covered mine site on land of the Navajo Nation.

16          (6) OFFICE.—The term “Office” means the Of-  
17          fice of Mountains, Deserts, and Plains established by  
18          subsection (b)(1).

19          (7) REGIONAL OFFICE.—The term “Regional  
20          Office” means a Regional Office of the Environ-  
21          mental Protection Agency.

22          (b) ESTABLISHMENT.—

23               (1) IN GENERAL.—There is established within  
24          the Office of Land and Emergency Management of

1 the Environmental Protection Agency the Office of  
2 Mountains, Deserts, and Plains.

3 (2) DIRECTOR.—The Office shall be headed by  
4 a Director, to be appointed by the Administrator (or  
5 a designee).

6 (c) PURPOSES.—The purposes of the Office shall  
7 be—

8 (1) to coordinate with the headquarters of the  
9 Environmental Protection Agency, Regional Offices,  
10 and stakeholders response actions of the Environ-  
11 mental Protection Agency at a covered mine site, in-  
12 cluding a covered mine site in Indian country (as de-  
13 fined in section 1151 of title 18, United States  
14 Code), in accordance with Federal law;

15 (2) to establish and disseminate best practices  
16 for covered mine site response actions, including  
17 identifying—

18 (A) innovative technologies and reuse ap-  
19 proaches that support and make progress to-  
20 ward those response actions; and

21 (B) waste storage and disposal solutions;

22 (3) to coordinate with the headquarters of the  
23 Environmental Protection Agency, Regional Offices,  
24 Federal land management agencies, States, and vol-  
25 untary nongovernmental organizations, watershed

1 groups, nonliable entities and mining companies, and  
2 other entities voluntary response actions at covered  
3 mine sites, where applicable, including timely  
4 issuance of administrative guidance for nonliable  
5 parties;

6 (4) to coordinate with the headquarters of the  
7 Environmental Protection Agency and other Federal  
8 Government entities, pursuant to existing authorities  
9 under section 3303 of title 41, United States Code,  
10 hiring practices to support small business concerns  
11 to carry out response actions at covered mine sites;

12 (5) to coordinate with the Secretary of the Inte-  
13 rior, the Secretary of Energy, the Secretary of  
14 Health and Human Services, the Nuclear Regulatory  
15 Commission, and other Federal agencies, as the Ad-  
16 ministrator determines to be appropriate, to ensure  
17 interagency coordination of covered mine site re-  
18 sponse actions, with priority given to coordinating  
19 response actions at covered mine sites for which  
20 there is no potentially responsible party; and

21 (6) to coordinate other actions as the Adminis-  
22 trator determines to be appropriate, pursuant to ex-  
23 isting authorities of the Administrator—

24 (A) to support efforts to investigate, char-  
25 acterize, or clean up a discharge, release, or

1 threat of release of a hazardous substance, pol-  
2 lutant, or contaminant into the environment at  
3 or from a covered mine site; or

4 (B) to establish best practices to protect  
5 and improve human health and the environment  
6 and implement appropriate reuse options, in-  
7 cluding through the use of innovative tech-  
8 nologies to recover valuable resources from cov-  
9 ered mine site features or areas, as applicable.

10 (d) DUTIES.—The Administrator shall carry out  
11 through the Office, at a minimum, the following duties:

12 (1) PRIORITY MINE LIST.—

13 (A) IN GENERAL.—Annually, the Adminis-  
14 trator shall identify covered mine sites that are  
15 prioritized for response actions, which may in-  
16 clude covered mine sites that are or are not in-  
17 cluded on the National Priorities List developed  
18 by the President in accordance with section  
19 105(a)(8)(B) of the Comprehensive Environ-  
20 mental Response, Compensation, and Liability  
21 Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

22 (B) CREATION OF LIST; REPORTS.—The  
23 Administrator shall annually—

24 (i) create a list of covered mine sites  
25 identified under subparagraph (A); and

1 (ii) submit to the appropriate commit-  
2 tees of Congress a report describing—

3 (I) the methodology used to iden-  
4 tify those covered mine sites under  
5 that subparagraph; and

6 (II) the status of response ac-  
7 tions carried out at covered mine sites  
8 on the list.

9 (C) COORDINATION.—The Administrator  
10 shall—

11 (i) regularly coordinate with Regional  
12 Offices, Federal agencies, States, Indian  
13 Tribes, and stakeholders to update the list  
14 of covered mine sites identified under sub-  
15 paragraph (A); and

16 (ii) regularly coordinate with Regional  
17 Offices on response actions and share best  
18 practices with respect to each covered mine  
19 site identified under subparagraph (A).

20 (2) PROCESS IMPROVEMENT.—

21 (A) IN GENERAL.—The Administrator  
22 shall, pursuant to existing authorities of the  
23 Administrator—

24 (i) identify best practices for devel-  
25 oping, reviewing, and approving site as-

1            assessments, remedial investigations, and  
2            feasibility studies for covered mine sites;

3            (ii) coordinate research relating to  
4            technologies and remedial and removal ap-  
5            proaches that are the most successful in  
6            limiting the acute and chronic risks posted  
7            to human health and the environment by  
8            covered mine sites; and

9            (iii) support—

10            (I)     government-to-government  
11            consultations with Indian Tribes with  
12            respect to a covered mine site located  
13            within Indian country; and

14            (II) efforts to provide regular up-  
15            dates to the Tribal governments in-  
16            volved in response actions for a cov-  
17            ered mine site located on Tribal land  
18            under the jurisdiction of the Indian  
19            Tribe.

20            (B)     TRIBAL CONSULTATION.—In sup-  
21            porting consultations with Indian Tribes under  
22            subparagraph (A)(iii)(I), and where a response  
23            action occurs within Indian country, the Admin-  
24            istrator, in addition to existing applicable law  
25            and guidance, shall—



1 (i) as appropriate, invite potentially  
2 responsible parties, including Federal  
3 agencies, to participate in government-to-  
4 government consultations with Indian  
5 Tribes; and

6 (ii) as appropriate, ensure consulta-  
7 tions with Tribal allottees occur pursuant  
8 to section 2 of the Act of February 5,  
9 1948 (62 Stat. 18, chapter 45; 25 U.S.C.  
10 324).

11 (3) INTERAGENCY PLANS FOR URANIUM CON-  
12 TAMINATION ON THE NAVAJO NATION; REPORTS.—

13 (A) IN GENERAL.—Not later than Sep-  
14 tember 30, 2027, and not less frequently than  
15 once every 10 years thereafter, the Adminis-  
16 trator, in cooperation with other relevant Fed-  
17 eral agencies, including, at a minimum, the De-  
18 partment of Energy, the Nuclear Energy Regu-  
19 latory Commission, the Department of the Inte-  
20 rior, the Indian Health Service, and the Agency  
21 for Toxic Substances and Disease Registry, and  
22 in consultation with affected Tribal govern-  
23 ments, shall develop a 10-year interagency plan  
24 for the coordination of the Federal Government  
25 with States and Tribal governments to carry

1 out response actions at Navajo Nation aban-  
2 doned uranium mine sites, including—

3 (i) goals for the assessment of, and  
4 response actions at, Navajo Nation aban-  
5 doned uranium mine sites;

6 (ii) target dates by which goals de-  
7 scribed in clause (i) are anticipated to be  
8 achieved, subject to appropriations;

9 (iii) the projected appropriations nec-  
10 essary to achieve goals described in clause  
11 (i) by the target dates described in clause  
12 (ii); and

13 (iv) the activities to be carried out by  
14 each Federal agency under the plan.

15 (B) REPORTS.—Not later than 90 days  
16 after the date on which a plan is developed  
17 under subparagraph (A), the Administrator  
18 shall submit to the appropriate committees of  
19 Congress a report describing the applicable  
20 plan.

21 (4) ADMINISTRATIVE AND TECHNICAL ASSIST-  
22 ANCE.—The Administrator shall, pursuant to exist-  
23 ing authorities of the Administrator, provide to  
24 States, units of local government, Indian Tribes, and

1 other entities technical assistance with respect to re-  
2 sponse actions on covered mine sites.

3 (e) NO NEW REGULATORY AUTHORITY.—Nothing in  
4 this section provides the Administrator with new regu-  
5 latory authority not already established in law.

○