

118TH CONGRESS
2D SESSION

S. 3858

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Legacy Mine Cleanup
3 Act of 2024”.

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

5 (a) DEFINITIONS.—In this section:

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

9 (2) APPROPRIATE COMMITTEES OF CON-
10 GRESS.—The term “appropriate committees of Con-
11 gress” means—

12 (A) the Committee on Appropriations of
13 the Senate;

14 (B) the Committee on Energy and Natural
15 Resources of the Senate;

16 (C) the Committee on Environment and
17 Public Works of the Senate;

18 (D) the Committee on Health, Education,
19 Labor, and Pensions of the Senate;

20 (E) the Committee on Indian Affairs of the
21 Senate;

22 (F) the Committee on Appropriations of
23 the House of Representatives;

24 (G) the Committee on Energy and Com-
25 merce of the House of Representatives;

1 (H) the Committee on Transportation and
2 Infrastructure of the House of Representatives;

3 (I) the Committee on Natural Resources of
4 the House of Representatives; and

5 (J) the Committee on Oversight and Ac-
6 countability of the House of Representatives.

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

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

16 (5) NAVAJO NATION ABANDONED URANIUM
17 MINE SITE.—The term “Navajo Nation abandoned
18 uranium mine site” means an abandoned uranium
19 covered mine site on land of the Navajo Nation.

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

23 (7) REGIONAL OFFICE.—The term “Regional
24 Office” means a Regional Office of the Environ-
25 mental Protection Agency.

1 (b) ESTABLISHMENT.—

2 (1) IN GENERAL.—There is established within
3 the Office of Land and Emergency Management of
4 the Environmental Protection Agency the Office of
5 Mountains, Deserts, and Plains.

6 (2) DIRECTOR.—The Office shall be headed by
7 a Director, to be appointed by the Administrator (or
8 a designee).

9 (c) PURPOSES.—The purposes of the Office shall
10 be—

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

18 (2) to establish and disseminate best practices
19 for covered mine site response actions, including
20 identifying—

21 (A) innovative technologies and reuse ap-
22 proaches that support and make progress to-
23 ward those response actions; and

24 (B) waste storage and disposal solutions;

1 (3) to coordinate with the headquarters of the
2 Environmental Protection Agency, Regional Offices,
3 Federal land management agencies, States, and vol-
4 untary nongovernmental organizations, watershed
5 groups, nonliable entities and mining companies, and
6 other entities voluntary response actions at covered
7 mine sites, where applicable, including timely
8 issuance of administrative guidance for nonliable
9 parties;

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

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

1 (6) to coordinate other actions as the Adminis-
2 trator determines to be appropriate, pursuant to ex-
3 isting authorities of the Administrator—

4 (A) to support efforts to investigate, char-
5 acterize, or clean up a discharge, release, or
6 threat of release of a hazardous substance, pol-
7 lutant, or contaminant into the environment at
8 or from a covered mine site; or

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

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

17 (1) PRIORITY MINE LIST.—

18 (A) IN GENERAL.—Annually, the Adminis-
19 trator shall identify covered mine sites that are
20 prioritized for response actions, which may in-
21 clude covered mine sites that are or are not in-
22 cluded on the National Priorities List developed
23 by the President in accordance with section
24 105(a)(8)(B) of the Comprehensive Environ-

1 mental Response, Compensation, and Liability
2 Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

3 (B) CREATION OF LIST; REPORTS.—The
4 Administrator shall annually—

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

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

9 (I) the methodology used to iden-
10 tify those covered mine sites under
11 that subparagraph; and

12 (II) the status of response ac-
13 tions carried out at covered mine sites
14 on the list.

15 (C) COORDINATION.—The Administrator
16 shall—

17 (i) regularly coordinate with Regional
18 Offices, Federal agencies, States, Indian
19 Tribes, Alaska Native Corporations, and
20 stakeholders to update the list of covered
21 mine sites identified under subparagraph
22 (A); and

23 (ii) regularly coordinate with Regional
24 Offices on response actions and share best

1 practices with respect to each covered mine
2 site identified under subparagraph (A).

3 (2) PROCESS IMPROVEMENT.—

4 (A) IN GENERAL.—The Administrator
5 shall, pursuant to existing authorities of the
6 Administrator—

7 (i) identify best practices for devel-
8 oping, reviewing, and approving site as-
9 sessments, remedial investigations, and
10 feasibility studies for covered mine sites;

11 (ii) coordinate research relating to
12 technologies and remedial and removal ap-
13 proaches that are the most successful in
14 limiting the acute and chronic risks posted
15 to human health and the environment by
16 covered mine sites; and

17 (iii) support—

18 (I) government-to-government
19 consultations with Indian Tribes with
20 respect to a covered mine site located
21 within Indian country; and

22 (II) efforts to provide regular up-
23 dates to the Tribal governments in-
24 volved in response actions for a cov-
25 ered mine site located on Tribal land

1 under the jurisdiction of the Indian
2 Tribe.

3 (B) TRIBAL CONSULTATION.—In sup-
4 porting consultations with Indian Tribes under
5 subparagraph (A)(iii)(I), the Administrator, in
6 addition to existing applicable law and guid-
7 ance, shall—

8 (i) as appropriate, invite potentially
9 responsible parties, including Federal
10 agencies, to participate in government-to-
11 government consultations with Indian
12 Tribes;

13 (ii) as appropriate, consult with Alas-
14 ka Native Corporations in accordance with
15 section 161 of division H of the Consoli-
16 dated Appropriations Act, 2004 (25 U.S.C.
17 5301 note; Public Law 108–199); and

18 (iii) as appropriate, ensure consulta-
19 tions with Tribal allottees occur pursuant
20 to section 2 of the Act of February 5,
21 1948 (62 Stat. 18, chapter 45; 25 U.S.C.
22 324).

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

1 (A) IN GENERAL.—Not later than Sep-
2 tember 30, 2027, and not less frequently than
3 once every 10 years thereafter, the Adminis-
4 trator, in cooperation with other relevant Fed-
5 eral agencies, including, at a minimum, the De-
6 partment of Energy, the Nuclear Energy Regu-
7 latory Commission, the Department of the Inte-
8 rior, the Indian Health Service, and the Agency
9 for Toxic Substances and Disease Registry, and
10 in consultation with affected Tribal govern-
11 ments, shall develop a 10-year interagency plan
12 for the coordination of the Federal Government
13 with States and Tribal governments to carry
14 out response actions at Navajo Nation aban-
15 doned uranium mine sites, including—

16 (i) goals for the assessment of, and
17 response actions at, Navajo Nation aban-
18 doned uranium mine sites;

19 (ii) target dates by which goals de-
20 scribed in clause (i) are anticipated to be
21 achieved, subject to appropriations;

22 (iii) the projected appropriations nec-
23 essary to achieve goals described in clause
24 (i) by the target dates described in clause
25 (ii); and

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

3 (B) REPORTS.—Not later than 90 days
4 after the date on which a plan is developed
5 under subparagraph (A), the Administrator
6 shall submit to the appropriate committees of
7 Congress a report describing the applicable
8 plan.

9 (4) ADMINISTRATIVE AND TECHNICAL ASSIST-
10 ANCE.—The Administrator shall, pursuant to exist-
11 ing authorities of the Administrator, provide to
12 States, units of local government, Indian Tribes, and
13 other entities technical assistance with respect to re-
14 sponse actions on covered mine sites.

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

Passed the Senate April 15, 2024.

Attest:

Secretary.

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