

115TH CONGRESS
2D SESSION

S. 3727

To promote remediation of orphan hardrock mines, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2018

Mr. GARDNER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To promote remediation of orphan hardrock mines, 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 “Good Samaritan Reme-
5 diation of Orphan Hardrock Mines Act of 2018”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

1 (2) COOPERATING PERSON.—The term “cooper-
2 ating person” means any person that is named by
3 the Good Samaritan in the permit application as a
4 cooperating entity.

5 (3) FEDERAL LAND MANAGEMENT AGENCY.—
6 The term “Federal land management agency”
7 means any Federal agency authorized by law or ex-
8 ecutive order to exercise jurisdiction, custody, or
9 control over land owned by the United States.

10 (4) GOOD SAMARITAN.—The term “Good Sa-
11 maritan” means a person that, with respect to his-
12 toric mine residue, as determined by the Adminis-
13 trator—

14 (A) is not a past or current owner or oper-
15 ator of—

16 (i) the orphan mine site at which the
17 historic mine residue is located; or

18 (ii) a portion of that orphan mine site;

19 (B) had no role in the creation of the his-
20 toric mine residue; and

21 (C) is not potentially liable under any Fed-
22 eral, State, Tribal, or local law for the remedi-
23 ation, treatment, or control of the historic mine
24 residue.

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

4 (6) HISTORIC MINE RESIDUE.—

5 (A) IN GENERAL.—The term “historic
6 mine residue” means mine residue or any con-
7 dition at an orphan mine site resulting from
8 hardrock mining activities conducted on—

9 (i) Federal land under sections 2319
10 through 2352 of the Revised Statutes
11 (commonly known as the “Mining Law of
12 1872”; 30 U.S.C. 22 et seq.); or

13 (ii) State or private land.

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

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

19 (ii) equipment (including materials in
20 equipment);

21 (iii) any tailings, heap leach piles,
22 dump leach piles, waste rock, overburden,
23 slag piles, or other waste or material re-
24 sulting from any extraction, beneficiation,
25 or other processing activity that occurred

1 during the active operation of an orphan
2 mine site;

3 (iv) any acidic or otherwise polluted
4 flow in surface water or groundwater that
5 originates from, or is pooled and contained
6 in, an inactive or abandoned mine site,
7 such as underground workings, open pits,
8 in-situ leaching operations, ponds, or im-
9 poundments;

10 (v) any hazardous substance (as de-
11 fined in section 101 of the Comprehensive
12 Environmental Response, Compensation,
13 and Liability Act of 1980 (42 U.S.C.
14 9601));

15 (vi) any pollutant or contaminant (as
16 defined in section 101 of the Comprehen-
17 sive Environmental Response, Compensa-
18 tion, and Liability Act of 1980 (42 U.S.C.
19 9601)); and

20 (vii) any pollutant (as defined in sec-
21 tion 502 of the Federal Water Pollution
22 Control Act (33 U.S.C. 1362)).

23 (7) INDIAN TRIBE.—The term “Indian tribe”
24 has the meaning given the term in section 518(h) of

1 the Federal Water Pollution Control Act (33 U.S.C.
2 1377(h)).

3 (8) INVESTIGATIVE SAMPLING PERMIT.—The
4 term “investigative sampling permit” means a per-
5 mit granted by the Administrator under section
6 4(d)(1).

7 (9) ORPHAN MINE SITE.—

8 (A) IN GENERAL.—The term “orphan
9 mine site” means an abandoned or inactive
10 hardrock mine site and any facility associated
11 with an abandoned or inactive hardrock mine
12 site—

13 (i) that was used for the production of
14 a mineral other than coal conducted on
15 Federal land under sections 2319 through
16 2352 of the Revised Statutes (commonly
17 known as the “Mining Law of 1872”; 30
18 U.S.C. 22 et seq.) or on non-Federal land;
19 and

20 (ii) for which, based on information
21 supplied by the Good Samaritan after re-
22 view of publicly available data and after re-
23 view of other information in the possession
24 of the Administrator, the Administrator or,
25 in the case of a site on land owned by the

1 United States, the Federal land manage-
2 ment agency, determines that no respon-
3 sible owner or operator has been identi-
4 fied—

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

9 (II) other than, in the case of a
10 mine site located on land owned by
11 the United States, a Federal land
12 management agency that has not been
13 involved in mining activity on that
14 land, except that the approval of a
15 plan of operations under the hardrock
16 mining regulations of the applicable
17 Federal land management agency
18 shall not be considered involvement in
19 the mining activity.

20 (B) INCLUSION.—The term “orphan mine
21 site” includes a hardrock mine site (including
22 associated facilities) that was previously the
23 subject of a completed response action under
24 the Comprehensive Environmental Response,
25 Compensation, and Liability Act of 1980 (42

1 U.S.C. 9601 et seq.) or a similar Federal and
2 State reclamation or cleanup program, includ-
3 ing the remediation of mine-scarred land under
4 the brownfields revitalization program under
5 section 104(k) of the Comprehensive Environ-
6 mental Response, Compensation, and Liability
7 Act of 1980 (42 U.S.C. 9604(k)).

8 (C) EXCLUSIONS.—

9 (i) IN GENERAL.—The term “orphan
10 mine site” does not include a mine site (in-
11 cluding associated facilities)—

12 (I) in a temporary shutdown or
13 cessation;

14 (II) included on the National Pri-
15 orities List developed by the President
16 in accordance with section
17 105(a)(8)(B) of the Comprehensive
18 Environmental Response, Compensa-
19 tion, and Liability Act of 1980 (42
20 U.S.C. 9605(a)(8)(B)) or is proposed
21 for inclusion on that list;

22 (III) that is the subject of a
23 planned or ongoing response action
24 under the Comprehensive Environ-
25 mental Response, Compensation, and

1 Liability Act of 1980 (42 U.S.C. 9601
2 et seq.) or a similar Federal and State
3 reclamation or cleanup program;

4 (IV) that has a responsible owner
5 or operator; or

6 (V) that actively mined or proc-
7 essed minerals after December 11,
8 1980.

9 (10) PASSIVE LANDOWNER.—The term “passive
10 landowner” means an individual who—

11 (A) owns property containing an orphan
12 mine site;

13 (B) had no part in the operation of the or-
14 phan mine site; and

15 (C) took ownership of the property de-
16 scribed in subparagraph (A) after termination
17 of the mining operation at the orphan mine
18 site.

19 (11) PERSON.—The term “person” means any
20 entity described in—

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

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

1 (12) REMEDIATION.—

2 (A) IN GENERAL.—The term “remedi-
3 ation” means any action taken to investigate,
4 characterize, or cleanup, in whole or in part, a
5 discharge, release, or threat of release of a haz-
6 ardous substance, pollutant, or contaminant
7 into the environment at or from an orphan
8 mine site, or to otherwise protect and improve
9 human health and the environment.

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

14 (i) the release or threat of release of
15 a hazardous substance, pollutant, or con-
16 taminant that would harm human health
17 or the environment; or

18 (ii) a migration or discharge of a haz-
19 ardous substance, pollutant, or contami-
20 nant that would harm human health or the
21 environment.

22 (13) RESERVATION.—The term “reservation”
23 has the meaning given the term “Indian country” in
24 section 1151 of title 18, United States Code.

1 (14) RESPONSIBLE OWNER OR OPERATOR.—

2 The term “responsible owner or operator” means a
3 person that is—

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

8 (ii) financially able to comply with each re-
9 quirement described in that section; or

10 (B)(i) a present or past owner or operator
11 or other person that is liable with respect to a
12 release or threat of release of a hazardous sub-
13 stance, pollutant, or contaminant associated
14 with the historic mine residue at or from an or-
15phan mine site under section 104, 106, 107, or
16113 of the Comprehensive Environmental Re-
17sponse, Compensation, and Liability Act of
181980 (42 U.S.C. 9604, 9606, 9607, 9613); and

19 (ii) financially able to comply with each re-
20 quirement described in those sections, as appli-
21 cable.

22 **SEC. 3. SCOPE.**

23 Nothing in this Act (or an amendment made by this
24 Act)—

25 (1) reduces any existing liability;

1 (2) releases any person from liability, except in
2 compliance with this Act;

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

8 (4) imposes liability on the United States or a
9 Federal land management agency pursuant to sec-
10 tion 107 of the Comprehensive Environmental Re-
11 sponse, Compensation, and Liability Act of 1980 (42
12 U.S.C. 9607) or section 301 of the Federal Water
13 Pollution Control Act (33 U.S.C. 1311); or

14 (5) relieves the United States or any Federal
15 land management agency from any liability under
16 section 107 of the Comprehensive Environmental
17 Response, Compensation, and Liability Act of 1980
18 (42 U.S.C. 9607) or section 301 of the Federal
19 Water Pollution Control Act (33 U.S.C. 1311) that
20 exists apart from any action undertaken pursuant to
21 this Act.

22 **SEC. 4. ORPHAN MINE SITE GOOD SAMARITAN PILOT**
23 **PROJECT AUTHORIZATION.**

24 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—The Administrator shall es-
2 tablish a pilot program under which the Adminis-
3 trator shall grant not more than 15 Good Samaritan
4 permits to carry out projects to remediate historic
5 mine residue at any portions of orphan mine sites in
6 accordance with this Act.

7 (2) OVERSIGHT OF PERMITS.—The Adminis-
8 trator may oversee the remediation project under
9 paragraph (1), and any action taken by the applica-
10 ble Good Samaritan or any cooperating person
11 under the applicable Good Samaritan permit, for the
12 duration of the Good Samaritan permit, as the Ad-
13 ministrator determines to be necessary to review the
14 status of the project.

15 (b) GOOD SAMARITAN PERMIT ELIGIBILITY.—

16 (1) IN GENERAL.—To be eligible to receive a
17 Good Samaritan permit to carry out a project to re-
18 mediate an orphan mine site, a person shall dem-
19 onstrate that—

20 (A) the orphan mine site that is the sub-
21 ject of the application for a Good Samaritan
22 permit is located in the United States;

23 (B) the purpose of the proposed project is
24 the remediation at that orphan mine site of his-
25 toric mine residue;

1 (C) the proposed activities are designed to
2 result in the partial or complete remediation of
3 historic mine residue at the orphan mine site;

4 (D) to the satisfaction of the Adminis-
5 trator, the person—

6 (i) possesses, or has the ability to se-
7 cure, the financial and other resources nec-
8 essary—

9 (I) to complete the permitted
10 work, as determined by the Adminis-
11 trator; and

12 (II) to address any contingencies
13 identified in the Good Samaritan per-
14 mit application described in subsection
15 (c);

16 (ii) possesses the proper and appro-
17 priate experience and capacity to complete
18 the permitted work; and

19 (iii) will complete the permitted work;
20 and

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

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

1 (A) IN GENERAL.—A Good Samaritan
2 shall make reasonable and diligent efforts to
3 identify, from a review of publicly available in-
4 formation in land records or on internet
5 websites of Federal, State, and local regulatory
6 authorities, all responsible owners or operators
7 of an orphan mine site proposed to be remedi-
8 ated by the Good Samaritan under this section.

9 (B) EXISTING RESPONSIBLE OWNER OR
10 OPERATOR.—If the Administrator determines,
11 based on information provided by a Good Sa-
12 maritan or otherwise, that a responsible owner
13 or operator exists for an orphan mine site pro-
14 posed to be remediated by the Good Samaritan,
15 the Administrator shall deny the application for
16 a Good Samaritan permit.

17 (c) APPLICATION FOR PERMITS.—To obtain a Good
18 Samaritan permit, a person shall submit to the Adminis-
19 trator an application, signed by the person and any co-
20 operating person, that provides, to the extent known or
21 reasonably discoverable by the person on the date on which
22 the application is submitted—

23 (1) a description of the orphan mine site (in-
24 cluding the boundaries of the orphan mine site) pro-
25 posed to be covered by the Good Samaritan permit;

1 (2) a description of all parties proposed to be
2 involved in the remediation project, including any co-
3 operating person and each member of an applicable
4 corporation, association, partnership, consortium,
5 joint venture, commercial entity, or nonprofit asso-
6 ciation;

7 (3) evidence that the person has or will acquire
8 all legal rights or the authority necessary to enter
9 the relevant orphan mine site and perform the reme-
10 diation described in the application;

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

13 (5) a detailed description of the expertise and
14 experience of the person and the resources available
15 to the person to successfully implement and com-
16 plete the remediation plan under paragraph (7);

17 (6) to the satisfaction of the Administrator and
18 subject to subsection (d), a description of the base-
19 line environmental conditions, including potentially
20 affected surface water quality and hydrological con-
21 ditions, affected by the historic mine residue to be
22 remediated that includes—

23 (A) the nature and extent of any adverse
24 impact on the water quality of any body of
25 water caused by the drainage of historic mine

1 residue or other discharges from the orphan
2 mine site;

3 (B) the flow rate and concentration of any
4 drainage of historic mine residue or other dis-
5 charge from the orphan mine site in any body
6 of water that has resulted in an adverse impact
7 described in subparagraph (A); and

8 (C) any other release or threat of release
9 of historic mine residue that has resulted in an
10 adverse impact to public health or the environ-
11 ment;

12 (7) subject to subsection (d), a remediation
13 plan for the orphan mine site that describes—

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

16 (i) any historic mine residue to be ad-
17 dressed by the remediation plan; and

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

21 (I) the reduction or prevention of
22 a release, threat of release, or dis-
23 charge to surface waters; or

24 (II) other appropriate goals relat-
25 ing to water or soil;

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

3 (i) to improve or enhance water qual-
4 ity or site-specific soil quality relevant to
5 the historic mine residue addressed by the
6 remediation plan; or

7 (ii) to otherwise protect human health
8 and the environment (including through
9 the prevention of a release, discharge, or
10 threat of release to water or soil);

11 (C) the monitoring or other form of assess-
12 ment, if any, that will be undertaken by the
13 person to evaluate the success of the activities
14 described in subparagraph (A) during and after
15 the remediation, with respect to the baseline
16 conditions, as described in paragraph (6);

17 (D) to the satisfaction of the Adminis-
18 trator, detailed engineering plans for the
19 project;

20 (E) any proposed recycling or reprocessing
21 of historic mine residue to be conducted by the
22 person (including a description of how all pro-
23 posed recycling or reprocessing activities relate
24 to the remediation of the orphan mine site);
25 and

1 (F) identification of any proposed con-
2 tractor that will perform any remediation activ-
3 ity;

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

8 (9) subject to subsection (d), in the case of a
9 remediation activity that requires plugging, opening,
10 or otherwise altering the portal or adit of an orphan
11 mine site, an evaluation of orphan mine site condi-
12 tions, including an assessment of any pooled water
13 or hydraulic pressure in the orphan mine site con-
14 ducted by a licensed professional engineer;

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

17 (11) a specific contingency plan that—

18 (A) includes provisions on response and
19 notification to Federal, State, and local authori-
20 ties with jurisdiction over downstream waters
21 that have the potential to be impacted by an
22 unplanned release or discharge of hazardous
23 substances, pollutants, or contaminants; and

24 (B) is designed to respond to unplanned
25 adverse events (such as potential fluid release

1 that may result from addressing pooled water
2 or hydraulic pressure situations), including the
3 sudden release of historic mine residue;

4 (12) subject to subsection (d), a project budget
5 and description of financial resources that dem-
6 onstrate that the permitted work, including any op-
7 eration and maintenance, will be completed;

8 (13) subject to subsection (d), information dem-
9 onstrating that the applicant has the financial re-
10 sources to carry out the remediation (including any
11 long-term monitoring that may be required by the
12 Good Samaritan permit) or the ability to secure an
13 appropriate third-party financial assurance, as deter-
14 mined by the Administrator, to ensure completion of
15 the permitted work, including any long-term oper-
16 ations and maintenance of remediation activities
17 that may be—

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

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

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

1 (15) subject to subsection (d), a description of
2 any planned post-remediation monitoring, if nec-
3 essary; and

4 (16) subject to subsection (d), any other appro-
5 priate information, as determined by the Adminis-
6 trator or the applicant.

7 (d) INVESTIGATIVE SAMPLING.—

8 (1) INVESTIGATIVE SAMPLING PERMITS.—The
9 Administrator may grant an investigative sampling
10 permit for a period determined by the Administrator
11 to authorize a person to conduct investigative sam-
12 pling of historic mine residue, soil, or water to deter-
13 mine—

14 (A) baseline conditions; and

15 (B) whether the person—

16 (i) is willing to perform further reme-
17 diation to address the historic mine res-
18 idue; and

19 (ii) will proceed with a permit conver-
20 sion under subsection (e)(1).

21 (2) APPLICATION.—If a person proposes to con-
22 duct investigative sampling, the person shall submit
23 to the Administrator a Good Samaritan permit ap-
24 plication that contains, to the satisfaction of the Ad-
25 ministrators—

1 (A) each description required under para-
2 graphs (1), (2), (5), and (6) of subsection (c);

3 (B) the evidence required under subsection
4 (c)(3);

5 (C) each plan required under paragraphs
6 (10) and (11) of subsection (c); and

7 (D) a detailed plan of the investigative
8 sampling.

9 (3) PERMIT LIMITATIONS.—If a person submits
10 an application that proposes only investigative sam-
11 pling of historic mine residue, soil, or water that
12 only includes the requirements described in para-
13 graph (2), the Administrator may only grant an in-
14 vestigative sampling permit that authorizes the per-
15 son only to carry out the plan of investigative sam-
16 pling of historic mine residue, soil, or water, as de-
17 scribed in the investigative sampling permit applica-
18 tion under paragraph (2).

19 (4) REQUIREMENTS RELATING TO SAMPLES.—
20 In conducting investigative sampling of historic mine
21 residue, soil, or water, a person shall—

22 (A) collect samples that are representative
23 of the conditions present at the orphan mine
24 site that is the subject of the investigative sam-
25 pling permit; and

1 (B) retain publically available records of all
2 sampling events for a period of not less than 3
3 years.

4 (5) POST-SAMPLING REMEDIATION.—

5 (A) REFUSAL TO CONVERT PERMIT.—Sub-
6 ject to subparagraph (B), a person who obtains
7 an investigative sampling permit may decline to
8 apply to convert the investigative sampling per-
9 mit into a Good Samaritan permit under para-
10 graph (6) and decline to undertake remediation
11 on conclusion of investigative sampling.

12 (B) RETURN TO PREEXISTING CONDI-
13 TIONS.—If the activities carried out by a person
14 under an investigative sampling permit result in
15 surface water quality conditions, or any other
16 environmental conditions, that are worse than
17 the preexisting conditions of the applicable or-
18 phan mine site due to historic mine residue at
19 the orphan mine site, the person shall under-
20 take actions to return the orphan mine site to
21 those preexisting conditions.

22 (6) PERMIT CONVERSION.—Not later than 1
23 year after the date on which the investigative sam-
24 pling under the investigative sampling permit con-
25 cludes, a person to whom an investigative sampling

1 permit is granted under paragraph (1) may apply to
2 convert an investigative sampling permit into a Good
3 Samaritan permit under subsection (e)(1).

4 (e) INVESTIGATIVE SAMPLING CONVERSION.—

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

10 (2) APPLICATION.—

11 (A) INVESTIGATIVE SAMPLING.—An appli-
12 cation for the conversion of an investigative
13 sampling permit under paragraph (1) shall in-
14 clude any requirement described in subsection
15 (c) that was not included in full in the applica-
16 tion submitted under subsection (d)(2).

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

20 (i) a period of public notice and com-
21 ment; and

22 (ii) a public hearing, if requested.

23 (f) CONTENT OF PERMITS.—

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

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

4 (B)(i) a provision that states that the
5 Good Samaritan is responsible for securing, for
6 all activities authorized under the Good Samari-
7 tan permit, all authorizations, licenses, and per-
8 mits that are required under applicable law ex-
9 cept for—

10 (I) section 301, 302, 306, 307, 402,
11 or 404 of the Federal Water Pollution
12 Control Act (33 U.S.C. 1311, 1312, 1316,
13 1317, 1342, 1344); and

14 (II) authorizations, licenses, and per-
15 mits that would not need to be obtained if
16 the remediation was conducted pursuant to
17 section 121 of the Comprehensive Environ-
18 mental Response, Compensation, and Li-
19 ability Act of 1980 (42 U.S.C. 9621); or

20 (ii) in the case of an orphan mine site in
21 a State that is authorized to implement State
22 law pursuant to section 402 or 404 of the Fed-
23 eral Water Pollution Control Act (33 U.S.C.
24 1342, 1344) or on land of an Indian tribe that
25 is authorized to implement Tribal law pursuant

1 to that section, a provision that states that the
2 Good Samaritan is responsible for securing, for
3 all activities authorized under the Good Samari-
4 tan permit, all authorizations, licenses, and per-
5 mits that are required under applicable law, ex-
6 cept for—

7 (I) the State or Tribal law, as applica-
8 ble; and

9 (II) authorizations, licenses, and per-
10 mits that would not need to be obtained if
11 the remediation was conducted pursuant to
12 section 121 of the Comprehensive Environ-
13 mental Response, Compensation, and Li-
14 ability Act of 1980 (42 U.S.C. 9621);

15 (C) specific public notification require-
16 ments, including the contact information for all
17 appropriate response centers in accordance with
18 subsection (o); and

19 (D) any other terms and conditions deter-
20 mined to be appropriate by the Administrator.

21 (2) FORCE MAJEURE.—A Good Samaritan per-
22 mit may include, at the request of the Good Samari-
23 tan, a provision that a Good Samaritan may assert
24 a claim of force majeure for any violation of the
25 Good Samaritan permit caused solely by—

1 (A) an act of God;

2 (B) an act of war;

3 (C) negligence on the part of the United
4 States; or

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

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

11 (ii) took precautions against foresee-
12 able acts or omissions of the third party,
13 as determined by the Administrator; and

14 (iii) uses reasonable efforts—

15 (I) to anticipate any potential
16 force majeure; and

17 (II) to address the effects of any
18 potential force majeure.

19 (3) MONITORING.—

20 (A) IN GENERAL.—The Good Samaritan
21 shall take such actions as the Good Samaritan
22 permits requires to ensure appropriate baseline
23 monitoring, monitoring during the remediation
24 project, and post-remediation monitoring of the

1 environment under paragraphs (6), (7), and
2 (15), respectively, of subsection (c).

3 (B) MULTIPARTY MONITORING.—The Ad-
4 ministrator may approve in a Good Samaritan
5 permit the monitoring by multiple cooperating
6 persons if, as determined by the Adminis-
7 trator—

8 (i) the multiparty monitoring will ef-
9 fectively accomplish the goals of this sec-
10 tion; and

11 (ii) the Good Samaritan remains re-
12 sponsible for compliance with the terms of
13 the Good Samaritan permit.

14 (4) SIGNATURE BY GOOD SAMARITAN.—The
15 signature of the relevant Good Samaritan and a co-
16 operating person, if any, on the Good Samaritan
17 permit shall be considered to be an acknowledgment
18 by the Good Samaritan that the Good Samaritan ac-
19 cepts the terms and conditions of the Good Samari-
20 tan permit.

21 (5) OTHER DEVELOPMENT.—

22 (A) NO AUTHORIZATION OF MINING AC-
23 TIVITIES.—Except as provided in the Good Sa-
24 maritan permit, no mineral exploration, proc-
25 essing, beneficiation, or mining shall be—

1 (i) authorized by this Act; or

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

4 (B) SALE OR USE OF MATERIALS.—A
5 Good Samaritan may sell or use materials re-
6 covered during the implementation of a remedi-
7 ation plan only if all of the proceeds from the
8 sale or use of the materials are first used—

9 (i) to defray the costs of the remedi-
10 ation; and

11 (ii) to the extent required by the Good
12 Samaritan permit, to reimburse the Ad-
13 ministrator or the head of a Federal land
14 management agency for any costs incurred
15 for oversight of the Good Samaritan.

16 (C) CONNECTION WITH OTHER ACTIVI-
17 TIES.—The commingling or association of any
18 other discharge of water or historic mine res-
19 idue or any activity, project, or operation with
20 any aspect of a project subject to a Good Sa-
21 maritan permit shall not limit or reduce the li-
22 ability of any person associated with the other
23 discharge of water or historic mine residue or
24 activity, project, or operation.

1 (g) ADDITIONAL WORK.—A Good Samaritan permit
2 may allow the Good Samaritan to return to the orphan
3 mine site after the completion of the remediation to per-
4 form operations and maintenance or other work—

5 (1) to ensure the functionality of the orphan
6 mine site; or

7 (2) to protect public health and the environ-
8 ment.

9 (h) TIMING.—Work authorized under a Good Samar-
10 itan permit—

11 (1) shall commence, as applicable—

12 (A) not later than the date that is 18
13 months after the date on which the Adminis-
14 trator granted the Good Samaritan permit, un-
15 less the Administrator grants an extension
16 under subsection (r)(3)(B)(i); or

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

22 (2) shall continue until completed, with tem-
23 porary suspensions permitted during adverse weath-
24 er or other conditions specified in the Good Samari-
25 tan permit.

1 (i) TRANSFER OF PERMITS.—A Good Samaritan per-
2 mit may be transferred to another person only if—

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

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

7 (3) the Administrator includes in the trans-
8 ferred Good Samaritan permit any additional condi-
9 tions necessary to meet the goals of this Act; and

10 (4) in the case of a project carried out or pro-
11 posed to be carried out under the transferred Good
12 Samaritan permit on land owned by the United
13 States—

14 (A) the head of the appropriate Federal
15 land management agency consents to the trans-
16 fer; and

17 (B) the transferee enters into any applica-
18 ble special use permit or other land use agree-
19 ment with that Federal land management agen-
20 cy.

21 (j) ROLE OF ADMINISTRATOR.—In carrying out this
22 section, the Administrator shall—

23 (1) consult with prospective applicants;

24 (2) convene, coordinate, and lead the applica-
25 tion review process;

1 (3) maintain all records relating to the Good
2 Samaritan permit and the permit process;

3 (4) provide an opportunity for cooperating per-
4 sons and the public to participate in the Good Sa-
5 maritan permit process, including—

6 (A) a public comment period; and

7 (B) a public hearing, if requested; and

8 (5) enforce and otherwise carry out this section.

9 (k) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—

10 As soon as practicable, but not later than 14 days after
11 the date on which the Administrator receives an applica-
12 tion for the remediation of an orphan mine site under this
13 section, the Administrator shall provide notice and a copy
14 of the application to—

15 (1) each local government with jurisdiction over
16 a drinking water utility, and each Indian tribe with
17 reservation or off-reservation treaty rights to land or
18 water, located downstream from a proposed remedi-
19 ation project that is reasonably anticipated to be ad-
20 versely impacted by a potential release of contami-
21 nants from the orphan mine site, as determined by
22 the Administrator;

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

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

5 (1) PUBLIC NOTICE OF RECEIPT OF APPLICA-
6 TIONS.—

7 (1) IN GENERAL.—Not later than 30 days after
8 the date on which the Administrator receives a com-
9 plete application for a Good Samaritan permit, the
10 Administrator shall provide to the public a notice
11 that—

12 (A) describes—

13 (i) the location of the relevant orphan
14 mine site;

15 (ii) the scope and nature of the pro-
16 posed remediation; and

17 (iii) the name of the person applying
18 for the Good Samaritan permit; and

19 (B) provides to the public a means of view-
20 ing or obtaining the application, including, at a
21 minimum, posting the application on the
22 website of the Administrator.

23 (2) HEARING.—

24 (A) IN GENERAL.—Before the date on
25 which the Administrator grants a Good Samari-

1 tan permit, if requested, the Administrator
2 shall hold a public hearing in the vicinity of the
3 affected orphan mine site.

4 (B) NOTICE.—Not later than 30 days be-
5 fore the date of a hearing under subparagraph
6 (A), the Administrator shall provide to the pub-
7 lic—

8 (i) notice of the hearing; and

9 (ii) a draft Good Samaritan permit.

10 (C) COMMENTS.—The Administrator shall
11 provide to the relevant applicant and the public
12 the opportunity—

13 (i) to comment on the draft Good Sa-
14 maritan permit at the public hearing; and

15 (ii) to submit written comments to the
16 Administrator during the 30-day period be-
17 ginning on the date of the hearing.

18 (m) PERMIT GRANT.—

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

23 (A) the Administrator determines that—

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

1 (ii) the application described in sub-
2 section (c) is complete;

3 (iii) the project is designed to reme-
4 diate historic mine residue at the orphan
5 mine site to protect public health and the
6 environment;

7 (iv) the proposed project is designed
8 to meet all other goals, as determined by
9 the Administrator, including any goals set
10 forth in the application for the Good Sa-
11 maritan permit that are accepted by the
12 Administrator;

13 (v) the proposed activities are de-
14 signed to result in, as compared to the
15 baseline conditions described in subsection
16 (c)(6)—

17 (I) improved water or soil quality
18 or other environmental or safety con-
19 ditions; or

20 (II) reductions in further threats
21 to water or soil quality or other envi-
22 ronmental or safety conditions;

23 (vi) the applicant has—

24 (I) demonstrated that the appli-
25 cant has the proper and appropriate

1 experience and capacity to complete
2 the permitted work;

3 (II) demonstrated that the appli-
4 cant will complete the permitted work;

5 (III) the financial and other re-
6 sources to address any contingencies
7 identified in the Good Samaritan per-
8 mit application described in sub-
9 sections (b) and (c);

10 (IV) granted access and provided
11 the authority to review the records of
12 the applicant relevant to compliance
13 with the requirements of the Good Sa-
14 maritan permit; and

15 (V) demonstrated, to the satisfac-
16 tion of the Administrator, that—

17 (aa) the applicant has, or
18 has access to, the financial re-
19 sources to complete the project
20 described in the Good Samaritan
21 permit application, including any
22 long-term monitoring and oper-
23 ations and maintenance that the
24 Administrator may require the

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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 establishes the Administrator or the head of the Federal land management agency as the beneficiary of the third-party financial assurance mechanism and that 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

1 (vii) the project meets the require-
2 ments of this Act;

3 (B) the State or Indian tribe with jurisdic-
4 tion over land on which the orphan mine site is
5 located has been given an opportunity to review
6 and, if necessary, comment on the grant of the
7 Good Samaritan permit;

8 (C) in the case of a project proposed to be
9 carried out under the Good Samaritan permit
10 partially or entirely on land owned by the
11 United States—

12 (i) the head of the Federal land man-
13 agement agency with jurisdiction over that
14 land reviews and concurs with the grant of
15 the Good Samaritan permit; and

16 (ii) the Good Samaritan has entered
17 into any applicable special use permit or
18 other land use agreement with the Federal
19 land management agency pursuant to ap-
20 plicable Federal land management law; and

21 (D) the Administrator has provided—

22 (i) notice under subsection (l); and

23 (ii) a period of public comment and a
24 public hearing under that subsection, if re-
25 quested.

1 (2) RELATION TO NEPA.—

2 (A) IN GENERAL.—The grant or modifica-
3 tion of a Good Samaritan permit by the Admin-
4 istrator shall not be considered a major Federal
5 action significantly affecting the quality of the
6 human environment for purposes of section 102
7 of the National Environmental Policy Act (42
8 U.S.C. 4332).

9 (B) LIMITATION.—Nothing in this para-
10 graph exempts the Secretary of Agriculture or
11 the Secretary of the Interior, as applicable,
12 from any other requirements of section 102 of
13 the National Environmental Policy Act (42
14 U.S.C. 4332).

15 (3) DEADLINE.—

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

19 (i) the date that is 180 days after the
20 date of receipt by the Administrator of an
21 application for the Good Samaritan permit
22 that, as determined by the Administrator,
23 is complete and meets all applicable re-
24 quirements of subsection (c); or

1 (ii) such later date as may be deter-
2 mined by the Administrator with notifica-
3 tion provided to the applicant.

4 (B) CONSTRUCTIVE DENIAL.—If the Ad-
5 ministrator fails to grant or deny a Good Sa-
6 maritan permit by the applicable deadline de-
7 scribed in subparagraph (A), the application
8 shall be considered to be denied.

9 (n) EFFECT OF PERMITS.—

10 (1) IN GENERAL.—A Good Samaritan, recipient
11 of an investigative sampling permit, passive land-
12 owner, and any cooperating person undertaking re-
13 mediation activities identified in and carried out pur-
14 suant to and in full compliance with a Good Samari-
15 tan permit—

16 (A) shall be considered to be in compliance
17 with all requirements (including permitting re-
18 quirements) under the Federal Water Pollution
19 Control Act (33 U.S.C. 1251 et seq.) (including
20 any law or regulation implemented by a State
21 or Indian tribe under section 402 or 404 of the
22 Federal Water Pollution Control Act (33 U.S.C.
23 1342, 1344)) and the Comprehensive Environ-
24 mental Response, Compensation, and Liability
25 Act of 1980 (42 U.S.C. 9601 et seq.) during

1 the term of the Good Samaritan permit and
2 after the termination of the Good Samaritan
3 permit;

4 (B) shall not be required to obtain a per-
5 mit under, or to comply with, section 301, 302,
6 306, 307, 402, or 404 of the Federal Water
7 Pollution Control Act (33 U.S.C. 1311, 1312,
8 1316, 1317, 1342, 1344), or any State or Trib-
9 al standards or regulations approved by the Ad-
10 ministrator under those sections of that Act,
11 during the term of the Good Samaritan permit
12 and after the termination of the Good Samari-
13 tan permit; and

14 (C) shall not be required to obtain any au-
15 thorizations, licenses, or permits that would
16 otherwise not need to be obtained if the remedi-
17 ation was conducted pursuant to section 121 of
18 the Comprehensive Environmental Response,
19 Compensation, and Liability Act of 1980 (42
20 U.S.C. 9621).

21 (2) ACTIVITIES NOT RELATING TO REMEDI-
22 ATION.—

23 (A) IN GENERAL.—A Good Samaritan or
24 any cooperating person that carries out any ac-
25 tivity relating to mineral exploration, proc-

1 essing, beneficiation, or mining, including devel-
2 opment, that is not authorized by the applicable
3 Good Samaritan permit shall be subject to all
4 applicable law.

5 (B) LIABILITY.—Any activity not author-
6 ized by a Good Samaritan permit, as deter-
7 mined by the Administrator, may be subject to
8 liability and enforcement under all applicable
9 law, including—

10 (i) the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1251 et seq.); and

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

15 (3) NO ENFORCEMENT LIABILITY.—

16 (A) DISCHARGES.—Subject to subpara-
17 graphs (B) and (C), a Good Samaritan, recipi-
18 ent of an investigative sampling permit, passive
19 landowner, or cooperating person that is con-
20 ducting remediation pursuant to a Good Samar-
21 itan permit shall not be subject to enforcement,
22 civil or criminal penalties, citizen suits, or any
23 other liability (including any liability for re-
24 sponse costs, natural resource damage, or con-
25 tribution) under the Federal Water Pollution

1 Control Act (33 U.S.C. 1251 et seq.) (including
2 under any law or regulation administered by a
3 State or Indian tribe under that Act) or the
4 Comprehensive Environmental Response, Com-
5 pensation, and Liability Act of 1980 (42 U.S.C.
6 9601 et seq.) for any actions undertaken or for
7 any past, present, or future releases, threats of
8 releases, or discharges of hazardous substances,
9 pollutants, or contaminants at or from the or-
10phan mine site that is the subject of the Good
11 Samaritan permit (including any releases,
12 threats of releases, or discharges that occurred
13 prior to the grant of the Good Samaritan per-
14 mit) during the term of the Good Samaritan
15 permit and after termination of the Good Sa-
16 maritan permit.

17 (B) OTHER PARTIES.—Nothing in sub-
18 paragraph (A) limits the liability of any person
19 that is not described in that subparagraph.

20 (C) VIOLATION OF PERMIT PRIOR TO TER-
21 MINATION.—Notwithstanding subparagraph
22 (A), if the Good Samaritan, passive landowner,
23 or cooperating person violates the terms of the
24 Good Samaritan permit and that violation re-
25 sults in surface water quality or other environ-

1 mental conditions that are worse than baseline
2 conditions at the orphan mine site, the Admin-
3 istrator—

4 (i) shall notify the Good Samaritan of
5 the violation; and

6 (ii) may require the Good Samaritan
7 to undertake reasonable measures, as de-
8 termined by the Administrator, to return
9 surface water quality or other environ-
10 mental conditions to the condition that ex-
11 isted prior to the violation.

12 (o) PUBLIC NOTIFICATION OF ADVERSE EVENT.—A
13 Good Samaritan shall notify all appropriate Federal,
14 State, Tribal, and local entities of any unplanned or pre-
15 viously unknown release of historic mine residue caused
16 by the actions of the Good Samaritan, passive landowner,
17 or any cooperating person in accordance with—

18 (1) section 103 of the Comprehensive Environ-
19 mental Response, Compensation, and Liability Act
20 of 1980 (42 U.S.C. 9603);

21 (2) section 304 of the Emergency Planning and
22 Community Right-To-Know Act of 1986 (42 U.S.C.
23 11004);

24 (3) the Federal Water Pollution Control Act
25 (33 U.S.C. 1251 et seq.);

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

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

5 (p) GRANT ELIGIBILITY.—A remediation project con-
6 ducted under a Good Samaritan permit shall be eligible
7 for funding pursuant to—

8 (1) section 319 of the Federal Water Pollution
9 Control Act (33 U.S.C. 1329); and

10 (2) section 104(k) of the Comprehensive Envi-
11 ronmental Response, Compensation, and Liability
12 Act of 1980 (42 U.S.C. 9604(k)).

13 (q) EMERGENCY AUTHORITY AND LIABILITY.—

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

16 (A) the Administrator to take any respon-
17 sive action authorized by law; or

18 (B) a Federal, State, Tribal, or local agen-
19 cy to carry out any emergency authority, in-
20 cluding an emergency authority provided under
21 Federal, State, Tribal, or local law.

22 (2) LIABILITY.—Except as specifically provided
23 in this Act, nothing in this Act or a Good Samaritan
24 permit limits the liability of any person (including a

1 Good Samaritan or any cooperating person) under
2 any provision of law.

3 (F) TERMINATION OF AUTHORITY.—

4 (1) TERMINATION.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the authority to grant Good
7 Samaritan permits pursuant to this Act shall
8 terminate on the date that is 7 years after the
9 date of enactment of this Act.

10 (B) EXCEPTION.—Notwithstanding sub-
11 subparagraph (A), the Administrator may grant a
12 Good Samaritan permit pursuant to this Act
13 after the date identified in subparagraph (A) if
14 the application for the Good Samaritan per-
15 mit—

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

18 (ii) was completed in accordance with
19 subsection (e)(1) by not later than 7 years
20 after the date of enactment of this Act.

21 (2) EFFECT ON CERTAIN PERMITS.—Any Good
22 Samaritan permit granted by the deadline prescribed
23 in subparagraph (A) or (B) of paragraph (1), as ap-
24 plicable, that is in effect on the date that is 7 years

1 after the date of enactment of this Act shall remain
2 in effect after that date in accordance with—

3 (A) the terms and conditions of the Good
4 Samaritan permit; and

5 (B) this Act.

6 (3) TERMINATION OF PERMIT.—

7 (A) IN GENERAL.—A Good Samaritan per-
8 mit shall terminate, as applicable—

9 (i) on inspection and notice from the
10 Administrator to the recipient of the Good
11 Samaritan permit that the permitted work
12 has been completed in accordance with the
13 terms of the Good Samaritan permit, as
14 determined by the Administrator;

15 (ii) if the Administrator terminates a
16 permit under paragraph (4)(B)(i); or

17 (iii) except as provided in subpara-
18 graph (B)—

19 (I) on the date that is 18 months
20 after the date on which the Adminis-
21 trator granted the Good Samaritan
22 permit, if the permitted work has not
23 commenced by that date; or

24 (II) if the grant of the Good Sa-
25 maritan permit was the subject of a

1 petition for judicial review, on the
2 date that is 18 months after the date
3 on which the judicial review, including
4 any appeals, has concluded, if the per-
5 mitted work has not commenced by
6 that date.

7 (B) EXTENSION.—

8 (i) IN GENERAL.—If the Adminis-
9 trator is otherwise required to terminate a
10 Good Samaritan permit under subpara-
11 graph (A)(iii), the Administrator may
12 grant an extension of the Good Samaritan
13 permit.

14 (ii) LIMITATION.—Any extension
15 granted under clause (i) shall be not more
16 than 180 days for each extension.

17 (4) UNFORESEEN CIRCUMSTANCES.—

18 (A) IN GENERAL.—The recipient of a Good
19 Samaritan permit or investigative sampling per-
20 mit may seek to modify or terminate the Good
21 Samaritan permit or investigative sampling per-
22 mit to take into account any event or condition
23 that—

24 (i) significantly reduces the feasibility
25 or significantly increases the cost of com-

1 pleting the remediation project that is the
 2 subject of the Good Samaritan permit or
 3 investigative sampling permit;

4 (ii) was not—

5 (I) reasonably contemplated by
 6 the recipient of the permit; or

7 (II) taken into account in the re-
 8 mediation plan of the recipient of the
 9 permit; and

10 (iii) is beyond the control of the re-
 11 cipient of the permit, as determined by the
 12 Administrator.

13 (B) TERMINATION.—

14 (i) IN GENERAL.—Subject to sub-
 15 section (n)(3), the Administrator shall ter-
 16 minate a Good Samaritan permit or inves-
 17 tigative sampling permit if—

18 (I) the recipient of the permit
 19 seeks termination of the permit under
 20 subparagraph (A);

21 (II) the factors described in sub-
 22 paragraph (A) are satisfied; and

23 (III) the Administrator deter-
 24 mines that remediation activities con-
 25 ducted by the Good Samaritan or per-

1 son pursuant to the Good Samaritan
2 permit or investigative sampling per-
3 mit, respectively, may result in sur-
4 face water quality conditions, or any
5 other environmental conditions, that
6 will be worse than the baseline condi-
7 tions, as described in subsection
8 (c)(6), as applicable.

9 (ii) EFFECT OF TERMINATION.—Not-
10 withstanding the termination of a Good
11 Samaritan permit or investigative sampling
12 permit under clause (i), the provisions of
13 paragraphs (1), (2), and (3) of subsection
14 (n) shall continue to apply to the Good Sa-
15 maritan, the recipient of an investigative
16 sampling permit, and any cooperating per-
17 sons after the termination.

18 (5) LONG-TERM OPERATIONS AND MAINTENANCE.—In the case of a project that involves long-
19 term operations and maintenance at an orphan mine
20 site located on land owned by the United States, the
21 project may be considered complete and the Admin-
22 istrator may terminate the Good Samaritan permit
23 under this subsection if the applicable Good Samari-
24 tan has entered into an agreement with the applica-
25

1 ble Federal land management agency or a cooper-
2 ating person for the long-term operations and main-
3 tenance that includes sufficient funding for the long-
4 term operations and maintenance.

5 (s) REGULATIONS.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 not later than 1 year after the date of enactment of
8 this Act, the Administrator, in consultation with the
9 Secretary of the Interior and the Secretary of Agri-
10 culture, and appropriate State, Tribal, and local offi-
11 cials, shall promulgate regulations to establish—

12 (A) requirements for remediation plans de-
13 scribed in subsection (c); and

14 (B) any other requirement that the Admin-
15 istrator determines to be necessary to carry out
16 this Act.

17 (2) SPECIFIC REQUIREMENTS BEFORE PROMUL-
18 GATION OF REGULATIONS.—Before the date on
19 which the Administrator promulgates regulations
20 under paragraph (1), the Administrator may estab-
21 lish, on a case-by-case basis, specific requirements
22 that the Administrator determines would facilitate
23 the implementation of this subsection with respect to
24 a Good Samaritan permitting program.

1 **SEC. 5. SPECIAL ACCOUNTS.**

2 (a) **ESTABLISHMENT.**—There is established in the
3 Treasury of the United States a Good Samaritan Mine
4 Remediation Fund (referred to in this section as a
5 “Fund”) for each Federal land management agency that
6 authorizes a Good Samaritan to conduct a project on Fed-
7 eral land under the jurisdiction of that Federal land man-
8 agement agency under a Good Samaritan permit.

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

10 (1) amounts provided in appropriation Acts;

11 (2) any reimbursements for the costs of over-
12 sight received under section 4(f)(5)(B)(ii);

13 (3) any financial assurance funds collected from
14 an agreement described in section
15 4(m)(1)(A)(vi)(V)(bb);

16 (4) any funds collected for long-term operations
17 and maintenance under an agreement under section
18 4(r)(5);

19 (5) any interest earned under an investment
20 under subsection (c); and

21 (6) any proceeds from the sale or redemption of
22 investments held in the Fund.

23 (c) **UNUSED FUNDS.**—Amounts in each Fund not
24 currently needed to carry out this Act shall be—

25 (1) maintained as readily available or on de-
26 posit;

1 (2) invested in obligations of the United States
2 or guaranteed by the United States; or

3 (3) invested in obligations, participations, or
4 other instruments that are lawful investments for a
5 fiduciary, a trust, or public funds.

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

11 (e) **LIMITATION.**—Amounts in each Fund may only
12 be used for the Good Samaritan project for which the
13 funds were deposited.

14 **SEC. 6. REPORT TO CONGRESS.**

15 (a) **IN GENERAL.**—Not later than 8 years after the
16 date of enactment of this Act, the Administrator, in con-
17 sultation with the heads of Federal land management
18 agencies, shall submit to the Committee on Environment
19 and Public Works of the Senate and the Committees on
20 Transportation and Infrastructure, Energy and Com-
21 merce, and Natural Resources of the House of Represent-
22 atives a report evaluating the Good Samaritan pilot pro-
23 gram under this Act.

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

1 (1) a description of—

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

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

7 (2) qualitative and quantitative data on the re-
8 sults achieved under the Good Samaritan permits
9 before the date of issuance of the report;

10 (3) a description of—

11 (A) any problems encountered in admin-
12 istering this Act; and

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

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

18 (5) recommendations on whether the Good Sa-
19 maritan pilot program under this Act should be con-
20 tinued, including a description of any modifications
21 (including amendments to existing law) required to
22 continue administering this Act.

○