

Unfortunately, the implementation of this law has been bogged down by bureaucratic red tape. Despite the plain wording of the law, the Bureau of Land Management has asserted that the law does not apply to third parties, only to the right-of-way holders of record.

As such, H.R. 331 amends the Aquifer Recharge Flexibility Act to further clarify that an existing right-of-way, easement, permit, or other authorization can be used to recharge aquifers on behalf of State, Tribal, and local governments, without getting additional authorization or paying additional rents.

The aquifer recharge and storage are already complicated matters that depend on a variety of natural characteristics, including soil type and underlying geology, which influence water retention and the ability to recover stored water. There is no need for the Federal Government to add further complexity to this important work.

Mr. Speaker, I support the bill, and I reserve the balance of my time.

Ms. HOYLE of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 331 would amend the Aquifer Recharge Flexibility Act to allow third parties to utilize an existing right-of-way, easement, permit, or other authorization for aquifer recharge without further authorization from the Secretary of the Interior.

Underground aquifers play a key role in sustaining water supplies for groundwater-dependent irrigation, municipal water use, and ecosystems. This is especially important in areas experiencing drought and constrained surface supplies.

This bill will support aquifer recharge projects, in turn, strengthening water security.

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

Mr. WESTERMAN. Mr. Speaker, out West, the development of an aquifer recharge program generally includes using existing irrigation canals and ditches to seep and percolate water into the aquifer. Much of this infrastructure crosses land owned by the Bureau of Land Management, requiring additional authorization for aquifer recharge activities, even when conducted on behalf of public entities. Cutting red tape for such activities is simply common sense.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. WESTERMAN) that the House suspend the rules and pass the bill, H.R. 331, as amended.

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

A motion to reconsider was laid on the table.

COMMUNITY RECLAMATION PARTNERSHIPS ACT OF 2025

Mr. WESTERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 167) to amend the Surface Mining Control and Reclamation Act of 1977 to authorize partnerships between States and nongovernmental entities for the purpose of reclaiming and restoring land and water resources adversely affected by coal mining activities before August 3, 1977, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 167

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 "Community Reclamation Partnerships Act of 2025".

SEC. 2. REFERENCE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a provision, the reference shall be considered to be made to a provision of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

SEC. 3. STATE MEMORANDA OF UNDERSTANDING FOR CERTAIN REMEDIATION.

Section 405 (30 U.S.C. 1235) is amended by inserting after subsection (l) the following:

"(m) STATE MEMORANDA OF UNDERSTANDING FOR REMEDIATION OF MINE DRAINAGE.—

"(1) IN GENERAL.—A State with a State program approved under subsection (d) may enter into a memorandum of understanding with relevant Federal or State agencies (or both) to remediate mine drainage on abandoned mine land and water impacted by abandoned mines within the State. The memorandum may be updated as necessary and resubmitted for approval under this subsection.

"(2) MEMORANDA REQUIREMENTS.—Such memorandum shall establish a strategy satisfactory to the State and Federal agencies that are parties to the memorandum, to address water pollution resulting from mine drainage at sites eligible for reclamation and mine drainage abatement expenditures under section 404, including specific procedures for—

"(A) ensuring that activities carried out to address mine drainage will result in improved water quality;

"(B) monitoring, sampling, and the reporting of collected information as necessary to achieve the condition required under subparagraph (A);

"(C) operation and maintenance of treatment systems as necessary to achieve the condition required under subparagraph (A); and

"(D) other purposes, as considered necessary by the State or Federal agencies, to achieve the condition required under subparagraph (A).

"(3) PUBLIC REVIEW AND COMMENT.—

"(A) IN GENERAL.—Before submitting a memorandum to the Secretary and the Administrator for approval, a State shall—

"(i) invite interested members of the public to comment on the memorandum; and

"(ii) hold at least one public meeting concerning the memorandum in a location or locations reasonably accessible to persons who may be affected by implementation of the memorandum.

"(B) NOTICE OF MEETING.—The State shall publish notice of each meeting not less than

15 days before the date of the meeting, in local newspapers of general circulation, on the Internet, and by any other means considered necessary or desirable by the Secretary and the Administrator.

"(C) RESPONSE TO PUBLIC COMMENT.—The memorandum shall include responses to substantive concerns raised by the public in comments and during public meetings if received within 30 days of such meetings and opportunity to comment.

"(4) SUBMISSION AND APPROVAL.—The State shall submit the memorandum to the Secretary and the Administrator of the Environmental Protection Agency for approval. The Secretary and the Administrator shall approve or disapprove the memorandum within 120 days after the date of its submission if the Secretary and Administrator find that the memorandum will facilitate additional activities under the State Reclamation Plan under subsection (e) that improve water quality.

"(5) TREATMENT AS PART OF STATE PLAN.—A memorandum of a State that is approved by the Secretary and the Administrator under this subsection shall be considered part of the approved abandoned mine reclamation plan of the State.

"(n) COMMUNITY RECLAIMER PARTNERSHIPS.—

"(1) PROJECT APPROVAL.—Within 120 days after receiving such a submission, the Secretary shall approve a Community Reclaimer project to remediate abandoned mine lands if the Secretary finds that—

"(A) the proposed project will be conducted by a Community Reclaimer as defined in this subsection or approved subcontractors of the Community Reclaimer;

"(B) for any proposed project that remediates mine drainage, the proposed project is consistent with an approved State memorandum of understanding under subsection (m);

"(C) the proposed project will be conducted on a site or sites inventoried under section 403(c);

"(D) the proposed project meets all submission criteria under paragraph (2);

"(E) the relevant State has entered into an agreement with the Community Reclaimer under which the State shall assume all responsibility with respect to the project for any costs or damages resulting from any action or inaction on the part of the Community Reclaimer in carrying out the project, except for costs or damages resulting from gross negligence or intentional misconduct by the Community Reclaimer, on behalf of—

"(i) the Community Reclaimer; and

"(ii) the owner of the proposed project site, if such Community Reclaimer or owner, respectively, did not participate in any way in the creation of site conditions at the proposed project site or activities that caused any lands or waters to become eligible for reclamation or drainage abatement expenditures under section 404;

"(F) the State has the necessary legal authority to conduct the project and will obtain all legally required authorizations, permits, licenses, and other approvals to ensure completion of the project;

"(G) the State has sufficient financial resources to ensure completion of the project, including any necessary operation and maintenance costs (including costs associated with emergency actions covered by a contingency plan under paragraph (2)(K)); and

"(H) the proposed project is not in a category of projects that would require a permit under title V.

"(2) PROJECT SUBMISSION.—The State shall submit a request for approval to the Secretary that shall include—

“(A) a description of the proposed project, including any engineering plans that must bear the seal of a professional engineer;

“(B) a description of the proposed project site or sites, including, if relevant, the nature and extent of pollution resulting from mine drainage;

“(C) identification of the past and current owners and operators of the proposed project site;

“(D) the agreement or contract between the relevant State and the Community Reclaimer to carry out the project;

“(E) a determination that the project will facilitate the activities of the State reclamation plan under subsection (e);

“(F) sufficient information to determine whether the Community Reclaimer has the technical capability and expertise to successfully conduct the proposed project;

“(G) a cost estimate for the project and evidence that the Community Reclaimer has sufficient financial resources to ensure the successful completion of the proposed project (including any operation or maintenance costs);

“(H) a schedule for completion of the project;

“(I) an agreement between the Community Reclaimer and the current owner of the site governing access to the site;

“(J) sufficient information to ensure that the Community Reclaimer meets the definition under paragraph (3);

“(K) a contingency plan designed to be used in response to unplanned adverse events that includes emergency actions, response, and notifications;

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

“(M) a requirement that the State provide notice to adjacent and downstream landowners and the public and hold a public meeting near the proposed project site before the project is initiated.

“(3) REPROCESSING OF MATERIALS.—A Community Reclaimer may reprocess materials recovered during the implementation of a remediation plan only if—

“(A) the applicable land management agency has signed a decision document approving reprocessing as part of the approved abandoned mine reclamation plan of the State;

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

“(i) to defray the costs of the remediation; and

“(ii) to reimburse the Administrator or the head of a Federal land management agency for the purpose of carrying out this Act; and

“(C) the materials only include historic mine residue.

“(4) COMMUNITY RECLAIMER DEFINED.—For purposes of this section, the term ‘Community Reclaimer’ means any person who—

“(A) seeks to voluntarily assist a State with a reclamation project under this section, which may include companies that currently hold reclamation liability elsewhere from the proposed site or active mine sites that require a performance bond;

“(B) did not participate in any way in the creation of site conditions at the proposed project site or activities that caused any lands or waters at the proposed project site to become eligible for reclamation or drainage abatement expenditures under section 404; and

“(C) is not subject to outstanding violations listed pursuant to section 510(c).”

SEC. 4. CLARIFYING STATE LIABILITY FOR MINE DRAINAGE PROJECTS.

Section 413(d) (30 U.S.C. 1242(d)) is amended by inserting “unless such control or treatment will be conducted in accordance with a State memorandum of understanding approved under section 405(m) of this Act” after “under the Federal Water Pollution Control Act”.

SEC. 5. CONFORMING AMENDMENTS.

Section 405(f) (30 U.S.C. 1235(f)) is amended—

(1) by striking the “and” after the semicolon in paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by inserting at the end the following:

“(8) a list of projects proposed under subsection (n).”

SEC. 6. SUNSET PROVISION.

This Act shall be in effect until September 30, 2032.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. WESTERMAN) and the gentlewoman from Oregon (Ms. HOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. WESTERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 167, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

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

Mr. Speaker, I rise today in support of Representative LAHOOD's bill, H.R. 167, the Community Reclamation Partnerships Act of 2025.

This bill would revise the Abandoned Mine Land Reclamation Program by allowing third-party organizations to clean up coal mines that were abandoned before modern environmental regulations. These organizations would be granted protection from liability so they can assist in the cleanup of acid mine drainage without fear of frivolous lawsuits.

While Good Samaritan remediation laws have been successful in States like Pennsylvania, there is currently no similar Federal framework for third-party protections. As a result, would-be reclaimers are often deterred from cleanup projects due to fear of assuming liability for conditions caused by prior operations.

H.R. 167, however, would recognize nongovernmental organizations as community reclaimers, and States would assume responsibility for all community reclaimer cleanup projects, just as they currently do for approved AML contractors. This bill also establishes approved practices for these reclamation projects and a process for agreements between States and Federal agencies on mine drainage remediation.

Many third-party organizations support this legislation, as they need this

liability protection in order to operate efficiently and effectively.

The Community Reclamation Partnerships Act passed the House in the 115th Congress and has moved through committee for the last three Congresses. It is time we passed this commonsense, bipartisan piece of legislation that will help reclaim abandoned mine lands and clean up our local estuaries.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 167, and I reserve the balance of my time.

Ms. HOYLE of Oregon. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise in support of my colleague, Representative LAHOOD's bill, the Community Reclamation Partnerships Act.

This legislation would amend the Surface Mining Control and Reclamation Act to allow States to partner with third-party groups like environmental and wildlife protection organizations, to clean up abandoned coal mine sites. Qualifying projects would be exempt from certain legal liabilities that have stood in the way of cleanup.

Right now, there are many thousands of abandoned coal mine sites across the country, many located in Appalachia, from before the industry was federally regulated. These sites will sit for years, with rivers and streams running over them, polluting waterways in perpetuity, unless taxpayers shoulder the cost of cleanup.

With limited government funds and personnel to clean up these mines, many sites are left polluted for decades. To make matters worse, even if a Good Samaritan group wants to volunteer to help clean up the pollution themselves, current law requires them to take on full liability for the site under the Clean Water Act.

That means raising funds to cover all the bonding and liability costs. Even if the groups manage to do that, it is nearly impossible to get a permit for this work because of the high standards in the Clean Water Act.

This bill would address these issues by empowering communities to help clean up polluted sites.

This isn't a get out of jail free card for polluting companies. This is a tool that gives communities more agency to care for the places they live, work, and play.

On both sides of the aisle, we agree that Good Samaritans shouldn't face these barriers to completing honest and necessary work. However, this bill is only part of the solution to the abandoned coal mine problem. There is more to do to hold the industry accountable, but this is a good bipartisan step to cleaner water for our communities.

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

Mr. WESTERMAN. Mr. Speaker, in closing, this bill will ease the process for reclaiming abandoned mine land

and improving environmental quality in communities across the country. This legislation will also allow reclamation organizations to clean up abandoned mine land without fear of becoming trapped in a litigation doom loop.

Mr. Speaker, I thank Congressman LAHOOD for bringing H.R. 167 to the floor, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. WESTERMAN) that the House suspend the rules and pass the bill, H.R. 167.

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.

MEMORANDUM OF UNDERSTANDING TO ADDRESS POTENTIAL IMPACTS OF A CERTAIN RECORD OF DECISION ON THE UPPER COLORADO RIVER BASIN FUND

Mr. WESTERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1001) to provide for a memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1001

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

SECTION 1. MEMORANDUM OF UNDERSTANDING TO ADDRESS POTENTIAL IMPACTS OF A CERTAIN RECORD OF DECISION ON THE UPPER COLORADO RIVER BASIN FUND.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation, and the Secretary of Energy, acting through the Administrator of the Western Area Power Administration, in consultation with the Glen Canyon Dam Adaptive Management Work Group, shall enter into a memorandum of understanding to explore and address the impact that the record of decision entitled the “Supplement to the 2016 Glen Canyon Dam Long-Term Experimental and Management Plan Record of Decision” and dated July 2024 (referred to in this section as the “record of decision”) has on the Upper Colorado River Basin Fund (referred to in this section as the “Fund”).

(b) REQUIRED PLAN.—The memorandum of understanding entered into under subsection (a) shall, using information derived from existing hydropower contracts, include the establishment of a plan to—

(1) address the effects that the record of decision may have on Fund obligations including routine operations, maintenance, and replacement of critical infrastructure;

(2) address the impact that the record of decision has on hydropower production at Glen Canyon Dam, including costs to replace hydropower resources and grid reliability; and

(3) identify impacts that the record of decision has had on species listed as a threatened

species or an endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(c) SAVINGS CLAUSES.—Nothing in this Act shall preempt rights or obligations under subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the “Administrative Procedure Act”).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. WESTERMAN) and the gentlewoman from Oregon (Ms. HOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. WESTERMAN. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1001, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1001 sponsored by Congresswoman HAGEMAN. This bill requires the Bureau of Reclamation and the Western Area Power Administration, or WAPA, to enter into a memorandum of understanding aimed at addressing the impacts that bypass flows at Glen Canyon Dam have had on the Upper Colorado River Basin Fund.

These flows are an attempt to manage an invasive smallmouth bass population that imperils the federally listed humpback chub below the dam. While well-intentioned, this action comes at a steep cost.

In 2024, the bypass flows produced \$20 million in lost hydropower generation, which instead had to be replaced with power purchased on the open market.

WAPA makes these purchases using the Basin Fund, which is funded by hydropower revenues, not appropriations. In other words, utility customers end up footing the very expensive bill to address the impacts of predatory smallmouth bass.

The loss in revenues not only means higher electricity prices but also negative impacts on the Colorado River system, as the Basin Fund is the primary source of funding for operations and maintenance of the system's critical infrastructure.

I want to be clear: H.R. 1001 does not prevent bypass flows. It does, however, require the agencies to fully cooperate to minimize the impacts of these flows on the grid and its customers. It also requires coordination with hydropower customers and other stakeholders, including the Glen Canyon Dam Adaptive Management Work Group.

I support this legislation and reserve the balance of my time.

Ms. HOYLE of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1001 would direct the Department of Energy and the Department of the Interior, Environment, and Related Agencies to evaluate the potential impacts of the 2024 supplement to the 2016 Glen Canyon Dam Long-Term Experimental and Management Plan Record of Decision on the Upper Colorado River Basin Fund.

The Colorado River is an essential water resource, supplying water for municipal and agricultural uses, energy production, and fish and wildlife habitat. However, persistent drought, over-allocation of water resources, and the escalating impacts of climate change have placed unprecedented strain on the basin.

The record of decision was an important step in addressing species' needs below the Glen Canyon Dam, and preliminary data showed promising results in protecting native fish species.

As drought conditions worsen and water demand continues to increase, it is more critical than ever to ensure water management appropriately balances agricultural, municipal, industrial, and environmental needs.

This legislation will direct Bureau of Reclamation and the Western Area Power Administration to analyze how the record of decision may impact the fund's resources, hydropower generation at the Glen Canyon Dam, and endangered species.

I hope to work with my colleagues across the aisle on advancing meaningful legislation to safeguard environmental and cultural resources while addressing the long-term challenges of drought and climate change.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. WESTERMAN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Wyoming (Ms. HAGEMAN), the lead sponsor of this bill.

Ms. HAGEMAN. Mr. Speaker, I rise in support of my legislation, H.R. 1001, which requires the Bureau of Reclamation and the Western Area Power Administration, or WAPA, to enter into a memorandum of understanding to address the impacts that bypass flows at Glen Canyon Dam have had on the Upper Colorado River Basin Fund.

It is worth taking a moment to highlight why we are here today. Under the Biden administration, the Bureau of Reclamation wanted to rush to implement bypass flows to prevent smallmouth bass and other warm water invasive nonnative fish from becoming established below the Glen Canyon Dam outlet works.

This action, however, comes at significant costs as it would mean foregoing hydropower generation for the majority of these releases.

The Bureau of Reclamation initiated its record of decision, or ROD, over Glen Canyon Dam's long-term experimental management plan supplemental EIS this past summer. It was signed on July 5, 2024, with implementation beginning just 3 days later on July 8. Pretty doggone quick.