



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: Energy and Mineral Resources Subcommittee, Ashley Nichols –
Ashley.Nichols@mail.house.gov x63044 & Rebecca Konolige –
Rebecca.Konolige@mail.house.gov x61879
Date: Wednesday, June 14, 2023
Subject: Legislative Hearing on three bills: H.R. 2685, H.R. 3883, and a Discussion Draft of H.R. ____ (Rep. LaHood), the “*Community Reclamation Partnerships Act*”

The Subcommittee on Energy and Mineral Resources will hold a legislative hearing on H.R. 2685 (Rep. Owens), “*Mining Schools Act of 2023*”; H.R. 3883 (Rep. Amodei), To nullify Public Land Order No. 7921, withdrawing certain land in the Railroad Valley of Nye County, Nevada, from mineral entry; and a Discussion Draft of H.R. ____ (Rep. LaHood), the “*Community Reclamation Partnerships Act*”, on **Wednesday, June 14, 2023, at 2:15 p.m.** in 1334 Longworth House Office Building.

Member offices are requested to notify Lonnie Smith (Lonnie.Smith@mail.house.gov) by 4:30 p.m. on Tuesday, June 13, 2023, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- This hearing will consider three bills related to different aspects and needs of the domestic mining sector.
- H.R. 2685 (Rep. Owens), the “*Mining Schools Act of 2023*”, would create a grant program for mining schools to support educational programs in mining and related fields.
- H.R. ____ (Rep. LaHood), the “*Community Reclamation Partnerships Act*”, would aid in the remediation of abandoned mine land (AML) sites by allowing non-governmental organizations (NGOs) to help reclaim them.
- Finally, H.R. 3883 (Rep. Amodei) would nullify an administrative withdrawal imposed by the Biden Administration that removed nearly 23,000 acres from mineral development in Nye County, Nevada.

II. WITNESSES

Panel I:

- The Honorable Mark Amodei, Representative, Nevada’s 2nd Congressional District
- The Honorable Burgess Owens, Representative, Utah’s 4th Congressional District
- The Honorable Darin LaHood, Representative, Illinois’s 16th Congressional District

Panel II:

- Walter G. Copan, Ph.D., Vice President for Research and Technology Transfer, Colorado School of Mines, Golden, CO
- Christopher Wood, President and Chief Executive Officer, Trout Unlimited, Arlington, VA
- Kevin Moore, Chairman and Chief Financial Officer, 3 Proton Lithium (3PL), Carson City, NV
- Emily Hammond, Vice Provost for Faculty Affairs; Glen Earl Weston Research Professor, George Washington University School of Law, Washington, DC [*Minority Witness*]

III. BACKGROUND

H.R. ____ (Rep. LaHood), Community Reclamation Partnerships Act

Thousands of inactive coal mines, abandoned before the era of modern regulation, exist across the country.¹ Many of these sites pose health and safety risks or environmental hazards, burdening landowners and inhibiting opportunities for economic development. The states are responsible for reclaiming abandoned mine sites and state AML programs undertake numerous cleanup projects every year. These projects are funded by annual state grants from the AML Fund, overseen by the Office of Surface Mining, Reclamation and Enforcement.² The revenue stream for these grants comes from a fee assessed on current coal production. Additionally, \$11.3 billion was provided to assist in AML remediation through the Infrastructure Investment and Jobs Act.³

However, given the significant inventory of un-reclaimed sites, there is a need to identify new routes to reclamation without additional burdens on coal operators or the taxpayer. This need has encouraged third-party non-governmental organizations (NGOs) to participate in cleanup projects. Pennsylvania, for example, has a so-called “Good Samaritan” law allowing these NGOs to participate in cleanup without fear of becoming liable for abandoned sites they reclaim in the future, should conditions deteriorate through no fault of their own.⁴ However, there is no such federal protection. The “*Community Reclamation Partnerships Act*” would grant this liability protection to NGOs that wish to contribute their resources to the problem of abandoned mine lands and reduce the burden on the taxpayers and the states. This bill has passed out of Committee by unanimous consent in both the 116th and 117th Congress and passed the House in the 115th Congress.

H.R. 2685 (Rep. Owens), Mining Schools Act of 2023

One of the necessary components of a secure minerals supply chain is a trained domestic workforce. This is one of many obstacles for increasing U.S. mineral production, as the mining

¹ U.S. Department of the Interior. Office of Surface Mining Reclamation and Enforcement. Abandoned Mine Land Inventory System. <https://www.osmre.gov/programs/e-amlis>

² U.S. Department of the Interior. Office of Surface Mining Reclamation and Enforcement. Reclaiming Abandoned Mine Lands. <https://www.osmre.gov/programs/reclaiming-abandoned-mine-lands>

³ Public Law 117-58.

⁴ Pennsylvania Department of Environmental Protection. Environmental Good Samaritan Act. <https://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Pages/GoodSamaritanAct.aspx>

sector and related fields are experiencing more retirements than graduating students.⁵ In addition to rising retirements, higher education programs that offer programs in mining, mineral engineering, geology, and similar courses of study are declining.⁶ Unless this trend is reversed, it will become increasingly difficult to find qualified individuals to explore for and produce mineral commodities in the United States. This lack of personnel could have major impacts on both the private sector and government agencies, such as the U.S. Geological Survey.

H.R. 2685, the “*Mining Schools Act of 2023*”, is an important step in rebalancing America’s mining workforce by building out education programs and supporting student recruitment. This bill establishes a competitive grant program at the Department of Energy (DOE) to provide additional funding to accredited mining schools, or schools in states where mining and mining support activities contribute at least two billion dollars the state’s gross domestic product (GDP). These annual grants may be used to recruit students to the school and to support an array of programs in relevant fields, such as mineral extraction, mine reclamation, refining and processing technologies, geological engineering, and supply chain analysis. H.R. 2685 is co-led by Rep. Costa (D-CA) and has a Senate companion led by Sen. Barrasso (R-WY) and Sen. Manchin (D-WV).

Railroad Valley Withdrawal

On April 27, 2023, the Bureau of Land Management (BLM) finalized a mineral withdrawal of 22,684 acres near Nye County, Nevada.⁷ This withdrawal precludes development of any mineral resources for 20 years. The withdrawal application was filed by the National Aeronautics and Space Administration (NASA), which claimed that mineral development could adversely impact their use of satellites and other activities in the region.

This withdrawal may pose significant challenges to mineral developers in the area. There are 618 mining claims covering 12,360 acres within the withdrawal boundary.⁸ These claims are owned or operated by 3PL, a lithium production company that seeks to develop the rich reserves in Railroad Valley. Although there is no recorded production to date of non-fuel resources in the area, there is “moderate to high potential” that several hardrock resources are present.⁹ Specifically, lithium, potassium, sodium, tungsten, magnesium, barium, boron, and phosphate are all predicted in the area.¹⁰ Oil and gas resources are also impacted as oil and gas production currently takes place in the region,¹¹ and an upcoming Nevada lease sale includes four parcels in Nye County of over 4,700 acres in total, indicating an ongoing interest in oil and gas

⁵ U.S. Department of Commerce. A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals. https://www.commerce.gov/sites/default/files/2020-01/Critical_Minerals_Strategy_Final.pdf

⁶ National Research Council, “Emerging Workforce Trends in the U.S. Energy and Mining Industries: A Call to Action, National Academies,” pages 83-85, 2013, <https://www.nap.edu/catalog/18250/emerging-workforce-trends-in-the-us-energy-and-miningindustries>.

⁷ 88 FR 25682

⁸ Mineral Potential Report in Support of a Requested Federal Land Withdrawal in Railroad Valley, Northeastern Nye County, Nevada, May 20, 2022, https://www.nasa.gov/sites/default/files/atoms/files/nasa_rrv-mineral-potential-report_final_signed.pdf.

⁹ Mineral Potential Report in Support of a Requested Federal Land Withdrawal in Railroad Valley, Northeastern Nye County, Nevada, May 20, 2022, https://www.nasa.gov/sites/default/files/atoms/files/nasa_rrv-mineral-potential-report_final_signed.pdf.

¹⁰ Mineral Potential Report in Support of a Requested Federal Land Withdrawal in Railroad Valley, Northeastern Nye County, Nevada, May 20, 2022, https://www.nasa.gov/sites/default/files/atoms/files/nasa_rrv-mineral-potential-report_final_signed.pdf.

¹¹ Mineral Potential Report in Support of a Requested Federal Land Withdrawal in Railroad Valley, Northeastern Nye County, Nevada, May 20, 2022, https://www.nasa.gov/sites/default/files/atoms/files/nasa_rrv-mineral-potential-report_final_signed.pdf.

development in the area.¹² Operators are concerned this withdrawal may impact their ability to access existing mineral rights, and will preclude expansion of operations in the future.

In a letter to the NASA Administrator, Bill Nelson, and BLM Director, Tracy Stone-Manning, a bipartisan group of House and Senate members of the Nevada Congressional delegation stated, “Given that this application, intended to support continued NASA use of land for satellite calibration, *is opposed by numerous local stakeholders*, it is critical that BLM and NASA work with counties, renewable energy companies, mining companies, and the public to find a solution that works for all parties [emphasis added].”¹³ Despite bipartisan interest in finding “a solution that works for all parties,” some local governments did not feel they were able to sufficiently participate in the review process. Specifically, Nye County, Nevada requested to be designated as a cooperating agency during the National Environmental Policy Act (NEPA) review of this withdrawal, but NASA formally declined the request.¹⁴

H.R. 3883, introduced by Rep. Amodei (R-NV), addresses the concerns of local government and mineral operators by nullifying this withdrawal.

IV. MAJOR PROVISIONS

Discussion Draft of H.R. (Rep. LaHood), the “Community Reclamation Partnerships Act”:

- Authorizes a memorandum of understanding (MOU) between states with approved state programs under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and federal agencies for the remediation of acid mine drainage and abandoned mine sites. State MOUs must be approved by the Secretary of the Interior and the Administrator of the Environmental Protection Agency and are subject to public review and comment.
- Authorizes eligible “Community Reclaimers” to participate in abandoned mine land cleanup projects for states that have an approved MOU. Under this program, Community Reclaimers are shielded from liability by enabling the states to formally assume liability and compliance responsibility on their behalf. This subsection also details requirements for Community Reclaimer qualifications, projects applications, and Secretarial approval.
 - Defines a “Community Reclaimer” as any person who: voluntarily assists a state in a reclamation project; did not create the conditions that now require reclamation or mine drainage abatement; is not a current owner or operator of any site with ongoing reclamation obligations; and is not subject to outstanding violations under SMCRA.
- Clarifies that any control or treatment for acid mine drainage must comply with the Clean Water Act, unless there exists an approved MOU. This only applies where projects address mine drainage from AML sites.

¹² Bureau of Land Management, Nevada State Office, Notice of Competitive Oil and Gas Internet Lease Sale, June 2, 2023, https://www.blm.gov/sites/default/files/docs/2023-06/July%202023%20Oil%20%26%20Gas%20Sale%20Notice_Signed_3.pdf.

¹³ Letter from U.S. Reps. Steven Horsford and Amodei and U.S. Sens. Rosen and Cortez Masto to the Honorable Bill Nelson, Administrator, National Aeronautics and Space Administration and the Honorable Tracy Stone-Manning, Director, Bureau of Land Management, January 7, 2022.

¹⁴ Letter from Amy Keith, NEPA Project Manager, Environmental Management Division, NASA Headquarters to the Honorable Debra Strickland, Chair, Nye County, Nevada Board of County Commissioners, November 18, 2021.

- Requires states to include a list of proposed Community Reclaimer Partnership projects in their annual applications to the Secretary of the Interior requesting support for their respective State Reclamation Programs.

H.R. 2685 (Rep. Owens):

- Defines “mining school” as a program accredited by the Accreditation Board for Engineering and Technology *or* a 4-year school in a state at least two billion dollars was generated for the state GDP from “Mining (except oil and gas)” and “Support activities for mining,” according to the Bureau of Economic Analysis; defines other terms.
- Directs DOE, in consultation with the Department of the Interior, to establish a competitive grant program to strengthen domestic mining education. Ten grants or fewer shall be awarded annually.
- Funds may be used to recruit students to the mining school and to enhance a range of mining and mining-related programs.
- Establishes a Mining Professional Development Advisory Board, to be appointed by the Secretary of Energy, made up of three active mining professionals and three people with experience in implementing professional skills training in the mining sector.
- The Board shall evaluate grant applications and make selection recommendations to the Secretary, propose the amount of the grant, and perform oversight to ensure grants are used for the purposes of this Act.
- Authorizes \$10 million for each of fiscal years 2024 through 2031.
- Repeals Mining and Mineral Resources Research Institute Act of 1984 (defunct).

H.R. 3883 (Rep. Amodei):

- Nullifies Public Land Order No. 7921, relating to the withdrawal of public land for satellite calibration in Railroad Valley, Nye County, Nevada.

V. COST

The Congressional Budget Office has not scored the legislation.

VI. ADMINISTRATIVE POSITION

Unknown.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[Discussion Draft of H.R. _____ \(Rep. LaHood\), the “Community Reclamation Partnerships Act”](#)