

SAFEGUARDING TREATMENT FOR THE RESTORATION OF
ECOSYSTEMS FROM ABANDONED MINES ACT

—————
JULY 26, 2022.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 7283]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 7283) to amend the Infrastructure Investment and Jobs Act to make certain activities eligible for grants from the Abandoned Mine Reclamation Fund, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines Act” or the “STREAM Act”.

SEC. 2. ACTIVITIES THAT ARE ELIGIBLE FOR GRANTS FROM THE ABANDONED MINE RECLAMATION FUND.

Section 40701(c) of the Infrastructure Investment and Jobs Act (30 U.S.C. 1231a(c)) is amended—

(1) by striking “Grants under” and inserting the following:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), grants under”; and

(2) by adding at the end the following:

“(2) **ACID MINE DRAINAGE ABATEMENT AND TREATMENT.**—

“(A) **IN GENERAL.**—Not more than 30 percent of the total amount of a grant made annually under subsection (b)(1) may be retained by the recipient of the grant, if those amounts are deposited into an acid mine drainage abatement and treatment fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State for the abatement of the causes and the treatment of the effects of acid mine drainage resulting from coal mining practices, including for the costs of building, operating, maintaining, and rehabilitating acid mine drainage treatment systems.

“(B) REPORTING REQUIREMENTS.—Each recipient of a grant under subsection (b)(1) that deposits grant amounts into an acid mine drainage abatement and treatment fund under subparagraph (A) shall—

“(i) offer amendments to the inventory maintained under section 403(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(c)) to reflect the use of the amounts for acid mine drainage abatement and treatment; and

“(ii) include in the annual grant report of the recipient information on the status and balance of amounts in the acid mine drainage abatement and treatment fund.

“(C) TERM.—Amounts retained under subparagraph (A) shall not be subject to—

“(i) subsection (d)(4)(B); or

“(ii) any other limitation on the length of the term of an annual grant under subsection (b)(1).”

PURPOSE OF THE BILL

The purpose of H.R. 7283 is to amend the Infrastructure Investment and Jobs Act to make certain activities eligible for grants from the Abandoned Mine Reclamation Fund.

BACKGROUND AND NEED FOR LEGISLATION

Two centuries of coal mining occurred in the United States before the industry was federally regulated. Prior to 1977, coal companies operated with few reclamation requirements, leaving tens of thousands of abandoned coal mines and tens of thousands of miles of polluted waterways behind. The Surface Mining Control and Reclamation Act of 1977¹ (SMCRA) established a system for reclaiming these abandoned coal mines using fees paid by current coal mining companies to fund grants to affected states and tribes.²

Under SMCRA, states and tribes can set aside up to 30 percent of their annual abandoned coal mine cleanup grants for the treatment of Acid Mine Drainage (AMD), one of the most devastating effects of abandoned coal mines. AMD is polluted water that flows out of abandoned mines into streams and rivers. This water is often laden with heavy metals and can be highly acidic, turning waterways bright orange and devastating all aquatic life for hundreds or thousands of years. “Set-aside accounts,” plus interest, can be spent by the state on acid mine drainage treatment as needed, including operation and maintenance costs for existing treatment facilities as well as new projects. Eleven states (AL, IL, IN, KY, MD, MO, PA, OH, TN, VA, WV) currently have AMD set-aside accounts. Each state sets aside a range of 1–30 percent of their abandoned mine land grants annually.

Restoring waterways affected by AMD can be costly and requires long-term treatment but doing so can bring back substantial economic and recreational opportunities. The annual operating costs of larger AMD treatment facilities can reach into the hundreds of thousands of dollars.

On November 15, 2021, President Biden signed H.R. 3684, the Infrastructure Investment and Jobs Act³ (IIJA) into law. The IIJA

¹Pub. L. No. 95–87, 91 Stat. 445 (1977), <https://uscode.house.gov/statviewer.htm?volume=91&page=445> (codified as amended at various, see http://uscode.house.gov/table3/95_87.htm) (statutory compilation as amended through P.L. 117–58 at <https://www.govinfo.gov/content/pkg/COMPS-1574/pdf/COMPS-1574.pdf>).

²Pub. L. No. 95–87, tit. IV, 91 Stat. at 456–67 (codified as amended at 30 U.S.C. §§ 1231–45).

³Pub. L. No. 117–58, 135 Stat. 429 (2021), <https://uscode.house.gov/statviewer.htm?volume=135&page=429>.

(sometimes called the Bipartisan Infrastructure Framework or “BIF” or the Bipartisan Infrastructure Law or “BIL”) includes \$11.3 billion for abandoned coal mine cleanup, a historic investment that will supplement the standard SMCRA annual grants to states and tribes.⁴

However, after the IIJA was signed into law, the Office of Surface Mining Reclamation and Enforcement (OSMRE) at the Department of the Interior, which oversees the grant programs, made a legal determination that the supplemental appropriations in the IIJA cannot be used for AMD set-aside accounts.

H.R. 7283 makes a technical correction amending the IIJA so that the supplemental funds can be used for this purpose. This change will allow states to maintain upkeep of their current acid mine drainage treatment facilities and incur the long-term costs of building new facilities as necessary.

The STREAM Act does not affect the total amounts distributed to states and tribes, it only affects how states and tribes can use their allocated funds.

COMMITTEE ACTION

H.R. 7283 was introduced on March 30, 2022, by Representative Matt Cartwright (D-PA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources. On June 9, 2022, the Subcommittee held a hearing on the bill. On July 13, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Ral M. Grijalva (D-AZ) offered an amendment in the nature of a substitute. The amendment in the nature of a substitute was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by voice vote.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Energy and Mineral Resources held on June 9, 2022.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides the bill’s short title, the “Safeguarding Treatment for the Restoration of Ecosystems and Abandoned Mines Act” or the “STREAM Act”.

Section 2. Activities eligible for grants from the abandoned mine reclamation fund

Section 2 amends Section 40701(c) of the Infrastructure Investment and Jobs Act by making acid mine drainage abatement and treatment eligible for grant funding.

Up to 30 percent of the total amount of a grant made annually to a state or tribe may be deposited into an establish acid mine

⁴Pub. L. No. 117-58, div. D, tit. VII, 135 Stat. at 1091-94, <https://uscode.house.gov/statviewer.htm?volume=135&page=1091>.

drainage abatement and treatment fund. Amounts from that fund, plus interest earned, can be expended by the state for abatement and treatment of acid mine drainage that resulted from coal mining.

Grant recipients that deposit funds into an acid mine drainage abatement and treatment fund must amend their inventory of abandoned coal mine sites to reflect the use of funds on acid mine drainage treatment and include information on their acid mine drainage treatment fund in their annual grant report.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* The bill has been noticed for consideration by the House under suspension of the rules with the amendment that the Natural Resources Committee favorably reports herein, and without any further amendment. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has requested from the Director of Congressional Budget Office a cost estimate for this bill and a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Committee has received the following partial response for the bill from the Director of the Congressional Budget Office, which reflects the text of the bill as reported and as noticed for suspension:

Legislation Considered Under Suspension of the Rules

The Majority Leader of the House of Representatives announces bills that will be considered under suspension of the rules in that chamber. Under suspension, floor debate is limited, all floor amendments are prohibited, points of order against the bill are waived, and final passage requires a two-thirds majority vote.

At the request of the Majority Leader and the House Committee on the Budget, CBO estimates the effects of those bills on direct spending and revenues. CBO has limited time to review the legislation before consideration. Although it is possible in most cases to determine whether the legislation would affect direct spending or revenues, time may be insufficient to estimate the magnitude of those effects. If CBO has prepared estimates for similar or identical legislation, a more detailed assessment of budgetary effects, including effects on spending subject to appropriation, may be included.

EFFECTS ON DIRECT SPENDING AND REVENUES OF LEGISLATION CONSIDERED UNDER SUSPENSION OF THE RULES IN THE HOUSE OF REPRESENTATIVES
 Week of July 25, 2022

Bill Number	Title	Effect on Direct Spending	Effect on Revenues	Additional Information on Direct Spending and Revenue Effects	Link to Published Estimates	Suspension Bill Text at docs.house.gov
H.R. 310	To posthumously award the Congressional Gold Medal, collectively, to Glen Doherty, Tyrone Woods, J. Christopher Stevens, and Sean Smith, in recognition of their contributions to the Nation.	Increase by Less Than \$500K.	None			https://docs.house.gov/bills/20220725/BILLS-117hr310-SUSV1.pdf
H.R. 623	Gabriella Miller Kids First Research Act 2.0, as amended.	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr623-SUS.pdf
H.R. 1057	Greatest Generation of Commemorative Coin Act, as amended.	Reduce by Less Than \$500K.	None	Would increase receipts by \$7 million over 2024-2025 (reducing direct spending) and outlays of those receipts in 2027 (increasing direct spending) by a similar amount.		https://docs.house.gov/bills/20220725/BILLS-117hr1057-SUS.pdf
H.R. 3588	Mathematical and Statistical Modeling Education Act, as amended.	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr3588-SUS.pdf
H.R. 3952	NOAA Chief Scientist Act, as amended	None	None		https://www.cbo.gov/publication/68325	https://docs.house.gov/bills/20220725/BILLS-117hr3952-SUS.pdf
H.R. 3962	Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2022, as amended.	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr3962-SUS.pdf
H.R. 4227	Developing and Empowering our Aspiring Leaders Act of 2021, as amended.	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr4227-SUSV1.pdf
H.R. 4551	RANSOMWARE Act	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr4551-SUSV1.pdf
H.R. 4586	Risk-Based Credit Examination Act, as amended	None	None		https://www.cbo.gov/publication/58316	https://docs.house.gov/bills/20220725/BILLS-117hr4586-SUS.pdf
H.R. 4590	Promoting New and Diverse Depository Institutions Act, as amended.	Increase by at Least \$500K.	Increase by at Least \$500K.	\$1 million reduction in the deficit		https://docs.house.gov/bills/20220725/BILLS-117hr4590-SUSV1.pdf
H.R. 4990	ITS Codification Act, as amended	Increase by Less Than \$500K.	Increase by Less Than \$500K.	Negligible net change in the deficit		https://docs.house.gov/bills/20220725/BILLS-117hr4990-SUS.pdf
H.R. 5093	Wind River Administrative Site Conveyance Act, as amended.	Change by Less Than \$500K, Direction Unknown.	None	Negligible net change in the deficit	https://www.cbo.gov/publication/58235	https://docs.house.gov/bills/20220725/BILLS-117hr5093-SUS.pdf
H.R. 5128	Expanding Access to Capital for Rural Job Creators Act.	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr5128-SUS.pdf
H.R. 5313	Reese's Law	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr5313-SUSV1.pdf

EFFECTS ON DIRECT SPENDING AND REVENUES OF LEGISLATION CONSIDERED UNDER SUSPENSION OF THE RULES IN THE HOUSE OF REPRESENTATIVES—Continued
 Week of July 25, 2022

Bill Number	Title	Effect on Direct Spending	Effect on Revenues	Additional Information on Direct Spending and Revenue Effects	Link to Published Estimates	Suspension Bill Text at docs.house.gov
H.R. 6528	Housing Temperature Safety Act of 2022, as amended.	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr6528-SUS.pdf
H.R. 6552	Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2022, as amended.	None	None		https://www.cbo.gov/publication/68306	https://docs.house.gov/bills/20220725/BILLS-117hr6552-SUS.pdf
H.R. 6845	Commercial Remote Sensing Amendment Act of 2022, as amended.	None	None		https://www.cbo.gov/publication/68159	https://docs.house.gov/bills/20220725/BILLS-117hr6845-SUS.pdf
H.R. 6933	Cost-Share Accountability Act of 2022	None	None		https://www.cbo.gov/publication/68116	https://docs.house.gov/bills/20220725/BILLS-117hr6933-SUS.pdf
H.R. 7132	Safe Connections Act of 2022, as amended	Increase by at Least \$500K	Increase by at Least \$500K	Negligible net change in the deficit	https://www.cbo.gov/publication/68106	https://docs.house.gov/bills/20220725/BILLS-117hr7132-SUS.pdf
H.R. 7180	Brycen Gray and Ben Price COVID-19 Cognitive Research Act	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr7180-SUS.pdf
H.R. 7283	STREAM Act	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr7283-SUS.pdf
H.R. 7289	Federal PFAS Research Evaluation Act, as amended.	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr7289-SUSv1.pdf
H.R. 7361	National Weather Service Communications Improvement Act.	None	None		https://www.cbo.gov/publication/68326	https://docs.house.gov/bills/20220725/BILLS-117hr7361-SUS.pdf
H.R. 7569	Energy Cybersecurity University Leadership Act of 2022.	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr7569-SUS.pdf
H.R. 7624	Spectrum Innovation Act of 2022, as amended	Under Review				Bill language is being revised 7/25/2022.
H.R. 7733	CDFI Bond Guarantee Program Improvement Act of 2022, as amended.	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr7733-SUS.pdf
H.R. 7734	Timely Delivery of Bank Secrecy Act Reports Act, as amended.	None	None			https://docs.house.gov/bills/20220725/BILLS-117hr7734-SUS.pdf
H.R. 7981	Public and Federally Assisted Housing Fire Safety Act of 2022, as amended.	None	None		https://www.cbo.gov/publication/68317	https://docs.house.gov/bills/20220725/BILLS-117hr7981-SUS.pdf
H.R. 8454	Medical Marijuana and Cannabis Research Expansion Act.	Reduce by Less Than \$500K.	None	Negligible net change in the deficit		https://docs.house.gov/bills/20220725/BILLS-117hr8454-SUS.pdf

Source: Congressional Budget Office.

The Committee adopts as its own any finalized additional materials of the Director of the Congressional Budget Office regarding the bill, should such materials be made available before House passage of the bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to amend the Infrastructure Investment and Jobs Act to make certain activities eligible for grants from the Abandoned Mine Reclamation Fund.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

INFRASTRUCTURE INVESTMENT AND JOBS ACT

* * * * *

DIVISION D—ENERGY

* * * * *

TITLE VII—ABANDONED MINE LAND RECLAMATION

SEC. 40701. ABANDONED MINE RECLAMATION FUND AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated, for deposit into the Abandoned Mine Reclamation Fund established by section 401(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(a)) \$11,293,000,000 for fiscal year 2022, to remain available until expended.

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Subject to subsection (g), amounts made available under subsection (a) shall be used to provide, as expeditiously as practicable, to States and Indian Tribes described in paragraph (2) annual grants for abandoned mine land and water reclamation projects under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

(2) **ELIGIBLE GRANT RECIPIENTS.**—Grants may be made under paragraph (1) to—

(A) States and Indian Tribes that have a State or Tribal program approved under section 405 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1235);

(B) States and Indian Tribes that are certified under section 411(a) of that Act (30 U.S.C. 1240a(a)); and

(C) States and Indian Tribes that are referred to in section 402(g)(8)(B) of that Act (30 U.S.C. 1232(g)(8)(B)).

(3) **CONTRACT AGGREGATION.**—In applying for grants under paragraph (1), States and Indian Tribes may aggregate bids into larger statewide or regional contracts.

(c) **COVERED ACTIVITIES.**—**[Grants under]**

(1) **IN GENERAL.**—*Except as provided in paragraph (2), grants under subsection (b)(1) shall only be used for activities described in subsections (a) and (b) of section 403 and section 410 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233, 1240).*

(2) **ACID MINE DRAINAGE ABATEMENT AND TREATMENT.**—

(A) **IN GENERAL.**—*Not more than 30 percent of the total amount of a grant made annually under subsection (b)(1) may be retained by the recipient of the grant, if those amounts are deposited into an acid mine drainage abatement and treatment fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State for the abatement of the causes and the treatment of the effects of acid mine drainage resulting from coal mining practices, including for the costs of building, operating, maintaining, and rehabilitating acid mine drainage treatment systems.*

(B) **REPORTING REQUIREMENTS.**—*Each recipient of a grant under subsection (b)(1) that deposits grant amounts*

into an acid mine drainage abatement and treatment fund under subparagraph (A) shall—

(i) offer amendments to the inventory maintained under section 403(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(c)) to reflect the use of the amounts for acid mine drainage abatement and treatment; and

(ii) include in the annual grant report of the recipient information on the status and balance of amounts in the acid mine drainage abatement and treatment fund.

(C) TERM.—Amounts retained under subparagraph (A) shall not be subject to—

(i) subsection (d)(4)(B); or

(ii) any other limitation on the length of the term of an annual grant under subsection (b)(1).

(d) ALLOCATION.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary of the Interior shall allocate and distribute amounts made available for grants under subsection (b)(1) to States and Indian Tribes on an equal annual basis over a 15-year period beginning on the date of enactment of this Act, based on the number of tons of coal historically produced in the States or from the applicable Indian land before August 3, 1977, regardless of whether the State or Indian Tribe is certified under section 411(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(a)).

(2) SURFACE MINING CONTROL AND RECLAMATION ACT EXCEPTION.—Section 401(f)(3)(B) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(f)(3)(B)) shall not apply to grant funds distributed under subsection (b)(1).

(3) REPORT TO CONGRESS ON ALLOCATIONS.—

(A) IN GENERAL.—Not later than 6 years after the date on which the first allocation to States and Indian Tribes is made under paragraph (1), the Secretary of the Interior shall submit to Congress a report that describes any progress made under this section in addressing outstanding reclamation needs under subsection (a) or (b) of section 403 or section 410 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233, 1240).

(B) INPUT.—The Secretary of the Interior shall—

(i) prior to submitting the report under subparagraph (A), solicit the input of the States and Indian Tribes regarding the progress referred to in that subparagraph; and

(ii) include in the report submitted to Congress under that subparagraph a description of any input received under clause (i).

(4) REDISTRIBUTION OF FUNDS.—

(A) EVALUATION.—Not later than 20 years after the date of enactment of this Act, the Secretary of the Interior shall evaluate grant payments to States and Indian Tribes made under this section.

(B) UNUSED FUNDS.—On completion of the evaluation under subparagraph (A), States and Indian Tribes shall re-

turn any unused funds under this section to the Abandoned Mine Reclamation Fund.

(e) TOTAL AMOUNT OF GRANT.—The total amount of grant funding provided under subsection (b)(1) to an eligible State or Indian Tribe shall be not less than \$20,000,000, to the extent that the amount needed for reclamation projects described in that subsection on the land of the State or Indian Tribe is not less than \$20,000,000.

(f) PRIORITY.—In addition to the priorities described in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), in providing grants under this section, priority may also be given to reclamation projects described in subsection (b)(1) that provide employment for current and former employees of the coal industry.

(g) RESERVATION.—Of the funds made available under subsection (a), \$25,000,000 shall be made available to the Secretary of the Interior to provide States and Indian Tribes with the financial and technical assistance necessary for the purpose of making amendments to the inventory maintained under section 403(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(c)).

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SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

