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Mine Cleanup Prioritized Under President Biden's American Jobs Plan

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On March 31, 2021, President Biden unveiled the American Jobs Plan (the Plan), the administration's \$2.25 trillion infrastructure plan. At a speech outside Pittsburgh, President Biden described his sweeping proposal as a “once-in-a-generation investment in America.”

It includes some expected objectives (e.g., rebuilding roads and bridges) and other less obvious components (e.g., bolstering long-term care for elderly and disabled, educational institutions, and affordable housing). Notably, the Plan aims to eliminate lead pipes from the country's drinking water systems, tackle climate issues, and reclaim abandoned coal, hard rock, and uranium mines and plug orphaned oil and gas wells. The White House summary of the plan estimates there are hundreds of thousands of former orphan oil and gas wells and abandoned mines, meaning no economically viable responsible party can be identified. Citing the wells' and mines' safety hazards and contributions to air, water, and other environmental damage, the Plan allocates \$16 billion to the effort as an immediate up-front investment. The Plan proposes to resolve the safety and environmental concerns while simultaneously providing employment opportunities in often economically divested communities.

The Plan garnered support from environmental and conservation groups. The National Mining Association's public statement following the Plan's release was silent on the allocation of funds for mine reclamation; however, it stressed the mining industry's critical role in advancing any infrastructure initiatives. Specifically, NMA stated, “we continue to source the raw materials required for America's infrastructure and manufacturing from other countries. If policymakers want to create high-paying jobs and support economic security while reshoring the nation's industrial base, made-in-America infrastructure should begin with American mining.”

Last week, on April 22nd, Senate Republicans released their own \$568 billion infrastructure package, approximately a quarter of the size of President Biden's plan. It defines infrastructure more narrowly to focus only on highways, water infrastructure, and broadband. Most of the Republican plan focuses on roads, bridges, and public transit with smaller amounts of funds allocated to water infrastructure, airports, safety, and inland waterways and ports.

Negotiations to reconcile the two plans are anticipated in the coming weeks. Time will tell whether any enacted plan will include funds for abandoned mine reclamation and/or orphan well plugging. Regardless of

whether it is included in the final infrastructure plan, cleanup of orphan shares often receives support from both sides of the partisan fence. While a focus on climate issues is clearly at the top of the environmental priority list, an initiative to address these languishing sites would not be surprising at some point in the Biden administration.

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