

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 5303
OFFERED BY MR. TIPTON OF COLORADO**

At the end of title I, add the following:

1 **SEC. __. GOLD KING MINE SPILL RECOVERY.**

2 (a) DEFINITIONS.—In this section:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) CLAIMANT.—The term “claimant” means a
7 State, Indian tribe, or any person who submits a
8 claim under subsection (c).

9 (3) GOLD KING MINE SPILL.—The term “Gold
10 King Mine spill” means the discharge on August 5,
11 2015, of approximately 3,000,000 gallons of con-
12 taminated water from the Gold King Mine north of
13 Silverton, Colorado, into Cement Creek that oc-
14 curred while contractors of the Environmental Pro-
15 tection Agency were conducting an investigation of
16 the Gold King Mine.

17 (4) NATIONAL CONTINGENCY PLAN.—The term
18 “National Contingency Plan” means the National
19 Contingency Plan prepared and published under sec-

1 tion 311(d) of the Federal Water Pollution Control
2 Act (33 U.S.C. 1321(d)), as revised pursuant to sec-
3 tion 105 of the Comprehensive Environmental Re-
4 sponse, Compensation, and Liability Act of 1980 (42
5 U.S.C. 9605).

6 (5) RESPONSE.—The term “response” has the
7 meaning given the term in section 101 of the Com-
8 prehensive Environmental Response, Compensation,
9 and Liability Act of 1980 (42 U.S.C. 9601).

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the Environmental Protection Agency
13 should be considered liable for all injuries arising
14 out of, or relating to, the Gold King Mine spill;

15 (2) any injured person, including any State or
16 Indian tribe, may bring a claim under chapter 171
17 of title 28, United States Code (commonly known as
18 the “Federal Tort Claims Act”) for any injury aris-
19 ing out of, or relating to, the Gold King Mine spill;
20 and

21 (3) the Administrator should receive, process,
22 and facilitate payment of claims for injuries arising
23 out of, or relating to, the Gold King Mine spill pur-
24 suant to that chapter of that title.

1 (c) GOLD KING MINE SPILL CLAIMS PURSUANT TO
2 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COM-
3 PENSATION, AND LIABILITY ACT.—

4 (1) IN GENERAL.—The Administrator shall,
5 consistent with the National Contingency Plan, re-
6 ceive and process under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act
8 of 1980 (42 U.S.C. 9601 et seq.), and pay from ap-
9 propriations made available to the Administrator to
10 carry out that Act, any claim for response costs aris-
11 ing out of, or related to, the Gold King Mine spill.

12 (2) ELIGIBLE COSTS.—Response costs—

13 (A) are eligible for payment by the Admin-
14 istrator under this subsection without regard to
15 the date on which the response costs are in-
16 curred; and

17 (B) include any response cost incurred by
18 a claimant that is not inconsistent with the Na-
19 tional Contingency Plan.

20 (3) PRESUMPTION.—

21 (A) IN GENERAL.—The Administrator
22 shall consider response costs claimed under
23 paragraph (1) to be eligible costs, unless the
24 Administrator presents substantial evidence

1 that the response costs are inconsistent with
2 the National Contingency Plan.

3 (B) APPLICABLE STANDARD.—The Admin-
4 istrator shall make a determination regarding
5 whether a response cost is not inconsistent with
6 the National Contingency Plan based on the
7 same standard that the United States applies in
8 seeking recovery of the response costs of the
9 United States from responsible parties under
10 section 107 of the Comprehensive Environ-
11 mental Response, Compensation, and Liability
12 Act of 1980 (42 U.S.C. 9607).

13 (4) TIMING.—

14 (A) IN GENERAL.—Not later than 90 days
15 after the date of enactment of this Act, the Ad-
16 ministrator shall make a decision on, and pay,
17 any response costs submitted to the Adminis-
18 trator before that date of enactment.

19 (B) SUBSEQUENTLY FILED COSTS.—Not
20 later than 90 days after the date on which a re-
21 sponse cost is submitted to the Administrator,
22 the Administrator shall make a decision on, and
23 pay, any response costs.

24 (C) NOTIFICATION.—Not later than 30
25 days after the date on which the Administrator

1 makes a decision under subparagraph (A) or
2 (B), the Administrator shall notify the claimant
3 of the decision.

4 (d) WATER QUALITY PROGRAM.—

5 (1) IN GENERAL.—In response to the Gold
6 King Mine spill, the Administrator, in conjunction
7 with affected States, Indian tribes, and local govern-
8 ments, shall develop and implement a program for
9 long-term water quality monitoring of rivers con-
10 taminated by the Gold King Mine spill.

11 (2) REQUIREMENTS.—In carrying out the pro-
12 gram described in paragraph (1), the Administrator,
13 in conjunction with affected States, Indian tribes,
14 and local governments, shall—

15 (A) collect water quality samples and sedi-
16 ment data;

17 (B) provide the public with a means of
18 viewing the samples and data referred to in
19 subparagraph (A) by, at a minimum, posting
20 the information on the website of the Adminis-
21 trator;

22 (C) take any other relevant measure nec-
23 essary to assist affected States, Indian tribes,
24 and local governments with long-term water
25 monitoring; and

1 (D) carry out additional program activities,
2 as determined by the Administrator.

3 (3) FUNDING.—The Administrator shall carry
4 out this section using funds that are otherwise avail-
5 able to the Administrator. No additional funds are
6 authorized to be appropriated to carry out this sec-
7 tion.

