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:  

SEC. ___. GOLD KING MINE SPILL RECOVERY.  

(a) DEFINITIONS.—In this section:  

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.  

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

(3) GOLD KING MINE SPILL.—The term “Gold King Mine spill” means the discharge on August 5, 2015, of approximately 3,000,000 gallons of contaminated water from the Gold King Mine north of Silverton, Colorado, into Cement Creek that occurred while contractors of the Environmental Protection Agency were conducting an investigation of the Gold King Mine.  

(4) NATIONAL CONTINGENCY PLAN.—The term “National Contingency Plan” means the National Contingency Plan prepared and published under sec-
tion 311(d) of the Federal Water Pollution Control
Act (33 U.S.C. 1321(d)), as revised pursuant to sec-
tion 105 of the Comprehensive Environmental Re-
response, Compensation, and Liability Act of 1980 (42

(5) RESPONSE.—The term “response” has the
meaning given the term in section 101 of the Com-
prehensive Environmental Response, Compensation,

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

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

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

(3) the Administrator should receive, process,
and facilitate payment of claims for injuries arising
out of, or relating to, the Gold King Mine spill pur-
suant to that chapter of that title.
(c) Gold King Mine Spill Claims Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act.—

(1) In general.—The Administrator shall, consistent with the National Contingency Plan, receive and process under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and pay from appropriations made available to the Administrator to carry out that Act, any claim for response costs arising out of, or related to, the Gold King Mine spill.

(2) Eligible costs.—Response costs—

(A) are eligible for payment by the Administrator under this subsection without regard to the date on which the response costs are incurred; and

(B) include any response cost incurred by a claimant that is not inconsistent with the National Contingency Plan.

(3) Presumption.—

(A) In general.—The Administrator shall consider response costs claimed under paragraph (1) to be eligible costs, unless the Administrator presents substantial evidence
that the response costs are inconsistent with the National Contingency Plan.

(B) APPLICABLE STANDARD.—The Administrator shall make a determination regarding whether a response cost is not inconsistent with the National Contingency Plan based on the same standard that the United States applies in seeking recovery of the response costs of the United States from responsible parties under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607).

(4) TIMING.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall make a decision on, and pay, any response costs submitted to the Administrator before that date of enactment.

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

(C) NOTIFICATION.—Not later than 30 days after the date on which the Administrator
makes a decision under subparagraph (A) or
(B), the Administrator shall notify the claimant
of the decision.

(d) Water Quality Program.—

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

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

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

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

(C) take any other relevant measure nec-
essary to assist affected States, Indian tribes,
and local governments with long-term water
monitoring; and
(D) carry out additional program activities, as determined by the Administrator.

(3) FUNDING.—The Administrator shall carry out this section using funds that are otherwise available to the Administrator. No additional funds are authorized to be appropriated to carry out this section.