AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 5303
OFFERED BY MR. BEN RAY LUJÁN OF NEW MEXICO

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 local government that submits a claim under subsection (c).

(3) GOLD KING MINE RELEASE.—The term “Gold King Mine release” 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 to assess mine conditions.

(4) NATIONAL CONTINGENCY PLAN.—The term “National Contingency Plan” means the National
Contingency Plan prepared and published under part 300 of title 40, Code of Federal Regulations (or successor regulations).

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should receive and process, as expeditiously as possible, claims under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”) for any injury arising out of the Gold King Mine release.

(e) GOLD KING MINE RELEASE CLAIMS PURSUANT TO THE 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 made by a State, Indian tribe, or local government for eligible response costs relating to the Gold King Mine release.
(2) ELIGIBLE RESPONSE COSTS.—

(A) IN GENERAL.—Response costs incurred between August 5, 2015, and September 9, 2016, are eligible for payment by the Administrator under this subsection, without prior approval by the Administrator, if the response costs are not inconsistent with the National Contingency Plan.

(B) PRIOR APPROVAL REQUIRED.—Response costs incurred after September 9, 2016, are eligible for payment by the Administrator under this subsection if—

   (i) the Administrator approves the response costs under section 111(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611(a)(2)); and

   (ii) the response costs are 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 response costs if a reasonable basis exists to establish that the re-
response costs are not inconsistent with the Na-
tional Contingency Plan.

(B) APPLICABLE STANDARD.—In deter-
mining whether a response cost is not incon-
sistent with the National Contingency Plan, the
Administrator shall apply the same standard
that the United States applies in seeking recov-
ery 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

(4) TIMING.—

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

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

(C) DEADLINE.—All claims under this
subsection shall be submitted to the Adminis-
trator not later than 180 days after the date of enactment of this Act.

(D) 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 release, the Administrator, in conjunction with affected States, Indian tribes, and local governments, shall, subject to the availability of appropriations, develop and implement a program for long-term water quality monitoring of rivers contaminated by the Gold King Mine release.

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

(A) collect water quality samples and sediment data;

(B) provide the public with a means of viewing the water quality sample results and sediment data referred to in subparagraph (A)
by, at a minimum, posting the information on
the website of the Administrator;

(C) take any other reasonable measure
necessary to assist affected States, Indian
tribes, and local governments with long-term
water monitoring; and

(D) carry out additional program activities
related to long-term water quality monitoring
that the Administrator determines to be nec-

essary.

(3) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to the Ad-
ministrator such sums as may be necessary to carry
out this subsection, including the reimbursement of
affected States, Indian tribes, and local governments
for the costs of long-term water quality monitoring
of any river contaminated by the Administrator.

(e) EXISTING STATE AND TRIBAL LAW.—Nothing in
this section affects the jurisdiction or authority of any de-
partment, agency, or officer of any State government or
any Indian tribe.

(f) SAVINGS CLAUSE.—Nothing in this section affects
any right of any State, Indian tribe, or other person to
bring a claim against the United States for response costs
or natural resources damages pursuant to section 107 of