

THREE KIDS MINE REMEDIATION AND RECLAMATION ACT

JUNE 1, 2012.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2512]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2512) to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend 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 “Three Kids Mine Remediation and Reclamation Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) HAZARDOUS SUBSTANCE; POLLUTANT OR CONTAMINANT; RELEASE; REMEDY; RESPONSE.—The terms “hazardous substance”, “pollutant or contaminant”, “release”, “remedy”, and “response” have the meanings respectively set forth for those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(2) HENDERSON REDEVELOPMENT AGENCY.—The term “Henderson Redevelopment Agency” means the public body, corporate and politic, known as the redevelopment agency of the City of Henderson, Nevada, established and authorized

to transact business and exercise its powers in accordance with the Nevada Community Redevelopment Law (Nev. Rev. Stat. 279.382 to 279.685, inclusive).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Nevada.

(5) THREE KIDS MINE FEDERAL LAND.—The term “Three Kids Mine Federal Land” means the parcel or parcels of Federal land consisting of approximately 948 acres in sections 26, 34, 35, and 36, Township 21 South, Range 63 East, Mount Diablo Meridian, Nevada, as depicted on the map entitled “Three Kids Mine Project Area” and dated February 6, 2012.

(6) THREE KIDS MINE PROJECT SITE.—The term “Three Kids Mine Project Site” means the Three Kids Mine Federal Land and the adjacent approximately 314 acres of non-Federal land, together comprising approximately 1,262 acres, as depicted on the map entitled “Three Kids Mine Project Area” and dated February 6, 2012.

SEC. 3. LAND CONVEYANCE.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and any other provision of law, as soon as practicable after fulfillment of the conditions in subsection (b), and subject to valid existing rights, the Secretary shall convey to the Henderson Redevelopment Agency all right, title, and interest of the United States in the Three Kids Mine Federal Land.

(b) CONDITIONS.—

(1) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall administratively adjust the fair market value of the Three Kids Mine Federal Land as determined pursuant to paragraph (2) by deducting from the fair market value of the Three Kids Mine Federal Land the reasonable approximate assessment, remediation and reclamation costs for the Three Kids Mine Project Area as determined pursuant to paragraph (3). The Secretary shall begin the appraisal and cost determination under paragraphs (2) and (3), respectively, not later than 30 days after the date of the enactment of this Act.

(2) APPRAISAL.—The Secretary shall determine the fair market value of the Three Kids Mine Federal Land based on an appraisal without regard to any existing contamination associated with historical mining or other uses on the property and in accordance with nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. The Henderson Redevelopment Agency shall reimburse the Secretary for costs incurred in performing the appraisal.

(3) REMEDIATION AND RECLAMATION COSTS.—The Secretary shall prepare a reasonable approximate estimation of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site. This estimation shall be based upon the results of a comprehensive Phase II environmental site assessment of the Three Kids Mine Project Site prepared by the Henderson Redevelopment Agency or its designee that has been approved by the State, and shall be prepared in accordance with the current version of ASTM International Standard E-2137-06 entitled “Standard Guide for Estimating Monetary Costs and Liabilities for Environmental Matters”. The Phase II environmental site assessment shall, without limiting any additional requirements that may be required by the State, be conducted in accordance with the procedures of the current versions of ASTM International Standard E-1527-05 entitled “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” and ASTM International Standard E-1903-11 entitled “Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process”. The Secretary shall review and consider cost information proffered by the Henderson Redevelopment Agency and the State. In the event of a disagreement among the Secretary, Henderson Redevelopment Agency, and the State over the reasonable approximate estimate of costs, the parties shall jointly select one or more experts to advise the Secretary in making the final determination of such costs.

(4) CONSIDERATION.—The Henderson Redevelopment Agency shall pay the fair market value, if any, as determined under this subsection.

(5) MINE REMEDIATION AND RECLAMATION AGREEMENT EXECUTED.—The Secretary receives from the State notification, in writing, that the Mine Remediation and Reclamation Agreement has been executed. The Mine Remediation and Reclamation Agreement shall be an enforceable consent order or agreement administered by the State that—

(A) obligates a party to perform, after the conveyance of the Three Kids Mine Federal Land under this Act, the remediation and reclamation work

at the Three Kids Mine Project Site necessary to complete a permanent and appropriately protective remedy to existing environmental contamination and hazardous conditions; and

(B) contains provisions determined to be necessary by the State, including financial assurance provisions to ensure the completion of such remedy.

(6) NOTIFICATION.—The Secretary receives from the Henderson Redevelopment Agency notification, in writing, that the Henderson Redevelopment Agency is prepared to accept conveyance of the Three Kids Mine Federal Land under this Act. Such notification must occur not later than 90 days after execution of the Mine Remediation and Reclamation Agreement referred to in paragraph (5).

SEC. 4. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, for the 10-year period following the date of the enactment of this Act or on the date of the conveyance required by this Act, whichever is earlier, the Three Kids Mine Federal Land is withdrawn from all forms of—

(1) entry, appropriation, operation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and the geothermal leasing laws.

(b) EXISTING RECLAMATION WITHDRAWALS.—Subject to valid existing rights, any withdrawal of public land for reclamation project purposes that includes all or any portion of the Three Kids Mine Federal Land for which the Bureau of Reclamation has determined that it has no further need under applicable law is hereby relinquished and revoked solely to the extent necessary to exclude from the withdrawal the land no longer needed and to allow for the immediate conveyance of the Three Kids Mine Federal Land as required under this Act.

(c) EXISTING RECLAMATION PROJECT AND PERMITTED FACILITIES.—Without limiting the general applicability of section 3(a), nothing in this Act shall diminish, hinder, or interfere with the exclusive and perpetual use by existing rights holders for the operation, maintenance, and improvement of water conveyance infrastructure and facilities, including all necessary ingress and egress, situated on the Three Kids Mine Federal Land that were constructed or permitted by the Bureau of Reclamation prior to the effective date of this Act.

SEC. 5. ACEC BOUNDARY ADJUSTMENT.

Notwithstanding section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1717), the boundary of the River Mountains Area of Critical Environmental Concern (NVN 76884) is hereby adjusted consistent with the map entitled “Three Kids Mine Project Area” and dated February 6, 2012.

SEC. 6. RELEASE OF THE UNITED STATES.

Upon making the conveyance under section 3, notwithstanding any other provision of law, the United States is released from any and all liabilities or claims of any kind or nature arising from the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, petroleum product (or derivative of a petroleum product of any kind), solid waste, mine materials or mining related features (including tailings, overburden, waste rock, mill remnants, pits, or other hazards resulting from the presence of mining related features) at the Three Kids Mine Project Site in existence on or before the date of the conveyance.

SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT.

Southern Nevada Public Land Management Act of 1998 (31 U.S.C. 6901 note; Public Law 105–263) shall not apply to land conveyed under this Act.

PURPOSE OF THE BILL

The purpose of H.R. 2512, as ordered reported, is to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site.

BACKGROUND AND NEED FOR LEGISLATION

The Three Kids Mine (TKM), located in Clark County, Nevada, operated from 1916 until 1961. The United States, through the Defense Plant Corporation (DPC), owned 446 acres of the TKM Project site from 1942 to 1955. DPC leased the site to U.S. Metals Reserve Company (MRC). MRC contracted with the Manganese

Ore Company to construct and operate a mill from 1942 through 1944 to produce manganese for national defense purposes. From 1950 to 1959, the U.S. contracted with Manganese, Inc., to beneficiate federally owned ore. The U.S. also leased private lands to stockpile manganese nodules as late as 2003.

The TKM project site is approximately 1,262 acres and includes 948 acres of federal lands now managed by the Bureau of Land Management (BLM) and Bureau of Reclamation (BOR), and 314 acres of private lands, where the mill site and processing plant is located. The TKM project site is east of the City of Henderson, Nevada. The City has annexed the area.

The site is contaminated with arsenic, lead and other heavy metals and petroleum hydrocarbons. Cost estimates for clean up and reclamation of the site range from \$300 million to \$1.2 billion. The lower cost estimates apply to onsite remediation and disposal of tailings and other materials in the open pits if it can be accomplished without contaminating ground water. The higher cost estimate is associated with offsite disposal of the contaminated material.

The City of Henderson, the Henderson Redevelopment Agency, the Nevada Department of Environmental Protection (NDEP), Lakemoor Development, LLC, and the BLM negotiated a plan to clean up and redevelop the TKM Project site that includes the purchase of 948 acres of federal lands and relieves the federal government of the environmental liability associated with mining, milling and ore-storage activities at the site at no cost to the U.S. taxpayer. The Three Kids Mine Remediation and Reclamation Act (H.R. 2512) would provide for the conveyance of approximately 948 acres of federal land to the City of Henderson if certain conditions are met: namely that the NDEP is satisfied that the developer has the ability and financial security to clean up, remediate and reclaim the TKM project site.

The purchase price would be adjusted to reflect the actual clean-up cost of the federal and non-federal lands where the federal government has environmental liability resulting from the mill, processing facilities and the storage of federal-owned manganese nodules. In turn, the City of Henderson and the developer would absolve the federal government of any environmental liability for the site.

All in all, this is a win-win scenario. The environmental problems are addressed, the abandoned mine site is reclaimed and the land redeveloped for beneficial use—all at no cost to the American taxpayer. If successful, this could provide a framework for other abandoned mine sites that are near or adjacent to small towns and larger urban areas.

During Full Committee markup, the Committee adopted an en bloc amendment sponsored by Congressman Mark Amodei (R-NV). The amendment would amend the title and date of the “Three Kids Mine Project Area” map (see Appendix I), and provides for changes to the American Society for Testing and Materials (ASTM) International Standards for environmental site assessments that occurred since introduction of the legislation. In addition, the amendment provides clarifying language to address concerns raised by BLM, BOR, and the Southern Nevada Water Authority, including language regarding how the “fair market value” determination will

be made; requiring the Henderson Redevelopment Agency to cover the costs incurred by the Secretary of the Interior in conducting the appraisal; establishing a timeline for notification by the Henderson Redevelopment Agency that it is ready to accept conveyance of the TKM federal land and clarifies that the conveyance will occur prior to reclamation work on the mine site starting; and ensuring that existing reclamation project and permitted facilities on existing rights-of-way are protected.

Changes and modifications included in the Amodei amendment were negotiated and agreed to by the agencies and the other parties that will be affected by the legislation.

In addition, an amendment offered by Congressman Rush Holt (D–NJ) during full committee consideration was not agreed to by voice vote. The amendment would have obligated the federal government, and thereby the U.S. taxpayer, to clean up and remediate the site if the parties acquiring the property did not complete the task. The amendment would have negated the purpose of the legislation, which is to eliminate the environmental liability of the federal government and provide a mechanism for remediation, cleanup and redevelopment of the TKM project area.

When offering his amendment, Congressman Holt discussed the potential for ongoing Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability at the site. The legislation is not intended to address CERCLA liability in general, but to provide a mechanism for parties other than the federal government to take ownership of the federal environmental liability existing on private and public lands at the TKM project area.

The legislation requires a rigorous environmental assessment of the site to prepare an appropriate cleanup and remediation plan that will be conducted under a consent order. The parties responsible for the remediation and redevelopment will be required to have bonds and insurance in place prior to commencement of any remediation activities that are sufficient for a third party to complete the remediation outlined in the consent order in the event the developer is unable to complete the task.

The consent order required in section 3 and administered by the State of Nevada ensures that cleanup must be “CERCLA-protective” and meet “residential” cleanup standards. In addition, reclamation bonds and insurance will be required to ensure that the reclamation will be completed if the project proponents are somehow unable to complete the cleanup.

COMMITTEE ACTION

H.R. 2512 was introduced on July 13, 2011, by Congressman Joseph Heck (R–NV). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittees on Energy and Mineral Resources and National Parks, Forests and Public Lands. On December 13, 2011, the Subcommittee on Energy and Mineral Resources held a hearing on the bill. On February 29, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittees on Energy and Mineral Resources and National Parks, Forests and Public Lands were discharged by unanimous consent. Congressman Mark Amodei (R–NV) offered en bloc amendment designated .009 to the bill; the amendment was approved by voice vote. Congressman Rush Holt (D–NJ) offered

amendment designated .106 to the bill; the amendment was not adopted by voice vote. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by a bipartisan rollcall vote of 27 to 17, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: February 29, 2012

Recorded Vote #: 9

Meeting on / Amendment: **HR 2512** – Adopted and favorably reported to the House of Representatives, as amended, by a roll call vote of 27 yeas and 17 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Hastings, WA Chairman	X			<i>Mr. Heinrich, NM</i>			
<i>Mr. Markey, MA Ranking</i>		X		Mr. Benishek, MI	X		
Mr. Young, AK				<i>Mr. Lujan, NM</i>		X	
<i>Mr. Kildee, MI</i>				Mr. Rivera, FL	X		
Mr. Duncan of TN	X			<i>Mr. Sarbanes, MD</i>		X	
<i>Mr. Defazio, OR</i>	X			Mr. Duncan of SC	X		
Mr. Gohmert, TX				<i>Ms. Sutton, OH</i>		X	
<i>Mr. Faleomavaega, AS</i>		X		Mr. Tipton, CO	X		
Mr. Bishop, UT	X			<i>Ms. Tsongas, MA</i>		X	
<i>Mr. Pallone, NJ</i>		X		Mr. Gosar, AZ	X		
Mr. Lamborn, CO	X			<i>Mr. Pierluisi, PR</i>		X	
<i>Mrs. Napolitano, CA</i>		X		Mr. Labrador, ID	X		
Mr. Wittman, VA	X			<i>Mr. Garamendi, CA</i>		X	
<i>Mr. Holt, NJ</i>		X		Ms. Noem, SD	X		
Mr. Broun, GA	X			<i>Ms. Hanabusa, HI</i>		X	
<i>Mr. Grijalva, AZ</i>		X		Mr. Southerland, FL	X		
Mr. Fleming, LA	X			<i>Mr. Tonko, NY</i>		X	
<i>Ms. Bordallo, GU</i>		X		Mr. Flores, TX	X		
Mr. Coffman, CO	X			Mr. Harris, MD	X		
<i>Mr. Costa, CA</i>	X			Mr. Landry, LA	X		
Mr. McClintock, CA	X			Mr. Runyan, NJ	X		
<i>Mr. Boren, OK</i>		X		Mr. Johnson, OH	X		
Mr. Thompson, PA	X			Mr. Amodei, NV	X		
<i>Mr. Sablan, CNMI</i>		X					
Mr. Denham, CA	X						
				TOTALS	27	17	

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section cites the short title of the bill as the “Three Kids Mine Remediation and Reclamation Act.”

Section 2. Definitions

This section provides definitions for terms used in the bill.

Section 3. Land conveyance

This section conveys approximately 948 acres of federal land managed by the Bureau of Land Management and Bureau of Reclamation to the City of Henderson if certain conditions are met—namely that the Nevada Department of Environmental Protection (NDEP) is satisfied that the developer has the ability and financial security to cleanup, remediate and reclaim the Three Kids Mine (TKM) project site.

The section requires the Secretary of the Interior to perform a Fair Market Value (FMV) appraisal of the federal lands, and that the Secretary adjust the FMV to reflect the costs of remediating the entire TKM project site.

The mine remediation and reclamation agreement is a condition for patent issuance (giving title of the federal land to the City of Henderson). The consent agreement between NDEP and the developer would require cleanup of the entire TKM project site, federal lands and private lands, would require financial assurance provisions to ensure completion of the cleanup, and provides that the cleanup must be “Comprehensive Environmental Response, Compensation, and Liability Act-protective” and meet “residential” cleanup standards.

Section 4. Withdrawal

This section withdraws the transferred federal land from mineral entry and protects existing transmission, water infrastructure and facilities existing in the TKM project area.

Section 5. ACEC boundary adjustment

This section adjusts the boundary of an existing Area of Critical Environmental Concern.

Section 6. Release of the United States

This section provides that the United States is released from environmental liability for the entire project site upon patent issuance.

Section 7. Southern Nevada Public Lands Management Act

This section specifies that land conveyed under the bill is not subject to the Southern Nevada Public Land Management Act of 1998.

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

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2512—Three Kids Mine Remediation and Reclamation Act

H.R. 2512 would require the Bureau of Land Management (BLM) to sell 950 acres of federal land, some of which are contaminated by hazardous waste, to the city of Henderson, Nevada. Under the bill, the agency would determine the sale price by estimating the fair market value of the land and reducing that amount by the estimated cost of any necessary environmental remediation and mining reclamation activities at the site. Finally, the bill would release the federal government from any future liability stemming from environmental contamination at the site.

Based on information provided by BLM and the Department of Justice (DOJ), CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Roughly 15 percent of the lands that would be sold under the bill are contaminated and will require mine reclamation and environmental remediation. Based on information provided by BLM and the city of Henderson, CBO estimates that the agency is unlikely to receive any financial compensation for any of the land because remediation and reclamation costs would exceed the land's fair market value. Because CBO does not expect that the affected lands would generate any receipts over the next 10 years, we estimate that conveying the lands under the bill would have no significant impact on the federal budget.

H.R. 2512 also would release the federal government from any future liability associated with contamination on the affected public lands and adjacent private lands. Based on information from DOJ, CBO expects that it is unlikely that a court would force the federal government to remediate and reclaim its own property. However, if a plaintiff successfully sued the federal government, under current law, any remediation or reclamation costs would be paid using appropriated funds. Thus, enacting the legislation could reduce the amount of appropriated funds BLM spends on remediation and reclamation activities in the future.

H.R. 2512 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of the bill “would have no significant impact on the federal budget” and would not affect direct spending or revenues. Therefore, pay-as-you-go procedures do not apply.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site.

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.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates as defined under Public Law 104–4.

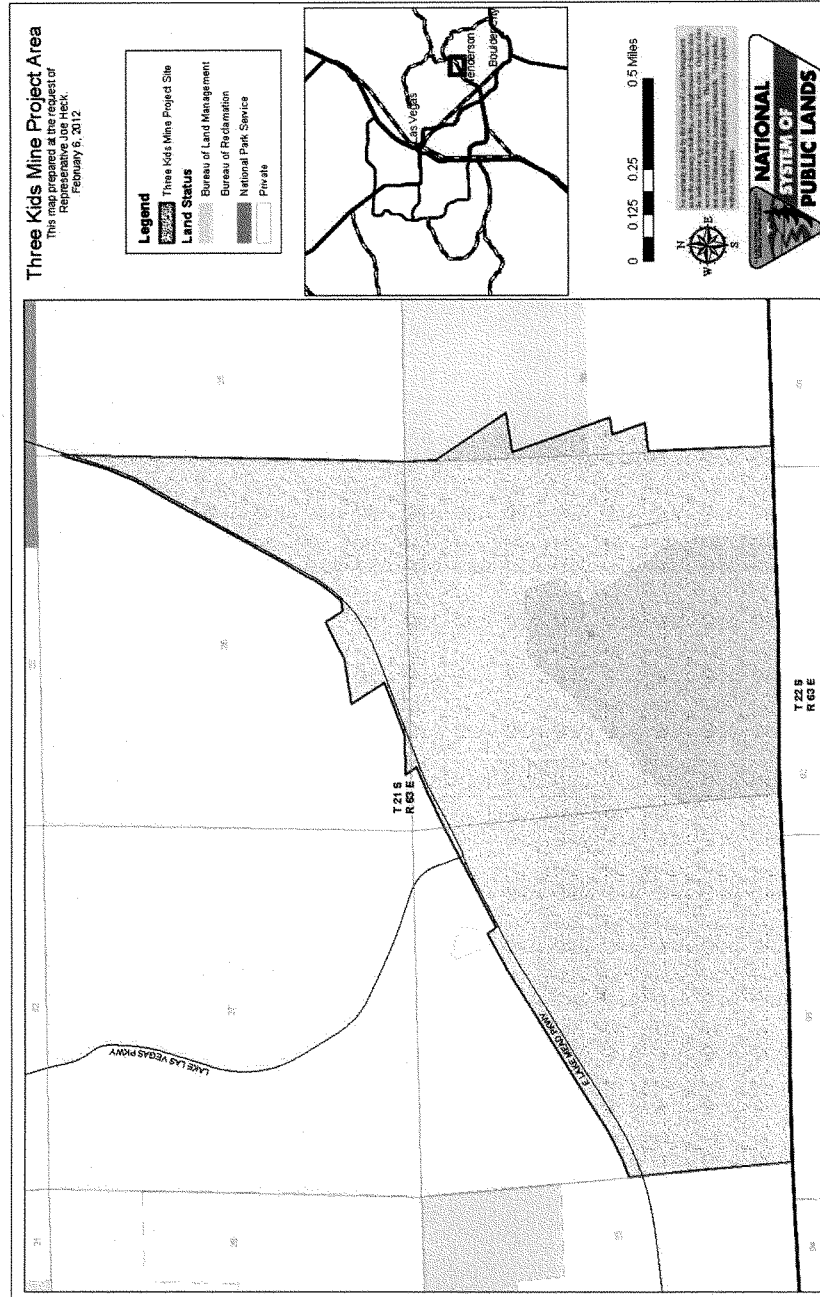
PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

APPENDIX I



APPENDIX II

ADDITIONAL VIEWS

H.R. 2512 would seek to address the abandoned Three Kids Mine in Nevada. The roughly 1,260 acre Three Kids Mine site is an abandoned manganese mine and mill near Las Vegas. The abandoned mine today has open mine pits and significant volumes of mine overburden and toxic manganese tailings containing arsenic, lead, and diesel fuel, which the BLM has said pose significant risks to public health, safety and the environment. According to the Bureau of Land Management, costs of remediating and reclaiming this abandoned mine site are estimated to be between \$300 million and \$1.3 billion.

H.R. 2512 would direct the BLM to convey the federal portions of the Three Kids Mine site to the Redevelopment Agency of the city of Henderson, Nevada and require the remediation and reclamation of the site. We support the goals of H.R. 2512 to clean up this toxic abandoned mine site and commend the sponsors of the legislation on their innovative thinking with respect to addressing this problem.

However, H.R. 2512 raises serious concerns because of the remaining questions about whether there will be sufficient funds available to complete the cleanup, and who would bear the costs should the cleanup be abandoned for any reason in the future. In fact, the legislation would release the United States from all liability relating to the Three Kids Mine site, including under environmental laws such as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Such a release of liability for the United States could mean that in the event that the developer is unable to complete the cleanup of the Three Kids Mine, there may be no responsible party. The Congressional Research Service, in reviewing the legislation, has stated that "In the event that the recipient of the property is unable to perform the cleanup the responsibility may fall to the state of Nevada as an 'orphan' site, if the United States were to be exempt from all liabilities and claims under Section 6 [of the bill] and there were no other liable non-federal parties to pursue." And according to technical comments provided by EPA, "the bill is unclear whether the State would be liable if the party is not able to perform the cleanup." We also have concerns about the precedent that could be set by waiving the liability of the United States for the cleanup of this site if we are trying to ensure that private entities are held responsible for cleaning up other sites.

The Majority rejected an amendment from Energy and Minerals Ranking Member Holt that would have ensured that the federal government or another party would complete the remediation of the land should the developer fail to complete it for any reason.

That amendment would have been a backstop to ensure that we can actually reclaim this site and that it does not become orphaned.

While we support the goals of H.R. 2512 to reclaim this abandoned mine land, the legislation creates uncertainty surrounding who would bear the costs and complete the cleanup of this site should it not be completed as envisioned by the bill and the waiver of liability of the United States.

EDWARD J. MARKEY.
NIKI TSONGAS.
DALE E. KILDEE.
MADELEINE Z. BORDALLO.
RUSH D. HOLT.
RAÚL M. GRIJALVA.
GRACE F. NAPOLITANO.
BEN RAY LUJÁN.
GREGORIO KILILI CAMACHO
SABLAN.
PAUL TONKO.

