

## HONORING JACK HOFFMAN

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor my constituent, Jack Hoffman of Atkinson, Nebraska, and the Team Jack Foundation.

At only seven years old, Jack has inspired millions of people from around the world, while raising awareness and funding to fight pediatric brain cancer through the Team Jack Foundation.

Many of us remember when Jack, after surviving brain cancer, made his now-legendary touchdown run during the University of Nebraska's spring football game. The video of that play was voted the top play on ESPN.

Last week, Jack's touchdown was honored during ESPN's ESPY awards as Sports Moment of the Year for 2013. This award was well deserved. But more importantly, Jack has used his newfound fame to further the Team Jack Foundation, which is committed to helping find a cure for pediatric brain cancer.

I hope all of my colleagues will join me in honoring Jack not only for his award, but also for his continued efforts to fight cancer.

## JOBS AND THE FREE ENTERPRISE SYSTEM

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, today is a very important day in the life of America as we recognize that Republicans are back in Washington to try and grow our economy and bring jobs back to the free enterprise system.

Mr. Speaker, for 12 years Republicans worked hard on doubling the size of GDP, and we did that from a GDP of \$6.5 trillion to over \$14 trillion. Over the last 5½ years, we have seen our President embark on an agenda that will reduce not just GDP, but jobs and job growth in America. We now stand at a GDP of just over 1 percent.

Mr. Speaker, this means that jobs, as we saw this last month when we saw the jobs report that came out, of some 700,000 jobs that have been created in America this year, of that number, about 600,000 are part-time jobs. America cannot make ends meet as workers, as families, as communities if we have a President who stands in the way of the free enterprise system and job growth.

Mr. Speaker, I urge House Republicans to continue their work on behalf of the American people for American jobs and to grow our economy.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 8 minutes p.m.), the House stood in recess.

□ 1632

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 4 o'clock and 32 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## THREE KIDS MINE REMEDIATION AND RECLAMATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 697) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 697

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## 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) **FEDERAL LAND.**—The term "Federal land" means the approximately 948 acres of Bureau of Reclamation and Bureau of Land Management land within the Three Kids Mine Project Site, as depicted on the map.

(2) **HAZARDOUS SUBSTANCE; POLLUTANT OR CONTAMINANT; REMEDY.**—The terms "hazardous substance", "pollutant or contaminant", and "remedy" have the meanings given those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(3) **HENDERSON REDEVELOPMENT AGENCY.**—The term "Henderson Redevelopment Agency" means the redevelopment agency of the City of Henderson, Nevada, established and authorized to transact business and exercise the powers of the agency in accordance with the Nevada Community Redevelopment Law (Nev. Rev. Stat. 279.382 to 279.685).

(4) **MAP.**—The term "map" means the map entitled "Three Kids Mine Project Area" and dated February 6, 2012.

(5) **RESPONSIBLE PARTY.**—The term "Responsible Party" means the private sector entity designated by the Henderson Redevelopment Agency, and approved by the State of Nevada, to complete the assessment, remediation, reclamation and redevelopment of the Three Kids Mine Project Site).

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **STATE.**—The term "State" means the State of Nevada.

(8) **THREE KIDS MINE PROJECT SITE.**—The term "Three Kids Mine Project Site" means the approximately 1,262 acres of land that is—

(A) comprised of—

(i) the Federal land; and

(ii) the approximately 314 acres of adjacent non-Federal land; and

(B) depicted as the "Three Kids Mine Project Site" on the map.

## 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), not later than 90 days after the date on which the Secretary determines that the conditions described in subsection (b) have been met, and subject to valid existing rights and applicable law, the Secretary shall convey to the Henderson Redevelopment Agency all right, title, and interest of the United States in and to the Federal land.

(b) **CONDITIONS.**—

(1) **APPRAISAL; FAIR MARKET VALUE.**—

(A) **IN GENERAL.**—As consideration for the conveyance under subsection (a), the Henderson Redevelopment Agency shall pay the fair market value of the Federal land, if any, as determined under subparagraph (B) and as adjusted under subparagraph (F).

(B) **APPRAISAL.**—The Secretary shall determine the fair market value of the Federal land based on an appraisal—

(i) that is conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice; and

(ii) that does not take into account any existing contamination associated with historical mining on the Federal land.

(C) **REMEDIAL AND RECLAMATION COSTS.**—

(i) **IN GENERAL.**—The Secretary shall prepare a reasonable estimate of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site.

(ii) **CONSIDERATIONS.**—The estimate prepared under clause (i) shall be—

(I) based on the results of a comprehensive Phase II environmental site assessment of the Three Kids Mine Project Site prepared by the Henderson Redevelopment Agency or a Responsible Party that has been approved by the State; and

(II) prepared in accordance with the current version of the ASTM International Standard E-2137-06 (2011) entitled "Standard Guide for Estimating Monetary Costs and Liabilities for Environmental Matters".

(iii) **ASSESSMENT REQUIREMENTS.**—The Phase II environmental site assessment prepared under clause (ii)(I) shall, without limiting any additional requirements that may be required by the State, be conducted in accordance with the procedures of—

(I) the most recent version of ASTM International Standard E-1527-05 entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process"; and

(II) the most recent version of ASTM International Standard E-1903-11 entitled "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process".

(iv) **REVIEW OF CERTAIN INFORMATION.**—

(I) **IN GENERAL.**—The Secretary shall review and consider cost information proffered by the Henderson Redevelopment Agency, the Responsible Party, and the State in the preparation of the estimate under this subparagraph.

(II) **FINAL DETERMINATION.**—If there is a disagreement among the Secretary, Henderson Redevelopment Agency, and the State over the reasonable estimate of costs under this subparagraph, the parties shall jointly select 1 or more

experts to assist the Secretary in making the final estimate of the costs.

(D) **DEADLINE.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall begin the appraisal and cost estimates under subparagraphs (B) and (C), respectively.

(E) **APPRAISAL COSTS.**—The Henderson Redevelopment Agency or the Responsible Party shall reimburse the Secretary for the costs incurred in performing the appraisal under subparagraph (B).

(F) **ADJUSTMENT.**—The Secretary shall administratively adjust the fair market value of the Federal land, as determined under subparagraph (B), based on the estimate of remediation, and reclamation costs, as determined under subparagraph (C).

(2) **MINE REMEDIATION AND RECLAMATION AGREEMENT EXECUTED.**—

(A) **IN GENERAL.**—The conveyance under subsection (a) shall be contingent on—

(i) the Secretary receiving from the State written notification that a mine remediation and reclamation agreement has been executed in accordance with subparagraph (B); and

(ii) the Secretary concurring, not later than 30 days after the date of receipt of the written notification under clause (i), that the requirements under subparagraph (B) have been met.

(B) **REQUIREMENTS.**—The mine remediation and reclamation agreement required under subparagraph (A) shall be an enforceable consent order or agreement between the State and the Responsible Party who will be obligated to perform under the consent order or agreement administered by the State that—

(i) obligates the Responsible Party to perform, after the conveyance of the Federal land under this Act, the remediation and reclamation work at the Three Kids Mine Project Site necessary to ensure all remedial actions necessary to protect human health and the environment with respect to any hazardous substances, pollutant, or contaminant will be taken, in accordance with all Federal, State, and local requirements; and

(ii) contains provisions determined to be necessary by the State and the Henderson Redevelopment Agency, including financial assurance provisions to ensure the completion of the remedy.

(3) **NOTIFICATION FROM AGENCY.**—As a condition of the conveyance under subsection (a), not later than 90 days after the date of execution of the mine remediation and reclamation agreement required under paragraph (2), the Secretary shall accept written notification from the Henderson Redevelopment Agency that the Henderson Redevelopment Agency is prepared to accept conveyance of the Federal land under subsection (a).

#### **SEC. 4. WITHDRAWAL.**

(a) **IN GENERAL.**—Subject to valid existing rights, for the 10-year period beginning on the earlier of the date of enactment of this Act or the date of the conveyance required by this Act, the 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 under the public land laws that includes all or any portion of the Federal land for which the Bureau of Reclamation has determined that the Bureau of Reclamation has no further need under applicable law is relinquished and revoked solely to the extent necessary—

(1) to exclude from the withdrawal the property that is no longer needed; and

(2) to allow for the immediate conveyance of the Federal land as required under this Act.

(c) **EXISTING RECLAMATION PROJECT AND PERMITTED FACILITIES.**—Except as provided in sub-

section (a), nothing in this Act diminishes, hinders, or interferes with the exclusive and perpetual use by the existing rights holders for the operation, maintenance, and improvement of water conveyance infrastructure and facilities, including all necessary ingress and egress, situated on the Federal land that were constructed or permitted by the Bureau of Reclamation before 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. 1713), the boundary of the River Mountains Area of Critical Environmental Concern (NVN 76884) is adjusted to exclude any portion of the Three Kids Mine Project Site consistent with the map.

#### **SEC. 6. RESPONSIBILITIES OF THE PARTIES.**

(a) **RESPONSIBILITY OF PARTIES TO MINE REMEDIATION AND RECLAMATION AGREEMENT.**—On completion of the conveyance under section 3, the responsibility for complying with the mine remediation and reclamation agreement executed under section 3(b)(2) shall apply to the Responsible Party and the State of Nevada.

(b) **SAVINGS PROVISION.**—If the conveyance under this Act has occurred, but the terms of the agreement executed under section 3(b)(2) have not been met, nothing in this Act—

(1) affects the responsibility of the Secretary to take any additional response action necessary to protect public health and the environment from a release or the threat of a release of a hazardous substance, pollutant, or contaminant; or

(2) unless otherwise expressly provided, modifies, limits, or otherwise affects—

(A) the application of, or obligation to comply with, any law, including any environmental or public health law; or

(B) the authority of the United States to enforce compliance with the requirements of any law or the agreement executed under section 3(b)(2).

#### **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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from California (Mr. HUFFMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### **GENERAL LEAVE**

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 697, the Three Kids Mine Remediation and Reclamation Act, was introduced by our colleague from Nevada (Mr. HECK) on Valentine's Day and was marked up on June 12 of this year.

The Three Kids Mine is located in Clark County, Nevada, adjacent to the city of Henderson. The mine was operated from 1916 to 1961. The United States, through the Defense Plant Corporation, owned 446 acres of the Three

Kids Mine Project from 1942 to 1955. The mine site was used to produce federally owned manganese ore for national defense purposes and was leased by the U.S. until 2003 to stockpile manganese nodules.

The Three Kids Mine Project area is approximately 1,262 acres and includes 948 acres of Federal lands managed by the Bureau of Land Management and the Bureau of Reclamation, and 314 acres of private lands where the mill site and processing plant are located.

The site is contaminated with arsenic, lead, and other heavy metals and petroleum hydrocarbons. Cost estimates for cleanup and reclamation of the site range from \$300 million to \$1.2 billion.

The city of Henderson, the Henderson Redevelopment Agency, the Nevada Department of Environmental Protection, Lakemoor Development, and the Bureau of Land Management have negotiated a plan to clean up and redevelop the Three Kids Mine Project site that includes the purchase of 948 acres of Federal land. The purchase price would be adjusted to reflect the actual cleanup cost of the Federal and non-Federal lands where the Federal Government has environmental liability resulting from the mill, from the processing facilities, and the storage of Federal-owned manganese nodules.

All in all, Mr. Speaker, this is a win-win for everyone involved. 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.

So I urge my colleagues to support this legislation, which passed by voice vote in the last Congress, and I would hope it would do so again in this Congress.

I reserve the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HUFFMAN asked and was given permission to revise and extend his remarks.)

Mr. HUFFMAN. Mr. Speaker, we agree, the Three Kids Mine is an abandoned manganese mine and mill site located in Henderson, Nevada. This bill designates the combined 314 acres of private land and 948 acres of public land as the 1,262-acre Three Kids Mine Project Site and provides for the conveyance of the public lands to the Henderson Redevelopment Agency.

The bill requires that standard appraisal practices be used to determine the fair market value for the Federal lands to be conveyed. Once that determination has been made, the bill would require the Secretary of the Interior to determine the "reasonable approximate estimation of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site." That cost would then be deducted from the fair market

value of the public land that has conveyed. The Henderson Redevelopment Agency would pay the adjusted fair market value of the conveyed land, if any, and the Federal Government would be released from any and all liabilities or claims.

The BLM supports innovative proposals to address the cleanup of the Three Kids Mine, and we do not oppose this bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 4 minutes to the author of this legislation, who introduced it in the last Congress and in this Congress, the gentleman from Nevada (Mr. HECK).

Mr. HECK of Nevada. Mr. Speaker, I rise in support of H.R. 697, the Three Kids Mine Remediation and Reclamation Act, which is an innovative solution for restoring our environment, improving safety, and creating jobs.

H.R. 697 addresses the safety and environmental concerns of the Three Kids Mine, as was stated, an abandoned manganese mine and mill site consisting of approximately 1,262 acres of both Federal and private lands which lie within the Henderson city limits and is located across from a busy parkway and an increasing number of homes and businesses.

The site was owned and operated by various parties, including the United States Government, from approximately 1917 through 1961, and used as a storage area for Federal manganese ore reserves from the late 1950s through 2003.

Currently, the project site contains numerous large, unstable, sheer-cliff open pits as deep as 400 feet, huge volumes of mine overburden and tailings, mill facility remnants, and waste disposal areas. To give a sense of scale, the site contains mine overburden mounds that are approximately 10 stories high in some areas and abandoned waste ponds that are up to 60 feet deep and filled with more than 1 million cubic yards of gelatinous tailings containing high concentrations of arsenic, lead, and petroleum compounds.

H.R. 697 provides an innovative public-private partnership solution to finally clean up the abandoned Three Kids Mine site. In its simplest form, H.R. 697 directs the Secretary of the Interior to convey the Federal lands at the project site—approximately 948 acres—at fair market value, taking into account the costs of investigating and remediating the entire site, which also includes an additional 314 acres of now-private lands that were used historically in mine operations.

In return for conveying the land at fair market value, the Federal Government will also receive a release of liability for cleanup of both the Federal and private lands.

Under this legislation, before the Federal lands are conveyed, the State must enter into a binding consent agreement under which the cleanup of the entire project site will occur. This

agreement must include financial assurances to ensure the completion of the remediation and reclamation of the site. The cleanup will be financed with private capital and Nevada tax increment financing at no cost to the Federal Government. Again, this project will be carried out at no cost to the Federal Government.

H.R. 697 is the result of more than 5 years of work among the city of Henderson Redevelopment Agency, the Department of the Interior, the State of Nevada, and private entities. This public-private partnership solution will finally lead to the cleanup and reclamation of the Three Kids Mine site, while at the same time providing for economic development and the creation of as many as 33,000 jobs. Furthermore, I believe this innovative solution could serve as a viable model for the cleanup and reclamation of other similar sites across the country.

This bill, which has the support of the entire Nevada delegation, is nearly identical to H.R. 2512, which passed the House of Representatives by voice vote during the 112th Congress, but unfortunately did not receive consideration in the Senate prior to the adjournment of the last Congress.

I want to thank the chairman and the ranking member of the House Natural Resources Committee for recognizing the importance of this legislation to Nevada and the West, and for their efforts in advancing it, in a bipartisan fashion, through the committee.

H.R. 697 is a win for the economy, a win for the environment, and a win for the Federal taxpayer. I encourage my colleagues to join me in supporting this legislation.

Mr. HUFFMAN. I yield such time as she may consume to the gentlelady from Nevada, Representative TITUS.

Ms. TITUS. I thank my friend from California for the time.

Mr. Speaker, I rise in support of H.R. 697, the Three Kids Mine Remediation and Reclamation Act, and urge my colleagues to support the bill.

This bipartisan legislation, which has the support of the entire Nevada delegation, including Senators REID and HELLER, is critical to the cleanup and revitalization of long-dormant land near Henderson, Nevada.

H.R. 697 sets up a public-private partnership to address the remediation of the more than 1,200 acres of former manganese mining and industrial lands for redevelopment. These activities, as you have heard, date back nearly a century and were critical to our national defense during World War II. But over the last 50 years, the already nasty, polluted site has become increasingly dangerous. Accordingly, the cleanup of this land is a top priority for the Nevada State Department of Environmental Protection, the city of Henderson, and for the thousands of southern Nevada residents who live nearby.

I support this legislation to clean up the Three Kids Mine for both safety

and environmental reasons and to create opportunities for redevelopment of the site for beneficial use and economic potential. So I would urge my colleagues to join me and the Nevada delegation in support of this bill.

Mr. HASTINGS of Washington. I would ask my friend from California, I have no more requests for time and I'm prepared to yield back if the gentleman is prepared to yield back.

Mr. HUFFMAN. I would tell the chairman I have no further speakers and am prepared to yield back if the chairman is prepared to close.

Mr. HASTINGS of Washington. I am prepared to close.

Mr. HUFFMAN. I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, as was mentioned, this is a win-win proposition—at no cost to the taxpayer—cleaning up this mine, and I urge its support. It passed, again, by voice vote in the last Congress, and I hope it does so again in this Congress.

I urge my colleagues to vote “yes,” and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HARRIS). The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 697, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1645

#### CALIFORNIA COASTAL NATIONAL MONUMENT EXPANSION ACT OF 2013

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1411) to include the Point Arena-Stornetta Public Lands in the California Coastal National Monument as a part of the National Landscape Conservation System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1411

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “California Coastal National Monument Expansion Act of 2013”.

(b) DEFINITIONS.—In this Act:

(1) MAP.—The term “map” means the map created by the Bureau of Land Management, entitled “California Coastal National Monument Addition” and dated September 15, 2012.

(2) MONUMENT.—The term “Monument” means the California Coastal National Monument established by Presidential Proclamation 7264.

(3) POINT ARENA-STORNETTA PUBLIC LANDS.—The term “Point Arena-Stornetta Public Lands” means the Federal land comprising approximately 1,255 acres in