

Res. 174, condemning the human rights record of the Government of the Kingdom of Eswatini and the brutal killing of Eswatini activist Thulani Maseko on January 21, 2023.

TEXT OF AMENDMENTS

SA 1819. Mr. SCHUMER (for Mr. COONS) proposed an amendment to the resolution S. Res. 174, condemning the human rights record of the Government of the Kingdom of Eswatini and the brutal killing of Eswatini activist Thulani Maseko on January 21, 2023; as follows:

On page 13, line 24, insert “and” after “Eswatini”;

On page 14, lines 12 and 13, strike “reform; and” and insert “reform.”;

On page 14, strike lines 14 through 19.

PROHIBITING THE USE OF FUNDS TO IMPLEMENT, ADMINISTER, OR ENFORCE CERTAIN RULES OF THE ENVIRONMENTAL PROTECTION AGENCY—MOTION TO PROCEED

Mr. SCHUMER. Madam President, I move to proceed to Calendar No. 350, S. 4072.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 350, S. 4072, a bill to prohibit the use of funds to implement, administer, or enforce certain rules of the Environmental Protection Agency.

There being no objection, the Senate proceeded to consider the bill.

MEASURE PLACED ON THE CALENDAR—H.R. 7888

Mr. SCHUMER. Madam President, I understand that there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct.

The clerk will read the title of the bill for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 7888) to reform the Foreign Intelligence Surveillance Act of 1978.

Mr. SCHUMER. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

LEGACY MINE CLEANUP ACT OF 2024

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 344, S. 3858.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3858) to establish within the Office of Land and Emergency Management of

the Environmental Protection Agency the Office of Mountains, Deserts, and Plains, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts of the bill intended to be stricken are in boldfaced brackets and the parts of the bill intended to be inserted are in italic.)

S. 3858

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 “Legacy Mine Cleanup Act of 2024”.

SEC. 2. OFFICE OF MOUNTAINS, DESERTS, AND PLAINS.

(a) DEFINITIONS.—In this section:

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

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;

(C) the Committee on Environment and Public Works of the Senate;

(D) the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) the Committee on Indian Affairs of the Senate;

(F) the Committee on Appropriations of the House of Representatives;

(G) the Committee on Energy and Commerce of the House of Representatives;

(H) the Committee on Transportation and Infrastructure of the House of Representatives;

(I) the Committee on Natural Resources of the House of Representatives; and

(J) the Committee on Oversight and Accountability of the House of Representatives.

(3) COVERED MINE SITE.—The term “covered mine site” means the land, water, and surrounding watersheds where extraction, beneficiation, or processing of hardrock ores or minerals occurred, but has been discontinued, including discontinued temporarily.

(4) INDIAN COUNTRY.—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(5) NAVAJO NATION ABANDONED URANIUM MINE SITE.—The term “Navajo Nation abandoned uranium mine site” means an abandoned uranium covered mine site on land of the Navajo Nation.

(6) OFFICE.—The term “Office” means the Office of Mountains, Deserts, and Plains established by subsection (b)(1).

(7) REGIONAL OFFICE.—The term “Regional Office” means a Regional Office of the Environmental Protection Agency.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of Land and Emergency Management of the Environmental Protection Agency the Office of Mountains, Deserts, and Plains.

(2) DIRECTOR.—The Office shall be headed by a Director, to be appointed by the Administrator (or a designee).

(c) PURPOSES.—The purposes of the Office shall be—

(1) to coordinate with the headquarters of the Environmental Protection Agency, Regional Offices, and stakeholders response actions of the Environmental Protection Agency at a covered mine site, including a cov-

ered mine site in Indian country (as defined in section 1151 of title 18, United States Code), in accordance with Federal law;

(2) to establish and disseminate best practices for covered mine site response actions, including identifying—

(A) innovative technologies and reuse approaches that support and make progress toward those response actions; and

(B) waste storage and disposal solutions;

(3) to coordinate with the headquarters of the Environmental Protection Agency, Regional Offices, Federal land management agencies, States, and voluntary nongovernmental organizations, watershed groups, nonliable entities and mining companies, and other entities voluntary response actions at covered mine sites, where applicable, including timely issuance of administrative guidance for nonliable parties;

(4) to coordinate with the headquarters of the Environmental Protection Agency and other Federal Government entities, pursuant to existing authorities under section 3303 of title 41, United States Code, hiring practices to support small business concerns to carry out response actions at covered mine sites;

(5) to coordinate with the Secretary of the Interior, the Secretary of Energy, the Secretary of Health and Human Services, the Nuclear Regulatory Commission, and other Federal agencies, as the Administrator determines to be appropriate, to ensure interagency coordination of covered mine site response actions, with priority given to coordinating response actions at covered mine sites for which there is no potentially responsible party; and

(6) to coordinate other actions as the Administrator determines to be appropriate, pursuant to existing authorities of the Administrator—

(A) to support efforts to investigate, characterize, or clean up a discharge, release, or threat of release of a hazardous substance, pollutant, or contaminant into the environment at or from a covered mine site; or

(B) to establish best practices to protect and improve human health and the environment and implement appropriate reuse options, including through the use of innovative technologies to recover valuable resources from covered mine site features or areas, as applicable.

(d) DUTIES.—The Administrator shall carry out through the Office, at a minimum, the following duties:

(1) PRIORITY MINE LIST.—

(A) IN GENERAL.—Annually, the Administrator shall identify covered mine sites that are prioritized for response actions, which may include covered mine sites that are or are not included on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

(B) CREATION OF LIST; REPORTS.—The Administrator shall annually—

(i) create a list of covered mine sites identified under subparagraph (A); and

(ii) submit to the appropriate committees of Congress a report describing—

(I) the methodology used to identify those covered mine sites under that subparagraph; and

(II) the status of response actions carried out at covered mine sites on the list.

(C) COORDINATION.—The Administrator shall—

(i) regularly coordinate with Regional Offices, Federal agencies, States, Indian Tribes, *Alaska Native Corporations*, and stakeholders to update the list of covered mine sites identified under subparagraph (A); and

(ii) regularly coordinate with Regional Offices on response actions and share best practices with respect to each covered mine site identified under subparagraph (A).

(2) PROCESS IMPROVEMENT.—

(A) IN GENERAL.—The Administrator shall, pursuant to existing authorities of the Administrator—

(i) identify best practices for developing, reviewing, and approving site assessments, remedial investigations, and feasibility studies for covered mine sites;

(ii) coordinate research relating to technologies and remedial and removal approaches that are the most successful in limiting the acute and chronic risks posed to human health and the environment by covered mine sites; and

(iii) support—

(I) government-to-government consultations with Indian Tribes with respect to a covered mine site located within Indian country; and

(II) efforts to provide regular updates to the Tribal governments involved in response actions for a covered mine site located on Tribal land under the jurisdiction of the Indian Tribe.

(B) TRIBAL CONSULTATION.—In supporting consultations with Indian Tribes under subparagraph (A)(iii)(I), [and where a response action occurs within Indian country,] the Administrator, in addition to existing applicable law and guidance, shall—

(i) as appropriate, invite potentially responsible parties, including Federal agencies, to participate in government-to-government consultations with Indian [Tribes;] Tribes;

(ii) as appropriate, consult with Alaska Native Corporations in accordance with section 161 of division H of the Consolidated Appropriations Act, 2004 (25 U.S.C. 5301 note; Public Law 108-199); and

[(ii)(iii)] as appropriate, ensure consultations with Tribal allottees occur pursuant to section 2 of the Act of February 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C. 324).

(3) INTERAGENCY PLANS FOR URANIUM CONTAMINATION ON THE NAVAJO NATION; REPORTS.—

(A) IN GENERAL.—Not later than September 30, 2027, and not less frequently than once every 10 years thereafter, the Administrator, in cooperation with other relevant Federal agencies, including, at a minimum, the Department of Energy, the Nuclear Energy Regulatory Commission, the Department of the Interior, the Indian Health Service, and the Agency for Toxic Substances and Disease Registry, and in consultation with affected Tribal governments, shall develop a 10-year interagency plan for the coordination of the Federal Government with States and Tribal governments to carry out response actions at Navajo Nation abandoned uranium mine sites, including—

(i) goals for the assessment of, and response actions at, Navajo Nation abandoned uranium mine sites;

(ii) target dates by which goals described in clause (i) are anticipated to be achieved, subject to appropriations;

(iii) the projected appropriations necessary to achieve goals described in clause (i) by the target dates described in clause (ii); and

(iv) the activities to be carried out by each Federal agency under the plan.

(B) REPORTS.—Not later than 90 days after the date on which a plan is developed under subparagraph (A), the Administrator shall submit to the appropriate committees of Congress a report describing the applicable plan.

(4) ADMINISTRATIVE AND TECHNICAL ASSISTANCE.—The Administrator shall, pursuant to existing authorities of the Administrator, provide to States, units of local government,

Indian Tribes, and other entities technical assistance with respect to response actions on covered mine sites.

(e) NO NEW REGULATORY AUTHORITY.—Nothing in this section provides the Administrator with new regulatory authority not already established in law.

Mr. SCHUMER. I further ask unanimous consent that the committee-reported amendments be agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill, as amended.

The ACTING PRESIDENT pro tempore. Is there further debate?

The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3858), as amended, was passed, as follows:

S. 3858

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 “Legacy Mine Cleanup Act of 2024”.

SEC. 2. OFFICE OF MOUNTAINS, DESERTS, AND PLAINS.

(a) DEFINITIONS.—In this section:

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

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;

(C) the Committee on Environment and Public Works of the Senate;

(D) the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) the Committee on Indian Affairs of the Senate;

(F) the Committee on Appropriations of the House of Representatives;

(G) the Committee on Energy and Commerce of the House of Representatives;

(H) the Committee on Transportation and Infrastructure of the House of Representatives;

(I) the Committee on Natural Resources of the House of Representatives; and

(J) the Committee on Oversight and Accountability of the House of Representatives.

(3) COVERED MINE SITE.—The term “covered mine site” means the land, water, and surrounding watersheds where extraction, beneficiation, or processing of hardrock ores or minerals occurred, but has been discontinued, including discontinued temporarily.

(4) INDIAN COUNTRY.—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(5) NAVAJO NATION ABANDONED URANIUM MINE SITE.—The term “Navajo Nation abandoned uranium mine site” means an abandoned uranium covered mine site on land of the Navajo Nation.

(6) OFFICE.—The term “Office” means the Office of Mountains, Deserts, and Plains established by subsection (b)(1).

(7) REGIONAL OFFICE.—The term “Regional Office” means a Regional Office of the Environmental Protection Agency.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of Land and Emergency Management of the Environmental Protection Agency the Office of Mountains, Deserts, and Plains.

(2) DIRECTOR.—The Office shall be headed by a Director, to be appointed by the Administrator (or a designee).

(c) PURPOSES.—The purposes of the Office shall be—

(1) to coordinate with the headquarters of the Environmental Protection Agency, Regional Offices, and stakeholders response actions of the Environmental Protection Agency at a covered mine site, including a covered mine site in Indian country (as defined in section 1151 of title 18, United States Code), in accordance with Federal law;

(2) to establish and disseminate best practices for covered mine site response actions, including identifying—

(A) innovative technologies and reuse approaches that support and make progress toward those response actions; and

(B) waste storage and disposal solutions;

(3) to coordinate with the headquarters of the Environmental Protection Agency, Regional Offices, Federal land management agencies, States, and voluntary nongovernmental organizations, watershed groups, nonliable entities and mining companies, and other entities voluntary response actions at covered mine sites, where applicable, including timely issuance of administrative guidance for nonliable parties;

(4) to coordinate with the headquarters of the Environmental Protection Agency and other Federal Government entities, pursuant to existing authorities under section 3303 of title 41, United States Code, hiring practices to support small business concerns to carry out response actions at covered mine sites;

(5) to coordinate with the Secretary of the Interior, the Secretary of Energy, the Secretary of Health and Human Services, the Nuclear Regulatory Commission, and other Federal agencies, as the Administrator determines to be appropriate, to ensure interagency coordination of covered mine site response actions, with priority given to coordinating response actions at covered mine sites for which there is no potentially responsible party; and

(6) to coordinate other actions as the Administrator determines to be appropriate, pursuant to existing authorities of the Administrator—

(A) to support efforts to investigate, characterize, or clean up a discharge, release, or threat of release of a hazardous substance, pollutant, or contaminant into the environment at or from a covered mine site; or

(B) to establish best practices to protect and improve human health and the environment and implement appropriate reuse options, including through the use of innovative technologies to recover valuable resources from covered mine site features or areas, as applicable.

(d) DUTIES.—The Administrator shall carry out through the Office, at a minimum, the following duties:

(1) PRIORITY MINE LIST.—

(A) IN GENERAL.—Annually, the Administrator shall identify covered mine sites that are prioritized for response actions, which may include covered mine sites that are or are not included on the National Priorities

List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

(B) CREATION OF LIST; REPORTS.—The Administrator shall annually—

(i) create a list of covered mine sites identified under subparagraph (A); and

(ii) submit to the appropriate committees of Congress a report describing—

(I) the methodology used to identify those covered mine sites under that subparagraph; and

(II) the status of response actions carried out at covered mine sites on the list.

(C) COORDINATION.—The Administrator shall—

(i) regularly coordinate with Regional Offices, Federal agencies, States, Indian Tribes, Alaska Native Corporations, and stakeholders to update the list of covered mine sites identified under subparagraph (A); and

(ii) regularly coordinate with Regional Offices on response actions and share best practices with respect to each covered mine site identified under subparagraph (A).

(2) PROCESS IMPROVEMENT.—

(A) IN GENERAL.—The Administrator shall, pursuant to existing authorities of the Administrator—

(i) identify best practices for developing, reviewing, and approving site assessments, remedial investigations, and feasibility studies for covered mine sites;

(ii) coordinate research relating to technologies and remedial and removal approaches that are the most successful in limiting the acute and chronic risks posed to human health and the environment by covered mine sites; and

(iii) support—

(I) government-to-government consultations with Indian Tribes with respect to a covered mine site located within Indian country; and

(II) efforts to provide regular updates to the Tribal governments involved in response actions for a covered mine site located on Tribal land under the jurisdiction of the Indian Tribe.

(B) TRIBAL CONSULTATION.—In supporting consultations with Indian Tribes under subparagraph (A)(iii)(I), the Administrator, in addition to existing applicable law and guidance, shall—

(i) as appropriate, invite potentially responsible parties, including Federal agencies, to participate in government-to-government consultations with Indian Tribes;

(ii) as appropriate, consult with Alaska Native Corporations in accordance with section 161 of division H of the Consolidated Appropriations Act, 2004 (25 U.S.C. 5301 note; Public Law 108-199); and

(iii) as appropriate, ensure consultations with Tribal allottees occur pursuant to section 2 of the Act of February 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C. 324).

(3) INTERAGENCY PLANS FOR URANIUM CONTAMINATION ON THE NAVAJO NATION; REPORTS.—

(A) IN GENERAL.—Not later than September 30, 2027, and not less frequently than once every 10 years thereafter, the Administrator, in cooperation with other relevant Federal agencies, including, at a minimum, the Department of Energy, the Nuclear Energy Regulatory Commission, the Department of the Interior, the Indian Health Service, and the Agency for Toxic Substances and Disease Registry, and in consultation with affected Tribal governments, shall develop a 10-year interagency plan for the coordination of the Federal Government with States and Tribal governments to carry out response actions

at Navajo Nation abandoned uranium mine sites, including—

(i) goals for the assessment of, and response actions at, Navajo Nation abandoned uranium mine sites;

(ii) target dates by which goals described in clause (i) are anticipated to be achieved, subject to appropriations;

(iii) the projected appropriations necessary to achieve goals described in clause (i) by the target dates described in clause (ii); and

(iv) the activities to be carried out by each Federal agency under the plan.

(B) REPORTS.—Not later than 90 days after the date on which a plan is developed under subparagraph (A), the Administrator shall submit to the appropriate committees of Congress a report describing the applicable plan.

(4) ADMINISTRATIVE AND TECHNICAL ASSISTANCE.—The Administrator shall, pursuant to existing authorities of the Administrator, provide to States, units of local government, Indian Tribes, and other entities technical assistance with respect to response actions on covered mine sites.

(e) NO NEW REGULATORY AUTHORITY.—Nothing in this section provides the Administrator with new regulatory authority not already established in law.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONDEMNING THE HUMAN RIGHTS RECORD OF THE GOVERNMENT OF THE KINGDOM OF ESWATINI AND THE BRUTAL KILLING OF ESWATINI ACTIVIST THULANI MASEKO ON JANUARY 21, 2023

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 92, S. Res. 174.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 174) condemning the human rights record of the Government of the Kingdom of Eswatini and the brutal killing of Eswatini activist Thulani Maseko on January 21, 2023.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the resolving clause and insert the part printed in italic and with an amendment to the preamble to strike the preamble and insert the part printed in italic, as follows:

S. RES. 174

Whereas Eswatini, one of the world's last absolute monarchies, is ruled by King Mswati III, who has been in power for more than 36 years, and exercises ultimate authority over all branches of the national government and effectively controls local and national governance through his influence over traditional chiefs and the selection of House of Assembly candidates and control over the national electoral system;

Whereas human rights and democracy advocates in Eswatini have faced repression and per-

secution, including arbitrary arrests, detention, and torture, and have faced on political gatherings and restrictions on their civil liberties, including with respect to expression, assembly, and freedom of the press;

Whereas the Government of the Kingdom of Eswatini has used laws such as the Suppression of Terrorism Act of 2008, and the Sedition and Subversive Activities Act of 1938, to suppress free speech and stifle criticism of the monarch;

Whereas, from June to October 2021, the country witnessed nationwide demonstrations against security sector abuses, with protests evolving into demands for democratic reforms;

Whereas King Mswati III's government employed excessive force and arbitrary arrests and detention, as well as internet shutdowns, to repress pro-democracy protests and related advocacy activities, restrict the activities of human rights advocates, and impose blanket bans on peaceful protests;

Whereas official sources note security forces in Eswatini responded with violence against protestors, reportedly killing more than 46 people, injuring more than 245, and detaining or arresting hundreds of others, although the international community suggests the true death toll is higher;

Whereas the Government of the Kingdom of Eswatini detained two members of parliament on spurious charges for more than 18 months under the Suppression of Terrorism Act, and charged them with terrorism and murder for allegedly encouraging pro-democracy protests and calling for a democratically elected prime minister and other reforms;

Whereas regional human rights organizations continue to receive reports of lawyers and judges being harassed, threatened, and intimidated for their actual, alleged, or suspected support of the ongoing pro-democracy movement, in contravention of their constitutional rights;

Whereas, following a visit to Eswatini by Southern African Development Community (SADC) delegates in November 2021, King Mswati III agreed to provide for a national dialogue to address the civil unrest structured in the format of a sibaya, a royally-convened and -controlled traditional civic consultative forum, but since then has ignored widespread demands of the pleas of citizens, opposition politicians, civil society, and the regional and international community for a genuine consultative forum inclusive of diverse political views, while continuing the government's crackdown on dissenting voices;

Whereas, in October 2021, United Nations Secretary-General Antonio Guterres called on the Eswatini authorities to ensure that the people of Eswatini are able to exercise their civil and political rights peacefully;

Whereas reports indicate that the Government of the Kingdom of Eswatini has contracted with international security companies to train government security forces to respond to violence in the country, resulting in increased intimidation against dissenting voices;

Whereas Thulani Maseko, a prominent human rights lawyer, Chairman of the Multi-Stakeholder Forum, an organization comprised of various civil society groups calling for constitutional reforms in Eswatini, and a champion of social justice, routinely criticized King Mswati III for undermining judicial independence and called for a more democratic legal system in Eswatini;

Whereas, in 2014, Thulani Maseko and fellow human rights advocate Bheki Makhubu were charged and sentenced to two years in prison for writing and publishing an article that criticized the country's Chief Justice and drew attention to the lack of independence of Eswatini's judicial system;

Whereas, on June 30, 2015, Thulani Maseko and Bheki Makhubu were acquitted and released after Eswatini's supreme court found that they had been wrongly convicted;