

**Testimony of Rep. Steve Pearce on HR 785**  
**House Subcommittee on Energy and Mineral Resources**  
**February 17, 2012**

I would like to thank Chairman Lamborn and Ranking Member Holt for the privilege of testifying before the Energy and Mineral Resources Subcommittee today and for conducting this hearing on HR 785. I would like to thank my colleague and fellow New Mexican, Congressman Lujan, for cosponsoring this legislation and for agreeing to testify today. Let me also recognize Richard Luarkie, the governor of the Laguna Pueblo, for traveling all the way from New Mexico to testify today. He is a personal friend with whom I work very closely.

This bill is highly important to the people of New Mexico and the West as a whole. HR 785 will allow uncertified states and tribes to prioritize abandoned non-coal mines for reclamation with the \$14 million in Abandoned Mine Land (AML) funds. Previously, AML funds were used for non-coal reclamation. However, since amendments to the Surface Mine Control and Reclamation Act (SMCRA) were passed in 2006, the Department of the Interior has not authorized uncertified states and tribes to use funds for non-coal mine reclamation, despite the fact that this provision of SMCRA was not amended. This is a bad departmental policy that HR 785 will correct.

This bill does not increase taxes or royalties, nor does it impose any new ones. It is a simple, commonsense bill that allows excess funds to be used in the best interests of public health and safety. I am proud to say that this bill has the unanimous, bipartisan support of the New Mexico congressional delegation.

There are currently more than 130 old uranium mines and mill sites in desperate need of remediation throughout New Mexico. The world's largest open pit uranium mine, the Jackpile-Paguate Mine, is located in New Mexico, near the Pueblo of Laguna. This mine operated for thirty years until 1982, and although minimal reclamation has been done, it did not begin until 1989. Water that flows through the abandoned mine is contaminated. This site has been a candidate for Superfund status in recent years.

Radiation levels near these mines are higher than at other sites nearby. Radiation poisoning has serious, oftentimes fatal, health effects with detrimental impacts on major organs and higher occurrences of various cancers. One study conducted with residents of Laguna Pueblo indicated that some residents had higher levels of uranium in their urine.

The Acoma Pueblo also experienced significant damage from the Jackpile Mine. Acoma is fifteen miles from the Mine, and because of rapid winds, radioactive dust makes its way onto the Pueblo. Residents have higher cancer and asthma rates, and their surface waters are downstream from abandoned mines. As I stated earlier, this is about the safety and health of the communities near the mines, which is why HR 785 has been endorsed by both the Acoma and Laguna governors, the City of Grants, the New Mexico Mining Association and the New Mexico House of Representatives.

Freeing up excess AML funds will allow states and tribes to work with the federal government on reclamation projects like this. Instead of abandoned mines sitting idle for 30 years with minimal or no reclamation and maximum damage to our health and environment, the less expensive, greener option is to use these funds to clean up mines early and swiftly.

Again, I would like to thank the Chairman and Ranking Member for holding this hearing today, and for inviting myself, Congressman Lujan and Governor Luarkie to present our views on this worthy legislation.