

Opening Statement
Ranking Member Alan S. Lowenthal
Energy and Mineral Resources Subcommittee Oversight Hearing on

Seeking Innovative Solutions for the Future of Hardrock Mining

July 20, 2017

Thank you, Mr. Chairman, and thank you for holding this hearing on a topic that's really long overdue for some innovations.

Because when you're talking about federal laws surrounding hardrock mining, innovative solutions could include the horseless carriage, the gramophone, or light bulbs.

The Mining Law dates from a time when the West looked nothing like it does today. The same could be said for the entire country, as well as mining itself.

The population of the entire country in the 1870s was smaller than the population of California is today. Los Angeles was home to about 6,000 people. And thanks to the brand-new transcontinental railroad, you could get from coast to coast at a blistering pace of just under a week.

And it was in these years that Congress put into law what were effectively the local codes and rules that the 49ers developed during the Gold Rush.

Today, we have 321 million people in this country, nearly 10 million in Los Angeles County alone. And you can get from L.A. to New York City in about five and a half hours.

But our mining laws are still effectively the local codes and rules that the 49ers developed during the Gold Rush.

Public land is open for you to freely explore.

The gold, silver, copper, and other minerals are there for you to take, no royalty necessary.

And if you find something, you can buy the land outright for either two dollars and fifty cents or five dollars an acre.

These rules may have been appropriate in the mid-19th Century. But they are completely inappropriate for the modern world.

It is long past time to seriously reform hardrock mining laws in this country.

I know that there are some who point out that hardrock mining in America still adheres to all of our environmental laws, such as the National Environmental Protection Act, the Clean Water Act, and the Clean Air Act.

But none of those are equipped to handle the specific environmental challenges that come with hardrock mining, or to address the exalted status that mining has managed to maintain on our public lands.

Then there are the half-million abandoned hardrock mines that litter the country, posing safety threats and polluting thousands and thousands of miles of rivers and streams with toxic runoff.

Congress tackled this issue for coal mines almost exactly 40 years ago. Industry was asked to pay a small fee for each ton of mined coal, and that money goes to remediating the harmful legacy of countless abandoned coal mines.

There is no similar program for cleaning up abandoned hardrock mines.

We have discussed Good Samaritan programs in this committee, along with potential support from the newly-created Bureau of Land Management Foundation.

But these are volunteer efforts that are a good start, but that will not be nearly enough to put a significant dent into this problem.

That can only happen if the mining industry steps up and meaningfully deals with its own long history of pollution, just like the coal industry has done.

There are many ways to raise that revenue, and one option would be the long-overdue royalty on hardrock mining.

I think it's very constructive that we're having that discussion today, because it is simply long past time for the American people to get their fair share for the sale of minerals that belong to them.

For nearly a century, the American people have received a royalty for oil, gas, coal, potash, soda ash, and many other resources that are extracted from public lands.

It should be no different for gold, silver, copper, or any other mineral.

I look forward to the discussion about the options for such a royalty, and other ways to reform the Mining Law, but there is no question this discussion is long overdue.

I thank the witnesses for being here, and I yield back the balance of my time.