

NICK J. RAHALL II, WV
CHAIRMAN
DALE E. KILDEE, MI
ENI F.H. FALCOMAVAEGA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH D. HOLT, NJ
RAUL M. GRIJALVA, AZ
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
DAN BOREN, OK
GREGORIO SABLAN, MP
MARTIN HEINRICH, NM
BEN RAY LUJAN, NM
GEORGE MILLER, CA
EDWARD J. MARKEY, MA
PETER A. DeFAZIO, OR
MAURICE D. HINCHEY, NY
DONNA M. CHRISTENSEN, VI
DIANA DeGETTE, CO
RON KIND, WI
LOIS CAPPS, CA
JAY INSLEE, WA
JOE BACA, CA
STEPHANIE HERSETH SANDLIN, SD
JOHN P. SARBANES, MD
CAROL SHEA-PORTER, NH
NIKI TSONGAS, MA
FRANK KRATOVIL, JR., MD
PEDRO R. PIERLUISI, PR

JAMES H. ZOIA
CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

Opening Statement Of
Ranking Republican Rep. Doug Lamborn (CO)
BEFORE

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES
LEGISLATIVE HEARING

1334 Longworth House Office Building
September 23, 2010 at 10:00 a.m.

DOC HASTINGS, WA
RANKING REPUBLICAN MEMBER
DON YOUNG, AK
ELTON GALLEGLEY, CA
JOHN J. DUNCAN, JR., TN
JEFF FLAKE, AZ
HENRY E. BROWN, JR., SC
CATHY McMORRIS RODGERS, WA
LOUIE GOHMERT, TX
ROB BISHOP, UT
BILL SHUSTER, PA
DOUG LAMBORN, CO
ADRIAN SMITH, NE
ROBERT J. WITTMAN, VA
PAUL C. BROUN, GA
JOHN FLEMING, LA
MIKE COFFMAN, CO
JASON CHAFFETZ, UT
CYNTHIA M. LUMMIS, WY
TOM McCLINTOCK, CA
BILL CASSIDY, LA

TODD YOUNG
REPUBLICAN CHIEF OF STAFF

Legislative hearing on:

H.R.4817 - To amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects.

Thank you, Mr. Chairman; I want to thank you for holding this hearing today.

RARE EARTH'S

Before we focus on today's hearing I would like to take a second to raise a concern about the erosion of this Committee's jurisdiction. As you know Mr. Chairman, this Subcommittee holds jurisdiction over the Nation's energy and mineral resources and the majority of the programs under the United States Geological Survey. Today, the Science and Technology Committee will be marking up legislation addressing the serious issue of rare earth mineral availability, manufacture of the products utilizing rare earth minerals and fostering domestic research into new uses of rare earth minerals. Unfortunately, this committee hasn't had a chance to address this issue during this Congress, however, the fact that we haven't addressed the issue doesn't mean that other Committee's have free reign to abscond with our areas of jurisdiction.

I am concerned that the Science Committee bill being debated today establishes within the Department of Energy a new Center whose duties are clearly duplicative of the operations of the U.S. Geological Survey. I would hope that before the Science Committee bill reaches the House floor this committee will assert their jurisdiction and have an opportunity to examine this duplication, direct the valuable resources of the American people to the agencies with real expertise, and protect the jurisdiction of this Committee.

LEGISLATION HISTORY

That issue settled, today's hearing will examine H.R. 4817, introduced by our colleague Rep. Teague of New Mexico. This bill clarifies the original Congressional intent of section 409 of the Surface Mining Control and Reclamation Act (SMCRA) that allows states and tribes to use SMCRA AML funds to address high priority coal and non-coal AML sites. DOI reinterpreted the

intent of Congress for allowable uses of the section 409 permits through a Solicitor's Opinion and their final Rule for the 2006 amendments to SMCRA to prohibit the use of section 409 and "prior balance replacement" funds for non-coal projects, that is why I wish this Committee could have addressed this legislation in the 110th Congress when it was H.R. 5661, introduced by the former Ranking Member of this Committee, Rep. Steve Pearce of New Mexico.

In some ways, I wish this Committee would have addressed broader responsible mining law reform for hard rock clean up like HR 3201 which I introduced to address mining law reform. Or HR 3203, which I introduced, to provide "Good Samaritan" protections for the cleanup of abandoned mines. The good sam legislation in particular would have provided an incentive for private companies, municipalities and non-profit organizations to work on the clean-up of abandoned hard rock mines creating private sector jobs while improving the quality of the environment and addressing safety issues associated with abandoned mined lands and yet it wasn't heard before this committee.

While this legislation before the Committee today may be a piece of the puzzle in addressing our non-coal abandoned mine land issues in the west. It also gives us a reminder of the commitment of this administration to stripping the funding away from certified states and tribes. I know we will hear in testimony again today that this administration believes it is more important to eliminate the funding to the certified states rather than honor the hard fought compromise reached in 2006 that requires the federal government to send the certified states their 50 percent share of the AML fee levied on coal production. It is the states money and they should be able to use it as they see fit..

CLOSE

I will close Mr. Chairman by saying that as this is likely our last hearing of this Congress, I want to thank you for your leadership over the last two years although we have had our disagreements, I have enjoyed working together in addressing one of the most challenging years in oil and gas policy in a generation.

Once again, I want to thank you for holding this hearing, I welcome our witnesses and I look forward to hearing their testimony. Mr. Chairman I yield back.