



November 14, 2024

The Honorable Steve Scalise  
Majority Leader  
United States House of Representatives  
Washington, DC 20515

The Honorable Hakeem Jeffries  
Democratic Leader  
United States House of Representatives  
Washington, DC 20515

RE: Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024

Dear Representative Scalise and Representative Jeffries:

The National Congress of American Indians (NCAI) urges the U.S. House of Representatives to support the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 (H.R. 7779) and swiftly advance this important legislation.

Established in 1944, NCAI is the oldest and largest national organization of American Indian and Alaska Native tribal governments. NCAI advocates on behalf of tribal governments and communities, promoting strong government-to-government policies. NCAI established the Institute for Environmental Sovereignty to advance Tribal Nations' leadership in natural resource governance and environmental stewardship, safeguard Indigenous peoples' cultural heritage linked to the natural environment, and innovate Indigenous-led approaches to environmental protection.

NCAI has long called upon the United States government to prioritize the cleanup of sites contaminated by abandoned hardrock mines.<sup>1</sup> Hundreds of thousands of abandoned hardrock mines threaten tribal citizens and the general public alike. Four federal agencies have identified 140,000 abandoned hardrock features, just on lands under their jurisdiction, and estimate upwards of 390,000 more not yet identified.<sup>2</sup>

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<sup>1</sup> See, e.g., NCAI resolution DEN-07-011 (November 2007), <https://bit.ly/DEN-07-011> (supporting H.R. 2262, The Hardrock Mining and Reclamation Act of 2007, noting that “there are over 50,000 abandoned mines in the U.S., many of which represent a threat to public safety and an on-going source of pollutions to the [environment], resulting with many states and some Tribes having to identify financial and technical resources to seek mine closure, reclamation and clean-up, and water treatment”); NCAI resolution TUL-13-051 (October 2013), <https://bit.ly/TUL-13-051> (“abandoned mercury and gold mines in areas such as California, South Dakota, Nevada and Alaska continue to emit mercury with significant health impacts on Indigenous Peoples in those regions;” and resolving “that the United States . . . prioritize the identification of sites and waterways in and affecting Indian and Alaska Native reserves, Treaty territories, reservations, communities as well as traditional subsistence resources that are contaminated by mercury, and work with impacted Tribal Nation governments to effectively clean up such areas without delay”); and NCAI Resolution ABZ-19-049 (October 2019), <https://bit.ly/ABZ-19-049> (calling upon Congress to “establish independent dedicated funding to remediate the estimated 500,000 abandoned mines in the United States, which will otherwise forever threaten both public health and safety, and will cost an undetermined amount of money to clean-up”).

<sup>2</sup> U.S. GOV'T ACCOUNTABILITY OFF., GAO-20-238, ABANDONED HARDROCK MINES: INFORMATION ON NUMBER OF MINES, EXPENDITURES, AND FACTORS THAT LIMIT EFFORTS TO ADDRESS HAZARDS 15–17 (2020), <https://www.gao.gov/assets/gao-20-238.pdf>.

Of those identified, approximately 22,500 represent an environmental hazard.<sup>3</sup> More than 600,000 Native Americans live within 10 kilometers of an abandoned mine.<sup>4</sup> Chronic exposure to water and soil contaminated by mine waste is devastating, and Tribal Nations have limited resources to remediate these sites, given the sheer number and estimated costs. The Environmental Protection Agency is actively working to address the highest priority mine sites on the Superfund National Priority List. However, this leaves tens of thousands of abandoned mines to continue contaminating tribal lands and resources and impacting tribal citizens.

Current law makes “perfect the enemy of the good” by tying the hands of nonprofit organizations, tribal and state agencies, and other “Good Samaritans” who face significant risk of liability. H.R.7779 provides a narrow exemption to enforcement and liability for abandoned hardrock mine remediation activities authorized by a Good Samaritan permit, extends eligibility under existing grants, and establishes a new remediation fund. The bill designs a prudent carve-out, imposes numerous safeguards and accountability provisions, and incorporates tribal government input.<sup>5</sup>

First, H.R.7779 takes a measured approach. The bill establishes a seven-year pilot program limited to 15 Good Samaritan permits, followed by a detailed report to Congress on the program’s results, problems encountered, and recommendations on whether to extend the program into the future.

Second, the bill contains several protective provisions. Proposed projects must pose a low risk to the environment, and permit applicants must demonstrate the requisite capacity, experience, and financial and other resources to carry out remediation. Projects will undergo robust environmental review in accordance with the National Environmental Policy Act, and approval will be contingent on the lead agency issuing a Finding of No Significant Impact. Good Samaritans must also develop contingency plans and immediately notify federal, tribal, state, and local authorities of any unplanned or previously unknown releases that occur because of their activities.

Third, H.R.7779 requires Tribal Nation input. All Tribal Nations whose lands or reserved rights could be adversely impacted by an abandoned mine site’s release of contaminants, in addition to *any* Tribal Nation with a potential interest in the project, must be notified. Permit issuance is contingent on a Tribal Nation with jurisdiction over the location of an abandoned mine having an opportunity to review and comment on the permit.

Finally, the measure contains multiple provisions on accountability. Applicants must supply evidence they will have or acquire all necessary legal rights and authorities, adhere to a timeline, and make regular reports. Good Samaritans must also diligently search for all responsible owners or operators of an abandoned mine site—meaning responsible parties will be held accountable.

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<sup>3</sup> *Id.* at 16.

<sup>4</sup> Johnnye Lewis, Joseph Hoover, Debra MacKenzie, *Mining and Environmental Health Disparities in Native American Communities*, CURRENT ENVTL HEALTH REP. 130-141 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5429369/>.

<sup>5</sup> See, INTERAGENCY WORKING GROUP ON MINING LAWS, REGULATIONS, AND PERMITTING, RECOMMENDATIONS TO IMPROVE MINING ON PUBLIC LANDS 11, 35, 128–29 (2023) (“The IWG recommends that Congress enact Good Samaritan legislation, limiting liability for non-responsible parties who seek to characterize, assess, and cleanup abandoned mine sites, subject to appropriate safeguards. Good Samaritan laws should provide for public review and comment on remediation proposals, exclude entities that were previously involved in operations at the contaminated site, prevent liability waivers from being provided for operations that are not related to addressing the legacy site, and require Tribal consultation on any proposals that could impact Tribal lands or resources.”).

H.R.7779 is a bipartisan measure that eliminates barriers to Good Samaritans undertaking the safe, effective, and responsible remediation of abandoned hardrock mines. We believe the bill merits the Committee's strong consideration and encourage your support.

Respectfully,

A handwritten signature in cursive script, appearing to read "Larry Wright, Jr.", written in black ink.

Larry Wright, Jr.  
Executive Director  
National Congress of American Indians