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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEINER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 1, 2007.

I hereby appoint the Honorable ANTHONY D. WEINER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Around Your seat of judgment, Lord God, stand our former colleagues. They are brothers and sisters to us and the Founders of this Nation. God-fearing persons, they were called by You to this place and were called ''Honorable'' during life here because of their public commitment to uphold the Constitution and serve the people of this Nation.

They lay the foundation upon which we build. Their heritage defines our work today. We, and the whole Nation, are indebted to their contributions that have outlived them. Now they share in the resurrected life of Your glory.

We pray that all our former Members who have completed the course, kept the faith, now receive the reward of the just.

As they believed in You and placed their trust in You to help them solve the problems and concerns of the past, so we now ask You to help us fulfill all their hopes and dreams for this Nation today and in the future.

Blessed are You, Lord God, in Your angels and in Your saints now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HULSHOF. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HULSHOF. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

H.R. 2779. An act to recognize the Navy UDT–SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALs and their predecessors.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute requests on each side.

REAL SOLUTIONS FOR IRAN

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, 45 years ago, President Kennedy compelled the Soviet Union to remove offensive missiles from Cuba without a shot being fired. The Soviet missiles represented a true threat, but President Kennedy knew that the consequences of war were severe and that there was a viable option short of direct military confrontation.

The Iranian threat, while certainly a continuing and growing concern, cannot be compared to the danger of Soviet efforts during the Cold War. The President's perceived rush toward the possibility of military conflict with Iran highlights the executive's inability to find real solutions to preventing Iran from developing nuclear weapons or supplying weapons to our adversaries in Iraq. We must exhaust every economic and diplomatic opportunity before even considering a military response.

This administration has reduced our leverage around the world, but there is still time to build an international consensus around this issue. Congress has a constitutional responsibility in this debate. I hope Members will urge the President to take the moral high ground and deal with Iran through

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international pressure, not unilateral action.

KEEP OUR CAMPUSES SAFE

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, this week Education Secretary Spellings released guidelines to clarify the Family Educational Rights and Privacy Act, but the current law does not go far enough to keep our campuses safe. Schools need to be able to talk with parents when they think a student is at risk for violence without fear that they are going to be sued. That is why I introduced H.R. 2220, the Mental Health Security for Families and Education, or the Mental Health SAFE Act, to allow universities to notify parents if a student is at risk of suicide or homicide or assault, while holding schools harmless if they act in good faith. Schools should be focused on the safety of students, not fear of being sued if they do take action or sued if they don't take action. We need a law to protect students and parents.

It is too late for Virginia Tech; it is too late for the many students who commit suicide or homicidal acts each year. It is not too late for other campuses. I ask my colleagues to please cosponsor the Mental Health SAFE Act. Let's work together to save lives.

ACCOMPLISHMENTS IN THIS CONGRESS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to set the record straight. This administration has accused Congress of being a ''failure,'' and that is simply not true. I think the President has this Congress confused with last year's ''Do-Nothing Congress.'' This Congress has successfully passed numerous pieces of legislation that have been supported by the majority of the American people and the President has signed into law.

We passed, for example, H.R. 1, to implement the 9/11 Commission recommendations and to provide greater protection for first responders and security for our country. We have raised the minimum wage, improved our economic competitiveness, and enacted the College Cost Reduction Act. I am particularly proud of this law, which increases funding for Federal Pell Grants by more than $11 billion and will make college more affordable for low-income students.

And then of course there is SCHIP. This Congress has bent over backwards to address concerns about the legislation, and yet this administration continues to oppose health care for our Nation's most vulnerable children. I am proud to go home this weekend and tell my constituents about what this Congress has done.

A SAFER WORKPLACE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Secretary of Labor Elaine Chao recently announced that the rate of workplace injuries and illnesses declined in 2006. This marked the fourth consecutive year America has seen a decrease in injuries.

The decline in injury and illness comes as we continue to see an increase in the number of American workers. Even with an increase in the number of opportunities for potential accidents, we have seen a decline.

I want to commend the Occupational Safety and Health Administration, in particular my long-time friend and fellow South Carolinian, OSHA Director Ed Foulke, for the great strides they have made in ensuring that American employers and employees can do their jobs safely.

We must remain vigilant to potential workplace dangers. A safe and healthy workplace not only protects America's hardworking men and women; it also supports our strong and growing economy by creating more efficient and productive industries.

In conclusion, God bless our troops, and we will never forget September 11th.

COMMENDING DANIEL JACOB WOODHEAD

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to commend an outstanding student athlete, Daniel Jacob Woodhead, senior tailback for the Chadron State College Eagles, who shattered the NCAA all-division record for career rushing yards on October 6, 2007. On that day, Danny carried the ball 34 times for 208 yards, bringing his career rushing total to 7,441 yards, and has added 114 yards since.

He also holds the NCAA all-division record for most rushing yards in a season at 2,756 in 2006 and has 19 games in which he gained 200 yards rushing or more, a record in itself.

Danny is a First Team Academic All-American, a consensus All-American, and recipient of the Harlon Hill Trophy, awarded to the outstanding player of the year in NCAA Division II football.

I commend Daniel Jacob Woodhead who, through his outstanding achievements of distinction, has brought great honor to himself, his family, his coaches and teammates, Eagles fans, Chadron State College, and the State of Nebraska.

LOW WATER LEVELS IN THE GREAT LAKES

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to call the attention of the Congress to a very serious problem that is affecting our magnificent Great Lakes, and that is historic low lake levels.

Just as we are seeing low lake and water levels around other parts of the country, the Great Lakes, which, remember, comprise actually one-fifth or fully 20 percent of the fresh water supply of the entire world, are losing water at alarming rates. And these low lake levels are having a significantly negative impact on millions that live in the Great Lakes Basin who make their living on the lakes or simply use them to recreate on.

For example, millions of recreational boaters are running aground or they can't keep their boats in marinas. Lake freighters are not being able to load up the way that they need to because the low lake levels are causing untold millions of dollars of losses for the shipping industry, and the very fragile environmental habitats of many species of fish and waterfowl and other species have been negatively impacted as well.

Mr. Speaker, much of what is happening to the Great Lakes can be attributed certainly to weather changes. We have had some warmer winters. Therefore, you have less ice cover so evaporation is occurring all year long.

As this Congress considers funding for other national environmental treasures, let us remember our magnificent Great Lakes.

RETAIN FUNDING FOR THE COMMODITY SUPPLEMENTAL FOOD PROGRAM

(Mrs. MUSGRAVE asked and was given permission to address the House for 1 minute.)

Mrs. MUSGRAVE. Mr. Speaker, because it is taking longer than it should to complete the people's business and the Agriculture appropriations bill is getting further delayed by political wrangling, I am compelled to petition Speaker PELOSI to focus on a Federal food bank program that is very important to my Colorado district.

I have asked the Speaker to retain funding for the Commodity Supplemental Food Program. This program was established in the 1960s and effectively and efficiently provides low-income elderly individuals and pregnant women basic food assistance. However, in recent years, Presidents Clinton and Bush have proposed the elimination of this program, despite the objections of many, including me.

The importance of the Commodity Supplemental Food Program funding was made clear to me during the August work period when I visited the Weld County Food Bank. This food bank is one of seven in Colorado that utilizes this funding, and it serves nearly 20,000 residents in my district.

This food bank program and the Agriculture appropriations bill are vital to Colorado. Please retain funding for

this program, and do so without further delay.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 24, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 24, 2007, at 7:49 pm:

Appointments: United States Commission on International Religious Freedom and Advisory Committee on Student Financial Assistance.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

□ 1015

PROVIDING FOR CONSIDERATION OF H.R. 2262, HARDROCK MINING AND RECLAMATION ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 780 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 780

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2262 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 780.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 780 provides for consideration of H.R. 2262, the Hardrock Mining and Reclamation Act, under a structured rule. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. It also makes in order an amendment in the nature of a substitute reported by the Natural Resources Committee.

Mr. Speaker, I rise today in support of this rule and the underlying legislation. My home State of California is what it is today because of the business of mining. When James Marshall discovered gold in the American River in my area more than two centuries ago, California was not yet a State.

The economic boom that followed the discovery of gold helped to remake the West. It infused our young Nation with renewed energy and capital. It began one of the most well-known episodes in our country's history: the Gold Rush.

Without mining, the City of Sacramento, which I represent proudly, would probably not be the capital of the largest State in the Union. Without mining, States like Nevada and Utah would be without the economic basis upon which they are now growing. Without mining, the western half of the United States would be a different place.

But in the West, Mr. Speaker, we have more than hardrock minerals. We also have rivers, streams, mountain ranges, and millions upon millions of people. These are natural resources just like gold and silver, and they must be protected from environmental harm.

Unfortunately, the law that currently governs mining operations is extremely outdated. It was signed by President Ulysses S. Grant. This was during the time when miners used shovels and pickaxes. Now, huge machines and industrial equipment are the tools of the mining trade.

Times have changed, Mr. Speaker. In the year 2007, we recognize that the term ''natural resources'' includes more than what we extract from the Earth. Its definition now encompasses the whole environment in which we live, from the water we drink, to the land we farm, to the air we breathe.

All Americans have a stake in preserving this environment, Mr. Speaker, and mining companies should contribute their fair share. However, they currently enjoy access to Federal land that no other industry does, not natural gas, not oil shale, not coal.

Under the 1872 law, mining companies pay next to nothing to extract metal from publicly owned lands. American taxpayers foot the bill for the extensive environmental remediation that many abandoned mines require.

Other old mines simply never get cleaned up. They sit empty and vacant, leaching chemicals into groundwater, polluting watersheds, and posing safety hazards for the public. After 135 years' worth of this subsidy, it is long past time for mining companies to pay their fair share.

This bill received three subcommittee hearings and a full committee hearing that stretched over 2 days. The rule makes in order seven total amendments, five of which are Republican.

This legislation has been considered and debated in the best tradition of the U.S. Congress. It is good environmental policy in the very same tradition. It is also good social policy. The bill also takes into account industry concerns and provides economic assistance to mining communities. One-third of the revenue created by this bill will go to a community assistance fund to help mitigate the social and economic impacts of the legislation.

Mr. Speaker, my hometown of Sacramento grew up around a place called Sutter's Fort. It was originally built to be a base for agricultural trade. The discovery of gold in the foothills northeast of Sutter's Fort changed its history and the history of our Nation forever. Because of gold, what was once Mexican territory soon became our 31st and most prosperous State.

Mining has left a permanent imprint on this country. Yes, it has led to increased economic gain and the development of the western United States. At the same time, it has had negative impact on our public lands. As Members of Congress, we are stewards of this Federal land. We have the responsibility to update our laws so that the mining industry helps ensure that our public lands and natural resources are preserved for future Americans.

I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this rule and to the underlying legislation which imposes an 8 percent gross tax on all new mining claims made on Federal lands and will cause a significant reduction in domestic mineral production and future mining investments in the United States of America.

I do appreciate the lip service that the Democrat majority regularly pays to making America the top-ranked nation in the world on a number of fronts. However, after managing over what will surely rank as the least effective Congress in recent memory, I am surprised that there isn't more disappointment on their side of the aisle with this legislation because this bill fails to set new global standards for the highest tax on mining on the planet; it merely matches Germany's, which already holds the world record for the highest mining tax at 8 percent of gross receipts. Once again we see the new Democrat majority trying to equal what is done in the United Kingdom and across Europe, including Germany.

In the Committee on Natural Resources hearing held on this matter on October 2, James Cress testified: ''I am only aware of a single royalty that is as high as the royalty proposed in this bill, just one in my 20 years of practice. An 8 percent royalty would really be ruinous.''

I suppose that neither Mr. Cress nor anyone watching this debate should be surprised, though. In what will surely go down as the least-productive Congress in recent history, this new Democrat majority has failed for the first time since 1987 to even send a single appropriations bill to the President for his approval by this point in the year.

This is the same Democrat majority that recently set another record of dubious distinction, a record for the most legislative ''busy work'' with the least amount to show for it. Since the beginning of this Congress, Members of this House have voted on over 1,000 roll call votes with just barely a tenth of those bills having been signed into law.

And of the 106 bills that have actually made it to the President's desk, 46 named post offices, courthouses or roads; 44 bills were noncontroversial measures sponsored by Republicans or passed with overwhelming GOP support; and 14 bills extended preexisting public laws or laws passed during the Republican-led Congress.

Mr. Speaker, I understand that with a track record as abysmal as this, the Democrat majority is eager to put just about anything on the floor in the hopes of claiming any kind of legislative victory. Unfortunately, the policies included in this legislation are quite simply wrong for America that will jeopardize the current and future domestic sourcing of minerals that are critical to our Nation's economic well-being and security.

In addition to imposing the world's highest royalty on mineral production, this legislation would also retroactively levy a 4 percent gross royalty on existing mines where business plans and investments have already been made without accounting for this after-the-fact cost. This provision, which is of doubtful legality but is doubtlessly unfair, is the legislative equivalent of one party changing the terms of a contract after it has already been signed. I believe that the Federal Government abusing its power to change the negotiated terms of these agreements is simply unfair, and I oppose it.

I also disagree with the inclusion of several provisions in this legislation that would empower political appointees to stop new mining projects even after these projects have met all applicable environmental and legal requirements.

No industry can or should be expected to operate with such regulatory uncertainty, and the net effect of all of these provisions will simply be to encourage companies to take their business overseas.

Mr. Speaker, I oppose this rule and the underlying legislation that harms the domestic American mining industry.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. COSTA), the Energy and Mineral Resources Subcommittee chairman.

Mr. COSTA. I thank the gentlewoman from California (Ms. MATSUI) for yielding me the time.

Mr. Speaker, let me first thank the Rules Committee for their cooperation and assistance in bringing this bill to the floor today. Mr. Speaker, I think there are many reasons why we should support the rule proposed for H.R. 2262. Most important among them is what I believe is a sound, solid legislative process that has led to the amended version of H.R. 2262 that we have before us today.

Now, with deference to my colleague who just spoke, let me be clear that the process has worked. Proper order has been followed. We have worked on this issue for most of the last 10 months with the subcommittee that I chair, the Subcommittee on Energy and Minerals on Public Lands.

The Subcommittee on Energy and Minerals on Public Lands has the jurisdiction to provide a balance. This balance we talk about often in the subcommittee. It is a challenging balance because on the one hand we are to protect and preserve the natural heritage of our Nation's public lands for all of our citizens to enjoy in perpetuity, and to ensure that those public lands remain available for all generations of future Americans to benefit from.

□ 1030

There are many numerous ways in which we benefit from them. We know historically that those public lands have played a very meaningful role in our Nation's development, and it's that balance.

In this case, the subcommittee knows that the energy and the mineral developments that took place in the 19th and the 20th century were key and critical to the development, economically, of our Nation, and they also had obviously a very important role in the social development as well because if it were not for the discovery of gold in the 19th century in California and the opportunities that discovery brought forth, as in all the other minerals and energy that have been discovered on public lands in the 19th and 20th century, we would not have seen the opening of the West.

So, therefore, our subcommittee and the members on the subcommittee are very mindful of the fact that we have this dual role: balancing the resources that provide important energy and minerals to our Nation's wealth and at the same time preserving and protecting those same public lands to ensure that, in fact, they will be available for future generations of Americans to come.

And, yes, one other thing, when those public lands are being used in that dual role, since they belong to all Americans, that, in fact, all Americans are able to derive some benefit of the wealth that is derived from the utilization of those public lands for either mineral resource or for energy development because, remember, these lands belong to all Americans, unlike private holdings.

So when I took over the subcommittee chairmanship early this year, this issue clearly was going to be one of the issues that Chairman RAHALL wanted to address. Why? Well, for two decades, Chairman RAHALL has attempted to reform this law. This is not a new issue. Let's be clear about this. This is no rush to judgment of some issue for the sake of having an issue on the floor.

The mining law that was put together in 1872, signed by then-President Ulysses S. Grant, has not been changed, modified in shape or form since President Ulysses Grant signed it into law in 1872.

Back in the late 1970s and 1980s, Chairman RAHALL, Congressman RAHALL from West Virginia, a person who

has a great deal of mining that takes place in his own district, came to this issue and wanted to make necessary changes for all the right reasons. As I took over the subcommittee chairmanship early this year, we decided we would build on that record and that effort of Chairman RAHALL.

In response to complaints, the minority has raised about having more hearings on this measure, let me tell you about the good work that the subcommittee and the committee has done.

The Subcommittee on Energy and Minerals, we've held four hearings this year on H.R. 2262, the 1872 mining law. Two of them, one in Elko, Nevada, with Members of both parties well-represented and Senator REID, the other one in Tucson, Arizona, provided valuable opportunities for local input from community citizens. In total, we have heard from over 33 witnesses in two field hearings and a multitude of hearings here in our Nation's Capital. We have done what you're supposed to do in the process. We've listened. We've made changes.

Those hearings led to significant improvements in the bill, improvements supported by both the conservation community as well as the mining industry. That's not to say that everybody has gotten everything they want because, of course, that never happens in this process. No bill will ever be perfect on all sides, but this is a bill that has had thorough vetting and due, some would say past due, for all the attention this matter has gotten over two decades.

I would also note that there's a long history as it relates to the mining law reform, the history that really predates this legislation, as I noted.

So I think it's important to understand that we have taken into account over the last two decades hearings that have been held in the following States: Nevada, Colorado, Washington, Oregon, Idaho, and Alaska, all States in which mining is of critical importance.

In short, the need for mining law reform is not a new issue. It's one that has extensive legislative history. The flaws of the current law are well-debated and analyzed.

I appreciate the leadership's interest in H.R. 2262 and Chairman RAHALL's leadership and look forward to the debate on the amendments before us.

Mr. SESSIONS. Mr. Speaker, at this time I yield 6 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I come from northern Illinois, an area that has over 2,500 factories. I've spent about three-fourths of my time in Congress dealing with manufacturing issues and traveled the world working on different projects that have different processes, and this bill is really, really bad for people who are interested in keeping manufacturing jobs in the United States. Therefore, I rise in opposition to the rule governing the Hardrock Mining and Reclamation Act of 2007.

Twenty-six amendments from both Democrats and Republicans were submitted, but only seven were approved for the House for debate for 10 minutes apiece. The bill proposes to make huge changes to an important sector of our economy, and the bill, therefore, deserves more than a little over 2 hours of debate.

If the underlying bill is enacted as currently drafted, it poses an unacceptable threat to the health of our manufacturing and defense industrial base. Without agriculture, mining and manufacturing, we become a Third World Nation.

U.S. mining operations provide approximately 50 percent of the metals needed by American manufacturers. Everybody in Congress, Mr. Speaker, interested in manufacturing needs to listen to this, because if this bill passes, this makes us more dependent upon China to get our minerals for manufacturing.

Many of these minerals, gold, silver, copper, platinum, molybdenum, beryllium, titanium, zinc, magnesium and nickel are used in manufacturing applications from industrial motors to satellites. Thus, the core of our industrial minerals is what we're discussing today. Over the past few years, the cost of these raw materials has gone through the roof. We're putting the viability of our manufacturers in America at stake.

When I chaired the Small Business Committee, I held two historic hearings on the spike in metal prices and what it means for manufacturers, both large and small. No one recommended at those hearings that we should make it more difficult, and thus more expensive, to mine in the United States.

Many of the alternative sources of these minerals are also located in countries that are not close allies of us. Many of these minerals are also critical for the production of defense equipment. I'm concerned that we may find that just as America's energy security is largely dependent on the goodwill of OPEC, our national security will be largely dependent on China's goodwill as we compete for the metals and rare Earth minerals that feed our defense industrial base.

Over half of the high-end magnet production that contains aluminum, nickel, and cobalt comes from China, and 100 percent of the rare Earth minerals used in magnets is found in China. The magnets are used in advanced missile guidance systems such as JDAM.

I'm not aware of anybody that has claimed that the increased regulatory burden, an 8 percent gross income royalty interest in new production and a 4 percent increase on retroactive production, will help to improve the domestic supply of minerals or help lower their costs.

Our manufacturing workers are the best and most productive workers in the world. They have been beset by cheap labor overseas, rising energy costs, unfair trade practices. And now this Congress, this Congress, Mr. Speaker, will make it more difficult for the American worker to keep his job in manufacturing because this Congress will make the raw materials so expensive that what will happen, the U.S. mining companies may go out of business, and then we will be totally dependent on foreign countries to keep up the mineral supply for our manufacturing base.

This is an issue that if you vote ''yes'' on this rule, if you vote ''yes'' on the bill, it will destroy America's manufacturing jobs. Maybe I get too passionate when it comes to protecting America's manufacturing jobs. I've visited hundreds and hundreds of factories throughout the world to make sure that the United States is way out front in technology and innovation, and in fact, when I hear so much talk going on on the other side of the aisle about innovation, about competitiveness, then you come right back and the very feedstock for American manufacturing you want to tax out of business.

Mr. Speaker, this is a bad bill for American workers. This is a bad bill for American workers. This is a bad bill for American workers because it says let's just tax the minerals you need to make things that go out the door out of business. You might as well put another tax on natural gas. In fact, the Democrats did the same thing by taking away the tax break for exploration of natural gas, which is 80 percent of the feedstocks for plastics.

And so here we are again, this Congress destroying American manufacturing jobs. Vote ''no'' on the rule and ''no'' on the bill.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I rise today in strong support of the Hardrock Mining Reclamation Act. Long overdue, the time for mining law reform has finally arrived.

The 1872 mining law was enacted 40 years before Arizona was even a State. At that time, it encouraged the development and the expansion of the American West. My district of southern Arizona had a town of Bisbee that during the turn of the century actually had its own stock exchange and was the largest community from St. Louis to San Francisco. The copper star on the State of Arizona's flag symbolized the importance when we achieved statehood of the copper industry.

However, times have changed. Today's West now depends on the health, as well as the conservation, of our fragile environment as much as it relies on mining.

H.R. 2262 is a solid first step. It provides impact assistance to mining communities and establishes a practical and a modern approach to reclaiming and restoring the land as well as water resources.

As this legislation progresses, I further encourage Members to look specifically at the royalty provisions. We

do not want to undermine the financial viability of U.S. mining. Our modern, high-tech economy continues to depend on minerals, and this is the importance of making sure that we have a hardrock mining industry that is strong and able to supply all of these minerals.

I commend Chairman RAHALL for his work. I commend Chairman COSTA for crafting a new mining law that reflects modern values, as well as goals that benefit taxpayers, the public lands, as well as the mining industry.

This is an important piece of legislation, long overdue; and I encourage Members on both sides of the aisle to support it.

Mr. SESSIONS. Mr. Speaker, you know, we hear it here again, every single member of the new Democrat majority talking about their desire to tax, a new tax of 8 percent on this industry which has been described as the final death nail which will disseminate the remnants of an already sadly diminished domestic mining industry, and here we go, tax them at 8 percent, put the death nail in.

Mr. Speaker, I yield 5 minutes to the gentleman from Nevada (Mr. HELLER).

□ 1045

Mr. HELLER of Nevada. Mr. Speaker, I rise today in opposition to the rule for H.R. 2262.

The State of Nevada is the fourth largest gold producer in the world, ranking behind South Africa, Australia and China.

But this bill is bad for Nevada, bad for this important industry, and bad for the families that I represent. Who here doesn't think that China wouldn't love to immediately see these jobs moved overseas? Who doesn't think that South Africa would like to see these foreign investments moved to their country, and who here in these Chambers doesn't think that Australia would love to see mineral exploration move from the United States to their country?

This legislation hurts, perhaps even kills, the domestic mining industry and, with it, the towns and communities in northern Nevada and western rural America.

The proposed royalty structure, this new tax, would levy a new 8 percent gross royalty payment to this industry, all this despite the fact that not one witness testified before the House Natural Resources Committee in favor of it. Let me repeat that. Not one witness came before the committee to testify in favor of it.

This untried, untested, new tax would hardly bring funds to the Federal Treasury, because when mining communities are decimated, there will be no royalties to collect. Everybody knows that 8 percent of nothing is still nothing.

I offered an amendment at the Rules Committee that was ruled out of order because of fuzzy math that my colleagues used to enforce PAYGO. That amendment replaced the 8 percent gross royalty tax with a more modest 5 percent net proceeds of royalty. This amendment is good for three reasons.

First, the net proceeds system is modeled after Nevada's proven and successful program. Why reinvent the wheel and ignore a model that encourages production rather than jeopardizes it?

Second, a net proceeds system provides flexibility for the mining operation when commodity prices are down. This protects the good jobs in rural communities like Elko, Eureka, Lander, Humboldt, White Pine and other counties in Nevada.

Third, my amendment would help prevent significant revenue and job losses for States. Their proposed 8 percent gross royalty, this new tax, will cripple States like California, Nevada, Arizona, Colorado, New Mexico, in addition to exporting our jobs overseas.

But somehow, CBO scoring my amendment at zero somehow runs afoul of PAYGO rules. The majority party seems to want to waive this in every other circumstance.

This bill, this rule, is simply bad policy, unless you want the mining industry to suffer. If passed into law, the effect will be to hurt the mining industry in the same way we have hurt the automobile industry, the same way we have hurt the steel industry, the same way we have hurt the seafood industry in coastal regions or, perhaps, the textile operations in the Southeast.

I urge my colleagues to oppose destroying State budgets, oppose job loss in rural communities, and oppose the decimation of our domestic mining industries.

Oppose the rule on H.R. 2262.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, having, as I said, held extensive hearings on this issue over the last 10 months, I think it's important that we respond to the comments that were made from my good friend, the gentleman from Nevada.

We did have witnesses who testified on the issue of royalty. We had several witnesses that indicated that an 8 percent royalty would not be unreasonable, some even said perhaps too low.

Taxpayers for Common Sense actually urged a higher rate. James Otto, a royalty consultant to governments around the world, stated that he would normally counsel a country to impose a gross royalty of between 2 and 5 percent. However, he did say that a proposed 8 percent might not necessarily be too high. Why? Because a depletion allowance, depletion allowance, which is a tax break, enjoyed by the hardrock mining industry in the United States is significant.

Mr. Otto pointed out that the depletion allowance works like a negative royalty. Perhaps only four countries in the world offer such a lucrative tax break, in this case, to our mining industry. This would be offset by a potential 8 percent.

A Congressional Research Service witness indicated that royalties for oil and gas and coal operators in the United States, and we want to keep these oil and gas and coal operators doing their good work, is 8 percent and more in some cases. Therefore, the fact that no royalty is charged, I think, needs to be taken into account. After all, these are public lands. No one wants to put the hardrock mining industry out of business. Nevada does a wonderful job, and we want to keep all those operations that are good stewards of the land in business.

This is fair, it's equitable, and it's what's taking place in other countries. I think it's important that we note that.

Mr. SESSIONS. Mr. Speaker, day after day we come down to the floor and we hear about all the new taxes, all the new rules and regulations, all the things that have to take place by this new Democrat majority, but I think we fail to recognize that what happens is that when you tax something, you get less of it. When you put more rules and regulations on something, less good things happen.

In this case, we are going to have an 8 percent tax on the industry; 4 percent tax on the new operations, 4 percent tax on the existing operations. The overwhelming indication that we have is that it will make us look more like Europe, and we are told that's a good thing, I guess.

The bottom line is that we spend a lot of time gnashing our teeth together trying to talk about jobs in country. Just yesterday, the Rules Committee, after we had done this bill, we had a trade adjustment assistance bill. We tried to bend over backwards, which some of it I do support, trying to make sure that those workers who have lost their jobs as a result of world competition in trade and manufacturing, that we do all we can do to help these employees who lost their job.

Yet the very next bill is this bill that literally will decimate workers' jobs in the West. I am sure what we will do is in a few years we will come back and say, oh, my gosh, we just can't compete. Let's now give them what we just did yesterday, trade adjustment assistance. It just keeps going on and on and on.

I suggested yesterday, will suggest today, let's not tax this. Let's not tax this industry for the benefit of the government. Let's let the industry be healthy. Let's let the industry compete globally. Let's let this industry provide those necessary and needed resources, precious metals and precious resources to the development and the benefit of the United States of America, including our United States military.

Let's not tax this at 8 percent so that we allow manufacturing not to have to go overseas to get those precious, hard metal products that they need to ensure that manufacturing is taken care

of in this country. Let's not tax this industry to where it decimates it, to where there are no jobs in this country, to where America has to seek these precious metals and hard metals overseas.

We believe that what you have got today is a circumstance where the new Democrat majority can't wait to tax this industry at 8 percent, which will see the industry go into demise. We think that is an obvious plan that they have had. They didn't just pull this out. This is something that they have had, been working on a long time.

The Republican Party opposes this new tax. We oppose the diminishment of the industry. We oppose what will eventually happen as a result of American manufacturers having to go overseas to seek new markets, many times countries which are not close friends and allies of the United States. We see a day when we will not only lose jobs but will be held hostage for the precious minerals that we need, which will provide not only our country the things it needs but perhaps the military and our industrial complex with the things that will keep America strong.

We oppose this bill. I believe that what you have heard today is not only Members state that equivocally, but we will continue to say to the Members who are listening to this argument, please vote ''no'' on the rule, and please vote ''no'' on the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from West Virginia, chairman of the Committee on Natural Resources, Mr. RAHALL.

Mr. RAHALL. I first thank the gentlelady from California (Ms. MATSUI) and the Rules Committee for fashioning a rule today which provides for a free and open debate on a historic measure, refining the Mining Law of 1872.

I thank the gentleman from California (Mr. COSTA) who has so ably taken the reins of leadership on the Subcommittee on Mines and Minerals, a subcommittee I once chaired over 20 years ago. We had extensive hearings at that time across the country, including in Alaska. And the gentleman from California has conducted himself in the same fashion and with the same knowledge of this bill. I certainly thank him for his help.

This legislation, it should be noted, is sponsored by, or, rather, enjoys the support of a number of Members from both sides of the aisle and from all political persuasions. It should be noted that Members from mining States affected by this legislation support this bill, including the gentlelady from Arizona (Ms. GIFFORDS), who just spoke.

The rule does make a number of amendments sponsored by Members from the other side of the aisle in order that touch upon key features of the legislation. Indeed, the Rules Committee was very generous, extremely generous to the other side.

We are going to have a vote on the amendment today that will continue the 19th century practice, for example, of giving away mineral-rich public lands, the deed of which lies with all American citizens, for $2.50 an acre. That is an amendment that we will debate at the proper time. I say to my colleagues that this is not a Democrat or a Republican issue. It is a nonpartisan issue. It is bipartisan. Indeed, similar legislation has passed this body, not this Congress, but previous Congresses, by large, overwhelming margins.

We are dealing with a law that has been relatively unchanged that was enacted when Ulysses S. Grant resided in the White House. Union troops still occupied the South. The invention of the telephone and Custer's stand at Little Bighorn were still 4 years away.

In 1872, Congress passed a law that allowed people to go on to public lands in the West, stake mining claims, and if any gold or silver were found, mine it for free or to purchase those claim mine lands for as little as $2.50 an acre.

Let me speak for a moment on the process leading up to our consideration of this matter; a fair process, I might add. The genesis of H.R. 2262 dates back to 1879, 7 years after the enactment of the mining law of 1872. At that time, Congress created the first major public land commission to investigate land policy in the West. One of its major recommendations included a thorough rewrite of the 1872 law, which, even then, was believed by many to undermine efficient mineral development.

Several decades later, in 1908, President Roosevelt created the National Conservation Commission to study Federal land policy in the West, and it, too, made a number of recommendations for reforming the mining law.

Again, in 1921, a committee appointed by the Director of the Bureau of Mines recommended a series of reforms developed in concert with mining industry representatives interested in improving the mechanics of the law. Following this effort, the next call for reform came at the onset of World War II, when then Secretary of the Interior, Harold Ickes, endorsed a leasing system for hardrock mining.

In 1949, the Hoover Commission recommended a series of changes to the mining law. This effort was succeeded by the President's Materials Policy Commission in 1952, which also recommended revisions, including placing hardrock minerals under a leasing system.

Once again, the criticism centered on inefficiencies in mineral development caused by the law. Beginning in 1964 and 1977, Congress went through another period of debate on the mining law reform until 1977, when efforts collapsed.

In 1985, this gentleman from West Virginia became Chair of the Subcommittee on Mining and Natural Resources, and delved into the matter. I conducted a large number of hearings, including in four western States. It was not until 1992 that I brought a bill to the House floor for consideration.

Following that effort, on November 18, 1993, the House passed my bill by a vote of 316–108. Unfortunately, during that 103rd Congress, a House-Senate conference committee on mining law reform was unable to reach a final agreement.

We were then shut out, locked down on the consideration of any meaningful mining law reform during the 12 years of a Republican majority in this body. This Congress, the gentleman from California (Mr. COSTA) became the chairman of the subcommittee that I once chaired and took up the reform banner. He held a number of hearings, took testimony from 33 witnesses, and subsequently, the Committee on Natural Resources marked up H.R. 2262.

□ 1100

Subsequently the Committee on Natural Resources marked up H.R. 2262 over one 2-day period and considered countless Republican amendments. Nobody was denied their ability to offer amendments. I repeat: nobody was denied their ability to offer amendments.

The legislation considered at the time was offered to Members and their staffs well ahead of time for ample dissection. I will stack this record up to anyone's with respect to the consideration of the bill by this body. Again, I defend our process as fair, as accountable and as transparent as a process can be in the House of Representatives, just as this legislation is worked and drafted in the same manner.

I urge adoption of this rule and the underlying bill.

Mr. SESSIONS. Mr. Speaker, we understand this meaningful reform that's going on, a new 8 percent tax on the industry. We get that. The Republican Party understands that there will be a loss of jobs, loss of manufacturing base in the United States of America. And we know that that's part of the meaningful reform that the new Democrat majority wants and expects. This is not a new subject: taxation, spending at record levels that are taking place by this new Congress, combined with an incredibly poor record on efficiency for the bills that will be signed into law.

That's why the President of the United States has issued his administrative policy from OMB that says they're not going to sign this bill; they're not going to sign this into law because of the loss of industry jobs, the lack of competitiveness that the United States of America will have with hard metals, and the high taxation that would be imposed that will kill the industry.

We get it. Perhaps that's meaningful reform to the Democrat Party. That's loss of jobs, lack of ability for America to be competitive with the world and high taxation. And that's not our idea of good reform.

Mr. Speaker, at this time I would like to notify the gentlewoman from

California that I have no additional speakers at this time, and so I will reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, I rise today in support of the rule for H.R. 2262 and the underlying legislation in hopes of reforming the 1872 Mining Law.

Chairman RAHALL has been working toward this goal for many years, and I have tremendous respect for the expertise and dedication he has brought to this effort. I offer this support, though, with some reservations about the bill.

I favor cleaning up abandoned old mines, and we have more than our fair share in Colorado. And we need funding to achieve this worthwhile goal.

But I am concerned that generating this revenue by an 8 percent royalty may defeat the purpose of the bill. If mining moves offshore, which some economists tell us could happen, we won't have any mining from which to collect the royalties.

And I'm also concerned about the thousands of jobs, of high-paying manufacturing jobs, that are generated by mining.

We need to reform this old law. It's way overdue. I reiterate my support for this legislation, which has many, many positive attributes and is a good step towards reforming the law. But let's be sure we don't create one problem while we are solving another.

I urge my colleagues to support this bill.

Mr. SESSIONS. Mr. Speaker, we will continue to reserve our time.

Ms. MATSUI. Mr. Speaker, I'm the last speaker on this side, so if the gentleman would like to close.

Mr. SESSIONS. Mr. Speaker, I appreciate not only the debate that's taken place today, but also your demeanor in this wise consideration. I appreciate the gentleman from New York very much.

Mr. Speaker, what we're debating here today is yet another opportunity for the new Democrat majority to raise taxes in this country, to put consumers at a disadvantage, and to raise more money for their Big Government plans and programs that they have.

New taxation is not something that is new to the Democrat Party. That's their mission: grow the size of government, to tax people.

What's interesting today is the debate that has taken place about the words ''meaningful reform'' that were necessary to justify the taxation that will take place.

The Republican Party opposes this bill. The Republican Party opposes new taxation. The Republican Party recognizes again today that we know that market forces will come into play yet again today, not only to further diminish this industry, which, by and large, is located in the west of our country, which means a loss of jobs in the west, which means that it will diminish, not only the few jobs that remain, but will make America in a less competitive circumstance as related to the marketplace of the world.

But what we've heard today that has been just very interesting were remarks by the gentleman from Illinois (Mr. MANZULLO) where he talked about his knowledge of what the manufacturing base of this country needs, and that is, many times, the hard minerals that are directly affected by what this bill will do.

Raising taxes means that there will be less opportunity for people to go and mine these operations because the cost efficiency as it relates to the world marketplace will not be available to those companies. So what will happen is there will be a new taxation, this 8 percent tax. There will be a diminishment of the mining industry in America, and then there will be those people who utilize those raw materials, they still have a need to produce the products which they need, which many times are not only in the best interest of the United States of America, but also to produce products that will help the United States military and our infrastructure who now will have to go overseas to do business with countries that are not exactly our closest of friends and buy their products.

So once again, what we see is a philosophy that is followed by the Democrat Party, not just the new majority of the Democratic Party, but an old philosophy that, let's go and find a way to reform an industry and to tax them out of existence, to lose jobs in this country to where we have to come down to the floor and beg for further government assistance to take care of people, and then we whine and moan about the jobs that have been lost overseas and how this had something to do with trade.

Well, Mr. Speaker, yesterday in the Rules Committee, we had an opportunity, the gentleman, Mr. DREIER from California; the gentleman, Mr. DIAZ-BALART from Florida; the gentleman, Mr. HASTINGS from Washington; and myself and we said, why don't we do something that would be proactive to keep jobs in this country. Like, let's not do things that would put us at a disadvantage. Like, let's do things like lower taxation, for instance, with depreciation policies, tax policies that would allow us to be on an even footing with other countries who we compete with.

That fell on deaf ears, Mr. Speaker. It fell on deaf ears because, really, what this is about is getting more money to run this Big Government policy that the new Democratic majority wants to put in place.

We recognize that what's happening is that at this time we have a log jam of all these bills as they try and get to the President's desk.

Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to have Speaker PELOSI, in consultation with Republican Leader BOEHNER, immediately appoint conferees and move forward on H.R. 2642, the Military Construction and Veterans Affairs appropriations bill for 2008.

This week, a number of news publications, including the National Journal, reported that the Democrat leadership intends to play political games and to send a three-bill pile-up consisting of Labor-HHS, Defense and Veterans funding bills to President Bush so that they can try and leverage strong Republican support for the military and veterans funding to sneak a bloated Labor-HHS bill that proposes an 8 percent increase in spending over current funding past President Bush and this Congress. Once again, not just more taxation, more spending.

While the House Democrat leadership plays politics, however, our Nation's veterans are paying the price. The Senate has already done its work and appointed conferees for the Veterans appropriations bill. And for every day that House Democrats allow the veterans funding to languish without conferees for their own political advantage, our Nation's veterans lose $18.5 million that could be put to bear to help them for the intended reason why we're spending the money. That would be used for veterans housing, veterans health care, and other important veterans support activities.

The American Legion and the VFW have already made multiple requests, along with Republican Members from this House, urged Speaker PELOSI and Democrat Senate Majority Leader REID to end their PR campaign and begin work on this conference report for veterans funding. Unfortunately, it appears as though all these commonsense requests have fallen on deaf ears and our Nation's veterans are being forced to pay the price for continued Democrat partisanship and lack of leadership on this issue.

I ask all of my colleagues to support this motion to defeat the previous question so that we can put partisanship aside and move this important legislation forward without any further games or gimmicks. I know that this is a bold idea that hasn't yet been focused directly by Democrat pollsters or agreed to by moveon.org, but I think our veterans deserve nothing less.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, first of all, I'd like to say that we are discussing H.R. 2262, and it's about more than protecting water quality and preserving the environment, which it does. It also takes into account industry concerns and provides economic assistance from mining communities. One-

third of the revenue created by this bill will go to a community assistance fund to help mitigate the social and economic impacts of this legislation.

Both the Rules and Natural Resources Committees held hearings on this bill, during which time Republicans and Democrats were given the opportunity to offer amendments to the bill. In fact, the Natural Resources Committee held four hearings on this bill that stretched over five different days. During this time, they adopted a bipartisan set of amendments.

After the bill made its way through the legislative process and maintained bipartisan support, the Rules Committee allowed for seven amendments to be considered on the floor. These seven amendments address major issues in the bill. This will give opponents the opportunity to debate on the floor the merits of key issues of the bill. Of the seven amendments allowed under this rule, more than half, five, are Republican amendments.

Mr. Speaker, we all know that this bill is long overdue. It should have been passed decades ago. But it's never too late to strengthen current law so that it preserves the environment, protects communities, and addresses public safety. This legislation does all three.

I commend Chairman COSTA and Chairman RAHALL on crafting a balanced and bipartisan bill. This legislation is proof that we can reap the benefits of our Nation's abundant natural resources while also preserving them for future generations.

Metals like gold, silver and copper help make this country what it is, Mr. Speaker. How we manage these resources going forward will make us what we are in the future.

With that in mind, I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 780 OFFERED BY MR. SESSIONS

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 780, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 194, not voting 17, as follows:

[Roll No. 1027]

YEAS—221

Abercrombie
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Alexander
Berry
Butterfield
Buyer
Carnahan
Carson
Cubin
Gohmert
Hensarling
Hunter
Jindal
Moran (VA)
Paul
Skelton
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1140

Mr. KINGSTON changed his vote from ''yea'' to ''nay.''

Mr. GUTIERREZ and Mr. OBERSTAR changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 195, not voting 13, as follows:

[Roll No. 1028]

AYES—224

Abercrombie
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Alexander
Butterfield
Carnahan
Carson
Cubin
Gohmert
Hensarling
Jindal
Paul
Pence
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1149

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Nebreska. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 187, answered ''present'' 1, not voting 17, as follows:

[Roll No. 1029]

AYES—227

Abercrombie
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Capps
Capuano
Cardoza
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Gerlach
Gillibrand
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn
Yarmuth

NOES—187

Aderholt
Akin
Altmire
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Goode
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—17

Ackerman
Alexander
Bachus
Butterfield
Carnahan
Carson
Castor
Cubin
Farr
Gohmert
Hensarling
Jindal
Paul
Pence
Pickering
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1156

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. COHEN. Mr. Speaker, I would like to seek unanimous consent to withdraw as a sponsor on H.R. 3547.

The SPEAKER pro tempore (Mr. WEINER). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ELECTING A MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. RAHALL. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 788) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 788

Resolved, That the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Ms. Tsongas (to rank immediately after Ms. Giffords).

(2) COMMITTEE ON THE BUDGET.—Ms. Tsongas (to rank immediately after Mr. McGovern).

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that, during further proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2262.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

HARDROCK MINING AND RECLAMATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 780 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2262.

□ 1158

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from New Mexico (Mr. PEARCE) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

□ 1200

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over 135 years after President Ulysses S. Grant signed the Mining Law of 1872 into law, I bring before this body legislation to drag it into the 21st century. This legislation at long last provides badly needed fiscal and environmental reforms of mining for valuable minerals in the 11 western States and Alaska.

In bringing this measure before the House, I am pleased to have the strong support of our colleague from California (Mr. COSTA), who chairs the Subcommittee on Energy and Mineral Resources of the Natural Resources Committee. JIM chairs the subcommittee that I chaired 20 years ago when I first began this effort to reform the Mining Law of 1872. I am honored that he has taken up the mantle as well.

The Mining Law of 1872 is the last of the frontier-era legislation to remain on the books, with the Homestead Act having long been repealed, not to mention laws regarding carrying your six-gun into a saloon or allowing a posse to hang horse thieves. The basic goal of this law, almost free land and free minerals to help settle the West, has long been achieved. While the minerals produced under this law remain in demand, mining under an archaic 19th century regime is not compatible with modern land use philosophies or social values. This threatens mining, and mining jobs, and is one reason this law must be brought into the 21st century.

Today, as in the 1800s, the Mining Law allows claims to be staked on Federal lands in the West for valuable hardrock minerals such as gold, silver, and copper. No royalty is paid to the true owners of these lands, the American people, from the production of their minerals. Except by dint of an annual appropriations rider, the claims can be sold to multinational mining conglomerates for $2.50 or $5 an acre.

Now, some listening to what I just said may think I am making this up. Free gold and land for $2.50 an acre? That sounds like a fairy tale. My friends, ladies and gentlemen, I am not making it up. This is no fairy tale. This is a pirate story, with the public lands profiteers robbing the American public blind.

Mr. Chairman, billions of dollars' worth of gold, silver, and copper have been produced from American soil without a royalty paid to the true owners of the land, the American people. Those that will recall history will know that the largest bank heists in the world have been the $900 million stolen from the Central Bank of Iraq in 2003; the $72 million stolen from Knightsbridge Security Deposit in England in 1987; and the $65 million stolen from the Banco Central in Brazil in 2005. But, my colleagues, those figures are chump change, chump change compared to the estimated $300 billion in valuable minerals given away for free from America's public lands under the Mining Law of 1872. Incredible. Simply incredible. But, it gets worse.

Being a 19th-century law, it contains no mining and reclamation standards. The result is a legacy of toxic streams, scarred landscapes, and health and safety threats to our citizens from abandoned mined lands. The mayor of Boise, Idaho, and let me restate that State, Idaho, wrote a letter to me recently to state that the city is powerless to protect the integrity of its source of drinking water, which is threatened by a cyanide heap-leach gold mining facility proposed by a Canadian, and I repeat that, a Canadian-based company.

This last September, a 13-year-old girl tragically plunged to her death in an Arizona mine shaft. In reference to an area pocketed with abandoned mine sites, an Arizona mine inspector was quoted as saying: ''It's just a death trap out there.''

The Mining Law of 1872 is the Jurassic Park of all Federal laws. It requires an extreme makeover. Environmental safeguards must be supersized. Federal lands must stop being given away for fast-food hamburger prices. The robbery of America's gold and silver must stop.

Mr. Chairman, the bill I am bringing before the House today would make commonsense reforms by imposing a royalty on the production of these hardrock minerals. Bear in mine that coal, oil, and gas produced from Federal lands have long paid these royalties. The legislation would also put a permanent end to what is known as patenting, the sale of mining claims for the price of a snack at Taco Bell.

Further, it would provide for statutory mining and reclamation standards that are performance-based rather than prescriptive. As well, this would establish a special fund to reclaim abandoned hardrock mines, address the health and human safety they propose, and provide for community impact assistance.

This is a historic debate, a debate that is long overdue. Those who support this legislation, the countless locally elected public officials across the West, concerned citizens across the West, sportsmen and -women across the West, taxpayer advocates across America, bring with them the new-century conviction that corporate interests can no longer have an unfettered ability to reap America's mineral wealth with no payment in return. There must be parameters set and rules to which industry must comply.

I am here to suggest that if we continue under the current regime, that if we do not make corrections, the ability of the mining industry to continue to operate on public domain lands in the future is questionable. The other side will bring up jobs, they will bring up the health of the industry that might be decimated by this legislation. I say we are here to protect mining jobs and to protect the health of the industry and to provide some certainty in the making of financial decisions by the mining industry.

While the Mining Law of 1872 over the years has helped develop the West and cause needed minerals to be extracted from the Earth, we have long passed the time when this 19th-century law can be depended upon to serve the country's 21st-century mineral needs, and do so in a manner accepted by society. Reform of the Mining Law of 1872, I tell my colleagues, is a matter of the public interest, the interest of the American taxpayer, the interest of all Americans who are true owners of these public lands. The name of every American is on the deed of these lands. I urge approval of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman for his work on this bill and rise in opposition against that bill. There are no Third World countries. There are simply overregulated countries; there are overregulated economies. The debate that Members of this House are about to engage in will be passionate because the positions that we are fighting over are polarizing.

Mr. Chairman, it did not have to be this way. We all agree on the same principles, hardrock mining on Federal land should pay a royalty, should continue to operate in the most environmentally responsible manner in the world, and protect the health and financial security of the miners who bring the world's minerals to the surface.

As I mentioned earlier, if given a fair hearing, we would have agreed on these goals. Instead, right now at this moment the stock market is plunging in this country because of the rising energy prices. Oil hit $94. Our stock market is reacting. The price of our dollar has fallen. We are doing things in this body that will punish domestic jobs and domestic industries. They will not touch the mining industry outside of this country. Outside countries will have better access to our markets because of the things that are occurring in this legislation.

So, yes, we are passionate about our position, and, no, we do not listen to the arguments, no matter how well-conceived from the other side, because they are simply arguments; they are not truths. We are here to fight against a bill brought forth by the chairman which will send some of the highest paying jobs in the West overseas by making mining in the U.S. uneconomic.

Members from western States, like mine, will fight fiercely to keep these jobs because the West cannot survive off tourism alone.

I have a chart here that shows the relative wages in the mining industry. We have had hearings about the evolving West and what they hope the West looks like, but we in the West want these good, high-paying union jobs that exist now in the mines. The jobs in tourism do not pay nearly as much. That is what we are fighting for today.

By making mining in the U.S. uneconomic, the chairman's bill will give competitive advantage to countries like China and India. We Members who like the U.S. being number one and who don't like the current value of the dollar are fighting against that. I favor American exceptionalism.

By making mining in the U.S. uneconomic, the chairman's bill will compromise the readiness of our military because the military will have to further import the strategic minerals and materials it needs from hostile nations. It would be a sick twist of fate if the U.S. had to start importing uranium from Iran.

In order to defend the bill against job loss, the economic security and military security, you are going to hear some rhetoric that simply amounts to whoppers, the whoppers about the 1872 mining law on the House floor today, and I think it is important to set the record straight.

First, you will hear the law was passed in 1872, and at 135 years old it needs modernizing. I wonder where the chairman is when it comes time to modernize Yellowstone National Park, which was also created in that same year. But I will tell you that the chairman would be the first to argue against any changes in the acts that created our national parks, and Yellowstone in particular. Maybe the leaders back then believed that we needed to protect areas, but we also needed to use some of our lands to supply the materials for a growing Nation, because they understood we needed those materials. Maybe our politicians of today do not care if America's economy grows or not.

Secondly, you will hear that the law allows public lands to be purchased for $2.50 an acre, the ''price of a snack,'' I think were the words that were used. And yet I do not see any of our people in this Chamber or across the Nation standing up to say let me have some of that land for $2.50 an acre. Because the truth is that you have to mine that land to get it for $2.50 an acre. Maybe it is just not that easy to prove up on the mineral assets, on the mineral claims, as the chairman caused us to believe here.

Third, you will hear that energy companies pay 12 percent or more in royalties for coal, oil and gas on Federal lands; mineral mining companies don't.

Now, that seems fair, doesn't it? But you have to understand that many of our energy companies also tried to buy mining claims and tried to do mining, and they gave up on it because they simply could not do it. They did not have the economics right. They didn't understand how to do it. And no more than you and I can buy a claim for $2.50 and make a mining claim work, even our biggest oil companies could not do it. And these are the kinds of misinformation points that we are asked to believe today on the floor of the House of Representatives.

I tell you, please, my friends, do not believe it, because we are about to export these jobs, these good high-paying jobs. We are going to export jobs.

Fourth, you are going to hear that the Mining Law needs modern environmental laws. The mining industry today is well regulated. The mining industry itself, the BLM, the regulatory agencies used to have mines that looked like this top chart; and this mine under current law, under current environmental regulations, has now looked like this. We had testimony to this in our committee, but the majority just decided that they didn't need to listen to what is going on already. They wanted to create new overlapping legislation.

Currently, the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and all other Federal regulations apply to the mining industry. But you would believe, if you heard our friends on the other side of the aisle, that we are simply out here digging holes in the ground and we are polluting the streams with no oversight. It is just not true.

So, my friends, as we engage in this argument, listen to the passion from the West, because you will know that our jobs are at stake, our livelihoods are at stake. There are people who want to make the West simply the vacation ground for the rest of the country. And I am saying from the West, we just want jobs, good jobs. We want not only jobs, but careers for our families. We want careers for our kids. And the legislation today here is designed to take away the careers from the West.

Look at it very carefully, because today the stock market is plunging amid fears of high energy prices and unavailable access, no access to drilling lands to increase the supply; and our dollar is falling because the world believes that we are going to give away our economy.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I want to congratulate my friend, the gentleman from West Virginia, on his legislation that substantially reforms the governance of hardrock mining on public lands.

Abandoned mine sites pose serious environmental and safety hazards. Currently, there are more than 80 hardrock abandoned mines or mine-related sites on the EPA's Superfund National Priorities List. Polluters should pay to clean up the pollution they leave behind.

I would like to have a colloquy with the gentleman from West Virginia to clarify the use of federally appropriated funds from the Hardrock Reclamation Account under sections 411, 412 and 413 of the bill.

Does the gentleman from West Virginia agree that moneys in the Hardrock Reclamation Account shall not be provided in a manner that reduces the financial responsibilities of any party that is responsible or potentially responsible for contamination on any real property?

Mr. RAHALL. Yes.

Mr. WEINER. Does the gentleman also agree that the provision of assistance pursuant to this act or section shall not in any way relieve any part of liability with respect to such contamination, including liability for removal and remediation costs?

Mr. RAHALL. Yes.

Mr. WEINER. I thank the chairman. I urge passage of this bill.

Mr. RAHALL. Mr. Chairman, I include for the RECORD at this point a letter to me from Chairman JOHN DINGELL of the Energy and Commerce Committee, and a letter in response from myself to Chairman DINGELL of the Energy and Commerce Committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 29, 2007.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: I write with regard to H.R. 2262, the ''Hardrock Mining and Reclamation Act of 2007''. I know it is your wish for the bill to be considered on the House floor as soon as possible.

Some of the provisions in the bill establish requirements for the Environmental Protection Agency and concern the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Those provisions are within the jurisdiction of the Committee on Energy and Commerce. I am not, however, raising the issue with the Speaker because it is my understanding that you have agreed that the referral and consideration of the bill do not in any way serve as a jurisdictional precedent as to our two committees.

Further, as to any conference on the bill, the Committee on Energy and Commerce reserves the right to seek the appointment of conferees for consideration of any portions of the bill that are within the Committee's jurisdiction. It is my understanding that you have agreed to support a request by the Committee with respect to serving as conferees on the bill (or similar legislation).

I request that you send to me a letter confirming our agreements and that our exchange of letters be inserted in the Congressional Record as part of the consideration of the bill.

Please do not hesitate to contact me if you wish to discuss this matter further.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, October 30, 2007.

Hon. JOHN DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the jurisdictional interest of the Committee on Energy and Commerce over H.R. 2262, the Hardrock Mining and Reclamation Act. As you know, some sections of H.R. 2262 as reported by the Committee on Natural Resources relate to the application of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), and others establish requirements for the Environmental Protection Agency, both of which fall under the jurisdiction of the Committee on Energy and Commerce.

It is my understanding that you will not seek a sequential referral of H.R. 2262 based on the inclusion of these provisions in the bill. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these sections or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Energy and Commerce if a conference is held on this matter.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees. At your request, I will include this exchange of letters in the Congressional Record as part of consideration of the bill.

With warm regards, I am

Sincerely,

NICK RAHALL,
Chairman.

□ 1215

Mr. PEARCE. Mr. Chairman, I yield 9 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to what could have been responsible bipartisan legislation. I have a great deal of respect for the chairman of the committee; he is a good friend of mine. But this is a bad bill.

As the gentleman on our side, the ranking member, Mr. PEARCE, has done an outstanding job, he mentioned in his statement to listen to the chairman of the committee and those who are promoting this bill that the mining industry has no regulations, no laws, they just run rampant, which is pure nonsense. We are not really addressing an 1872 mining law here. It is not about the royalty. They offered the chairman if he would strike title III, we might be able to work a bill, and he turned it down.

This is about driving our industry, our mining industry overseas and away from our shores. This bill will do it. Just as I have heard in the past about legislation from that side of the aisle when you were in power that we are not trying to stop the logging industry in Alaska, we are just trying to make sure that we get our fair share. We went from 15,000 jobs down to less than 300 jobs. That was from the previous chairman.

I also heard all the time about how when they were in power, how we were going to be energy independent. And now we are paying $93 a barrel for oil, $93 a barrel, because you have not acted and we didn't do also. But we didn't try to stop the mining industry in this country as this bill will do.

This is not just about mining; this is about national security. Where do you think the metals come from to build our airplanes? Right now we are probably importing most of it. And I guarantee you, we will import all of it under this bill. We know, Mr. RAHALL, this doesn't affect West Virginia. It doesn't affect his coal mines or any of the east coast States. But it does affect public lands in the West where our minerals are derived from.

I say wake up, Mr. and Mrs. America and my colleagues. Wake up. China has gone into Chile now, and they control the copper that we must have for our hybrid cars.

Yes, all of you, as I watch my good friend there working his BlackBerry, where do you think the metals and minerals came from for this? As we vote electronically today, the metals and minerals make that electronic system work.

We are not talking about the royalty, here; although, I do think it is unconstitutional as the bill came out of committee because you rewrote the contract under the bill. It will be taken to court and that part of the bill will be struck. It will be struck. I tried to say that. But no, again this is not a bipartisan bill. This is a bill that was written primarily by the leadership of this House that in reality takes away the ability for the western States to produce the minerals that are needed. That is what this bill does.

It does affect my State probably more than any other bill that has come out other than the Alaskan National Lands Act that put 147 million acres of land off limits. What remaining BLM land we have where we are trying to develop a mining industry will be precluded, taking away the benefit of the mining industry in the State of Alaska as it does in the western States. But it affects my State more, probably.

Yes, we probably could have written a bill that would have recovered the dollars necessary to straighten out hardrock mining. But no, we have a bill that stops the ability of this Nation to be self-sufficient in minerals. Later on you will see a display about just how dependent we have become.

I am hoping that this bill will be killed in the Senate, as most bills will be killed from the House side because no one wants to work with the Republicans at all. That is why you have an 11 percent rating of favorability. No ability to work across the aisle and say what will work and what are we trying to achieve. What are we trying to achieve?

If you were looking for money from royalties, we could have talked about that; prospective, not retroactive, because that will go to court. But that didn't happen, and you left title III in, which requires so much impossibility of achieving a mining claim that they will go abroad. They will go abroad, and that's not right for this country.

I have said all along, and I am going to be around here a lot longer than most people expect, and most of you probably don't like that, but I will be here just to say ''I told you so'' like I have done with the logging, what you did in my State and the logging industry and the west coast and on public lands. There is no timber industry. We are now importing our timber with no regulations. We have private timber in the eastern States, but not in the western States.

I listen to you. We just voted on a bill yesterday to help out people who are going to be displaced because of losing jobs overseas, and you voted for that. And that is what this bill does. It will drive the industry out of the United States of America and we will be dependent upon China and Russia and all of the other countries for the metals and minerals we must have in our Nation to make sure we are economically strong, and then we cannot become strong.

So as much as I love you, Mr. Chairman, this is a bad piece of legislation. I have been told don't worry about it, we will take care of it later on down the line. Well, I have been down that road before, too.

So I am asking my colleagues on my side of the aisle and anybody that is thinking on that side of the aisle to vote against this legislation if you believe in this Nation. If you believe in this Nation being strong, if you believe in jobs in our country and not abroad, then you will vote ''no'' for this bill.

If you don't believe that, then vote ''yes'' for the bill. And then go home and say, ''I repealed the 1872 mining law. Look what I did for you, Mr. Backpacker.'' But think of our country and our Nation. Think of our future. Vote ''no'' on this bill.

Mr. RAHALL. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the subcommittee, Mr. COSTA from California.

Mr. COSTA. Thank you very much, Mr. Chairman, for all your hard work on this issue, not just this year, but for the last two decades. I also want to thank the ranking Republican member, the gentleman from Alaska (Mr. YOUNG), and the ranking member of our subcommittee, the gentleman from New Mexico (Mr. PEARCE), for all of their hard work over the last 10 months.

Mr. Chairman, this is an important piece of legislation and it provides a balanced approach to public lands. It recognizes that hardrock minerals to our lives are important, but they are also important as a public trust that belong to all Americans.

During this process over the last 10 months, we held numerous hearings at which over 33 witnesses testified. For example, in Pima County, Arizona, earlier this year, we had local government

and citizens talk about the important values, as well as the impacts to water, wildlife and recreational opportunities. We also listened to State and local government and tribes and gave them the option to close sensitive lands which are critical to their communities, or to have restraint. Lands that provide, in fact, drinking water supplies.

In Elko, Nevada, the subcommittee received additional testimony from people to understand how important the mining is to those communities in those towns. Let's make it clear. We do not want to put those mining operations out of business. They provide a viable industry to this Nation which has already been substantiated. We gained a better understanding on the ways that industry strives, and they are doing a marvelous job for the most part in being responsible and following regulations which they must comply with.

Many States have already taken initiatives. The committee listened. We have taken amendments which make mineral exploration provisions to benefit an important part of the industry to keep the momentum and the motivation there. We also took changes in title III to set forth strong national standards for mining but make sure that we are not duplicating existing State law and regulations. The subcommittee hearings in Washington also focused on the issue of royalties, which has been much talked about.

Let me address some of those criticisms at this time about it decimating the mining industry. Some of us are old enough to remember Sergeant Friday from Dragnet. Remember what he used to say: ''Just the facts, ma'am.'' Well, the facts are this: These are multinational companies that mine in areas throughout the world, and they pay royalties in those countries. They pay royalties in those countries, and they are existing and doing fine, as they are doing fine in this country.

The Congressional Budget Office estimated that the total income subject to the proposed royalty, which I would submit is a work in progress, would average roughly $1 billion a year. These are public lands. We require the same for oil and gas production. It is a relatively small number when you take into account that the total U.S. mining industry produces $23 billion each year.

The Congressional Budget Office also estimates that the cost of this legislation, should it become law, would approximately be, with this royalty, $200 million over a period of 5 years. That is $200 million over a period of 5 years, a $23 billion a year industry in this country. We think that is a fair shake for these lands that are owned by all Americans, and it makes a serious opportunity to resolve something that has been contentious for two decades.

The industry will tell you that they want certainty. They don't want the vagaries from administration to administration. They know this is a work in process. They know the issue of royalties are subject to negotiation between us and the Senate as this measure moves on.

So let's be clear about it. This measure, in short, I think reflects a thoughtful and informed process. Did everybody get everything they wanted? No. Is the process still moving along? Yes. We will continue to work with our colleagues of the loyal opposition as we try to endeavor to create a bill that reflects the best interests of America.

Let me quickly respond to the issue of the precious metals. This chart explains it very clearly. The U.S. Geologic Survey ranks the import reliance for nonfuel mineral materials. According to the USGS, there are 30 nonfuel minerals on which we are 80 to 100 percent reliant on imports. Simply put, we almost completely import these minerals, as has been stated, rather than produce them domestically.

Now, that sounds worrisome, and the Republicans have noted that. But it is important that we realize that 19 of these 30 minerals, two-thirds of them, are not ''locatable'' and therefore are not subject to the 1872 mining law. So the reform of this law will have no effect on the production or the imports of those minerals. They will not be subject to the royalty we propose or the environmental standards.

Of the other 11, all but one are simply not available in terms of commercially marketable quantities in the United States. We depend on imports of these minerals. Ones like graphite and rare earths do not exist in deposits where it is economical to produce them or they don't exist on public lands, so they are not subject to the legislation.

So if it ain't here, you can't mine it.

The only mineral among those 30 that are 100 percent import reliant into this country and impacts both the 1872 mining law and that are ''locatable'' minerals, the only one that is actually located in deposits large enough to be economically produced is fluorspar. Fluorspar. We are dependent upon fluorspar. Now let me tell you what we use fluorspar for: Toothpaste. We get fluorspar from China, Mexico, South Africa and Mongolia. We don't need to worry that the cleanliness of our teeth is in jeopardy because of this mining law.

□ 1230

The last time I checked, tooth decay, while distasteful, is not a national security issue. I ask that we support this measure.

The CHAIRMAN. The Chair will note that the gentleman from New Mexico has 16 minutes remaining and the gentleman from West Virginia has 15½ minutes remaining.

Mr. PEARCE. Mr. Chairman, my good friend from California said we want to get the facts right; and if I heard him correctly, he said this bill is a work in progress. Now, we've had 135 years, according to him, to work on this bill, and we're going to rush it while it is still in progress. I really don't understand why we're going to take such a serious step as risking all the jobs in mines with work in progress. I think those were the words used and the facts used.

The truth is we have a severe difference of opinion. I will quote from the chairman of the committee: No reason, no reason whatsoever why good public land law should be linked to the gross national product. That was in our markup hearing, and yet I would submit that energy production, timber production, water production, mineral production, they all affect the gross domestic product, and they are public land law.

So I really just believe that we have a complete disconnect in the committee between the majority and minority.

Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Chairman, I have great respect and admiration for my neighbor, the chairman from West Virginia, for work that we've done in our river industries and supporting local industries; but I have to rise in objection to this bill. I think in some ways we might entitle it the Exporting America's Jobs Overseas Act.

I grew up around the American mining industry at the working-class end and got to see it from that side, one of the great transformations that took place during the 1960s, 1970s and 1980s; and I think there are three core issues.

The law needs to be reformed, I agree, to adapt it to a 21st-century economy within which we live. However, the issue of competitiveness, the issue of American jobs and the issue of fundamental social justice all militate against this bill.

First of all, for the Democratic Caucus, from my friends on the other side who are committed to protecting jobs, I think it's amazing that we want to raise taxes on a core industry that's important to our supply chain, for our technology industry, to drive jobs overseas. It's going to increase material costs, increase our dependency on foreign hardrock minerals which has doubled over the last 10 years according to the U.S. Geological Survey.

Secondly, there is a significant impact on jobs. Mining jobs and the mining support and supply chain jobs and industries that support that cannot be replaced by hospitality jobs. That is a flawed logic, in my mind; and it's very critical that we maintain the robustness of this industry as a strategic asset and a strategic resource.

For our future in energy, our future in manufacturing, we have to use the resources that we have in an environmentally friendly way to not only protect our jobs but to grow their jobs.

Finally, I think the one thing I found in trade agreements through the years here in the House, there's always the discussion about a social justice component in establishing trade agreements with countries that may have

sweatshops, may abuse men, women and especially children. In this case, I would point out that areas where we get strategic materials now that will increase their industry are abusive of children. Specifically, you can see a picture here of a child who's a Peruvian miner, children who are Colombian miners, and a Ugandan miner, all of whom are young children, all of whom are having their futures closed down because of this.

I oppose this bill. I ask that we yield back to the principles expounded by the gentleman from New Mexico and the gentleman from Alaska.

Mr. RAHALL. Mr. Chairman, I yield myself 1½ minutes.

I say to my colleague from across the river from me in Kentucky that, as he knows, jobs in both our hardrock mining industry and our coal industry are on the decline already. Those jobs have been declining; and as the gentleman so well knows, as well as my colleagues on the minority side, these jobs are declining today because of the technologies that are coming in place.

Look at our coal industry. We're mining more coal as we're producing more hardrock minerals, but with less man and woman power because of the technologies that are replacing man and woman power. It's that simple.

So while the jobs may be on the decline, the production is on the upswing.

I would say as well to my colleagues who raise the specter of here the Democrats go raising taxes again, note this week in the Wall Street Journal, this week the administration, the administration, not the Congress, announced that it's raising the royalty rates for oil and gas from the Gulf of Mexico to 18.75 percent from 16.67 percent for offshore leases to be offered next year. Even with this increase, the gulf will remain one of the lowest tax oil basins in the world.

So let's put this proposed 8 percent royalty on hardrock mining in perspective, please. It's less than half. Let's also keep in mind that hardrock mining is the only industry that pays no royalty on public lands, and all other countries and all States, for that matter, charge a royalty. Companies impose royalties and private agreements on hardrock mines. Let's keep in perspective what we're doing here; and, remember, it was the administration this week that raised royalties on Gulf of Mexico leases.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. I thank the gentleman for yielding.

I rise in support of H.R. 2262 so we can, after 135 years, update the 1872 Mining Law. Since Ulysses S. Grant's administration in 1872, the Mining Law has governed hardrock mining on our public lands, public lands. Those are lands which you, the taxpayers, own.

For nearly 100 years, those lands have been debated in Congress about changing policies that give away public resources and leave each new generation with a larger legacy of unreclaimed lands and degraded streams.

Debate has continued. It's continued while northern California's Iron Mountain spewed nearly a quarter of the copper and zinc discharged by industries to the Nation's surface waters; during the decades of efforts to control acidic, metal-laden discharges from old sulfur mines southeast of Lake Tahoe; as historic lands of the Indian Pass in the area of Southern California in the desert area faced destruction from the proposed Glamis mine; and as California cities spend millions of dollars to treat hazardous mine discharges and fight giant mining corporations in court.

Like the pollution problems it creates, the 1872 Mining Law persists, but that will now change with passage of this bill, and we owe that hard work to Chairman RAHALL and to my colleague JIM COSTA from California.

While this congressional debate has continued after all these years, we've allowed mining companies to take billions of dollars' worth of gold, silver, and other minerals from our public lands for free. However, we will no longer treat that as we have not treated oil, coal, natural gas. So they will all now have to pay.

While countless hearings have been held, nearly 3.5 million acres of public lands have been deeded to mining claim holders for as little as $2.50 an acre. We've had to buy back some of this land to protect the unique ecological, recreational and cultural values, paying prices much higher than those set in the Mining Law.

And during our long deliberation, the price tag for mining cleanup has risen astronomically. Since the House last acted on reform legislation, more than 20 mines and mills have been added to the infamous Superfund National Priority List, and the EPA Inspector General has warned that nearly $24 billion in cleanup costs from mine sites now exists, some of which will require treatment in perpetuity.

However, this is about to change. For today, the Hardrock Mining Reclamation Act of 2007 will do what it should have done years ago. I urge the passage of this important legislation.

Mr. PEARCE. Mr. Chairman again, the gentleman from California said let's talk about the facts. He said we do not have rare Earth. We do have rare Earth minerals; we don't have rare Earth mines. Those were shut down by the EPA due to lawsuits. U.S. companies developed the uses for rare Earths, and now we import them.

Mr. Chairman, I yield 3½ minutes to the gentleman from Idaho (Mr. SALI) who has done great work on this bill.

Mr. SALI. Mr. Chairman, I rise in strong opposition to the bill before us.

Plain and simple, this bill is bad for America because it is bad policy. My concern centers around the long-lasting impacts that this bill will have on the First District of Idaho and on America's future.

The bill imposes a royalty that will threaten the existence of domestic mineral production. Please note that mining is already one of the most regulated industries in the United States. Everyone believes that we need safe, productive, and environmentally responsible mineral development and that there needs to be a logical and efficient way to deal with abandoned mines. We all agree on those goals. But this bill takes an environmental cause, like abandoned mines, and uses it as a cover for a tax hike that will accomplish nothing less than outsourcing our domestic mining industry. That is bad policy.

Hardrock mining is dangerous. It takes a lot of grit to engage in it. Today, hardworking professionals do it here in the United States. This bill, however, will send American production overseas, where there are limited or no environmental standards and where child labor is used.

As the gentleman from Kentucky before me mentioned, H.R. 2262 makes America more dependent on child miners from around the world for our minerals and metal needs. The International Labor Organization estimates there are over 1 million children that are working in mines and quarries around the world. This bill will not only ship our mining industry jobs overseas; it will ensure that American mineral needs are satisfied by child labor. That is just plain wrong; it is bad policy.

My colleagues across the aisle have made a commitment to the American people to combat global warming. This bill will ensure that they cannot meet that commitment. How are they going to combat global warming if they do not have the very minerals that they need to do it? Alternative energy is dependent on minerals that we mine here in the U.S. For instance, copper is used for wind, solar power, and fuel cells, just to name a few items. Currently, domestic production cannot meet domestic demand. This is kind of like having the Democrats promise us sand castles but banning domestic sand. They're cutting off the domestic supply of minerals that they need to deliver on their commitment to fight global warming. Once again, H.R. 2262 is bad policy.

Mining industry jobs are important in the First District in Idaho. H.R. 2262 will outsource these good-paying jobs that America and Idaho needs. H.R. 2262 will take these jobs away from hardworking American professionals and force them on child laborers. Once again, H.R. 2262 is bad policy.

My final point is this: our national defense depends on minerals mined in America. This bill will result in an importation of the very minerals we need to keep America safe from every unfriendly country from which we are protecting ourselves. Yes, that is right, we'll be asking our enemies to supply

us with the minerals used for the very weapons we will be using to defend ourselves from them. Once again, H.R. 2262 is bad policy.

I urge my colleagues to vote ''no.''

Mr. RAHALL. Mr. Chairman, I yield 3½ minutes to the distinguished chairman of our Subcommittee on National Parks, Forests and Public Lands, my good friend, the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise today in strong support of H.R. 2262.

It is an understatement to say that the West has changed dramatically since 1872, but this law that we are reforming today has not kept pace. Those of us from the West need this legislation to pass to protect the health of our communities, our scarce water supplies and our public lands, which are under continuing threat from an outdated mining law.

In my home State of Arizona, hardrock mining has left behind a legacy of contaminated lands and rivers, abandoned mines leaching poisonous metals into groundwater and other hazards to the public, with hundreds upon hundreds of millions of dollars to reclaim and cleanup the mess left behind.

Only a few months ago, a young girl was killed when she and her sister drove their vehicle into a mine shaft that had been left exposed after the site was abandoned. The mine shaft was hidden by brush, had no signs or barriers to warn anyone about the danger. The younger sister was trapped overnight with her sister's body before rescuers found them the next morning.

This is just one heartbreaking example of the impacts of a law left over from another era, an era when the West was not populated and when our value system was far different from what it is now.

□ 1245

The law simply must be updated to today's modern-day values and environmental standards. The issue of employment has been raised over and over again, exporting our jobs and importing our vital metals. I agree, mining jobs are good jobs, but I would suggest they are not the only jobs in the West. We need to have a diversified workforce, and that workforce needs what the population needs, diversified opportunities.

Chairman RAHALL's bill puts standards in place, requiring cleanup and reclamation of mining sites. This bill makes certain that lands are off limits to mining, as they should be, but it also ends the free-for-all that this law has created over the years, where companies have used a patenting process to purchase inholdings within national forests and other public lands for a few dollars per acre, only to have the Federal Government later buy them out for millions of dollars when they threaten to develop the land.

The Federal Government has spent billions of dollars over the years rebuying patented mining lands, and taxpayers' are served much better for their money. They deserve a fairness and an equitable return for their tax dollars.

I strongly support the balanced approach that the chairman has taken with this bill. I am also pleased that the committee approved amendments I offered to allow Native American tribes to petition the Secretary to withdraw from mining lands of cultural, historic or religious importance to them. Tribes have been just as impacted as other communities by the impacts of mining and should be able to weigh in on these important matters.

There is an urgency here that cannot be understated. I hope my colleagues on both sides of the aisle will vote for this bill.

Mr. PEARCE. Mr. Chairman, I would recognize the comments by the gentleman from West Virginia earlier about the administration, and I appreciate his praise.

Although I don't always agree with the administration, I would say that the same administration he was praising has issued a veto threat because there is a constitutional abridgement that's possible in this bill, a takings violation, from the royalty structure. That would be a violation of the fifth amendment of the Constitution.

I believe that this work in progress should be sent back to the committee.

Mr. Chairman, I yield 5 minutes to the gentleman from Nevada (Mr. HELLER) who has done great work on the bill.

Mr. HELLER of Nevada. I want to thank the ranking member for his hard work the last 10 months.

I also want to thank the chairman of the committee, Mr. RAHALL, for his efforts on the bill. He was very patient, very respectful. I appreciate his time and energy. We may disagree, but I certainly do appreciate him listening to my concerns and oppositions to this particular bill, so thank you so much.

Also, I thank the subcommittee chairman for a field hearing in Elko, Nevada. I certainly do appreciate that also, giving them a chance to be heard. I know that was appreciated.

Mr. Chairman, mining is the second largest industry in the State of Nevada, which employs approximately 32,000 Nevadans, supporting, obviously, countless numbers of families. These high-paying jobs and their related services are the backbone of the rural community in our State and other rural economies.

I would take, for example, a couple, Larry and Vickie Childs of Spring Creek, Nevada. Larry retired from the mining industry approximately 25 years ago and subsequently went to work for a company in Elko, Nevada, providing miners the tools and equipment that they need. Vickie works at a health clinic for miners and their families provided by the two largest mining companies in the area.

Vickie's clinic employs two pharmacists, four doctors, physician's assistants, nurses, lab technicians, maintenance and clerical people. Larry and Vickie raised four children in Elko, Nevada, one of whom currently today works in the mining industry.

When this bill closes down the local mining operations, the equipment suppliers and the health care clinics will have layoffs, and, obviously, close their doors. The Childs family will begin to lose their homes. The mining industry will join other domestic industry crushed by foreign competition and overregulation.

Despite opposition to this bill in Elko, one of the most affected communities by this bill, the new excessive taxes and burdensome regulations of this bill will kill this industry, and with that industry will go the towns and families that depend upon it.

Clearly, this was not the result of the field hearing that the community had hoped for. All of these measures, many of the supporters will say, are in the name of fairness.

The question is, fairness to whom? Fairness to Nevada? Fairness to New Mexico? Arizona? I know that China thinks it's fair. I would guess that South Africa thinks that this is a fair bill. I would probably even guess that Australia thinks it is a fair bill.

But do you think it's a fair bill to the Childs family in Spring Creek and the many thousands like them? I don't think so.

But just like this bill ignores the futures of the families in Nevada, H.R. 2262 also fails to embrace the realities of the future of our Nation. India and China, with their State-funded purchases of global mineral commodities, should make us consider the long-term ramifications of the health of the domestic mining industry. Also, the technological advances we all want in our future, such as alternative energy, rely heavily on minerals and metals. A hybrid car, for example, requires twice as much copper as a traditional SUV today.

Our national defense will rely on foreign sources of minerals to build our military equipment. Frankly, I don't want to rely on China when we are in a war-time situation.

I urge my colleagues to support rural communities, urge them to support our domestic mining industry for the sake of our families, our economy, and our national security by voting against H.R. 2262.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to our distinguished subcommittee Chair on Insular Affairs, the gentlelady from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of H.R. 2262, the Hardrock Mining and Reclamation Act of 2007.

In doing so, I want to congratulate its lead sponsor, the chairman of the Committee on Natural Resources, NICK RAHALL. For 20 years now, NICK has led

the effort to reform mining laws which have been unchanged since 1872.

It is high time that the 19th century mining law be updated to reflect our 21st century needs and goals. The current law was enacted before the invention of the telephone and was designed to promote mineral development in the age of the pick-and-shovel prospector.

Unlike virtually any other use of public lands, the 1872 mining law allows mining on public lands for hardrock minerals such as gold and copper without any compensation or royalty. It is time that this law be changed to reflect modern mining technologies and newer social values that question whether mineral extraction is always the best or highest use of the land.

As a long-term member of the Natural Resources Committee, I want to once again commend Chairman RAHALL for his commitment to mining reform, and he and Mr. COSTA for producing a balanced bill which benefits American taxpayers who own the land, the environment and the mining industry.

I urge my colleagues to support H.R. 2262.

Mr. PEARCE. Mr. Chairman, in order to, again, stick with facts that I think one of my colleagues mentioned we should, I would note that when we just heard the comment that no fees or dollars were taken from the mining industry, actually, $55 million was paid in claim maintenance fees.

But if we are to have this discussion about what effect this royalty is going to have, I think we should look at other circumstances. Again, these facts were presented in committee, in the committee hearings, but, somehow they did not get integrated into the bill, the knowledge, and again, it's the reason that we are passionate here on the floor about our points of view.

We had testimony from British Columbia that instituted a 2.5 percent royalty. Now we are looking at an 8 percent, almost three times as much.

Now, if, as our opponents claim, there is no effect, that we can expect nothing, then you would think nothing happened in British Columbia. Yet, after they instituted, in 1 year, 1 year, revenues from the mines didn't increase because of this royalty; it decreased from 28 to 15, almost a 50 percent decrease.

Exploration, likewise, fell dramatically from 38 to 15, far more than a 50 percent drop. That was in 1 year. The tax was repealed the next year because they found out exactly what we are claiming, that jobs were lost, 6,000 jobs were lost in 1 year. In 1972, the number of claims fell by 85 percent.

So when our opponents say there is not going to be any effect here, it's only right, we are asking them to pay the same amount that you pay for a snack at the grocery store. British Columbia did one-third of the tax that we are proposing. British Columbia found that they had to undo the tax because it was so destructive to the industry.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a valued member of our Committee on Natural Resources.

Mr. HOLT. I thank the chairman and commend my colleague from West Virginia for bringing this legislation to the floor.

Mr. Chairman, we are doing a good thing here. The Mining Act of 1872 is as archaic and as deserving of updating as the name suggests. It was written at a time of manifest destiny, the belief of our predecessors, who held that we should expand from coast to coast and that mining was recognized as one of the best uses of public lands when the country seemed so vast that no one could imagine that human actions would affect the world.

Many things have changed over 135 years. Our Nation is settled. We have come to realize the worth of our natural environment. We have come to comprehend the effects of human actions on the resources that we will pass down to future generations.

This legislation is governing hardrock mining, an industry that's remained exempt from environmental regulations despite the fact that the U.S. EPA's toxic release inventory has determined that hardrock mining is a primary source of toxic pollution in the United States.

I am pleased that in committee we have included language, important language, I would say, to restrict permits for activities that would harm national parks and national monuments. There are thousands of claims and could be thousands more in the close environment of national parks and national monuments, some of our most treasured lands. This legislation will provide vital protection for those lands.

We all know well the costs to American taxpayers of refusing to look after the environment. This language about national parks, I think, will also save the taxpayer money, because we will have to spend hundreds of millions of dollars to clean up damage to water supplies and so forth.

I commend the chairman for bringing such a good bill forward and urge its passage.

Mr. PEARCE. Mr. Chairman, might I inquire how much time is remaining?

The CHAIRMAN. The gentleman from New Mexico has 3 minutes left. The gentleman from West Virginia has 4 minutes remaining.

Mr. PEARCE. Mr. Chairman, again, just sticking with the facts, we had one of my colleagues talk about fluorspar, that's what's used to make toothpaste, as if there were no strategic minerals; yet when I look at the list of imported minerals, I see that we import 72 percent of titanium, which is used in jet aircraft, fighter jet aircraft, 72 percent.

I think when we are discussing these facts, we should be talking about the critical facts, as I am sure that the gentleman was correct that we do import fluorspar, and it probably is used on toothpaste, but we probably should be talking about the domestic security, about the security of our Nation, about the willingness of our industry and the capability of our industry to provide the instruments to defend this country.

We are at a time when terrorists are trying to overcome us, al Qaeda, radical jihad. The terrorists are trying every way they can, and we are going to put the source of critical minerals that are necessary for our Nation's offense outside the Nation's borders. It simply doesn't make sense. It actually does feel like a work in progress. It feels like we should have done more.

Mr. Chairman, I reserve the balance of my time.

□ 1300

Mr. RAHALL. Mr. Chairman, I would ask the gentleman from New Mexico if he has any additional speakers, because I am prepared to close, as I have the right to close.

Mr. PEARCE. I have no additional speakers. I will close if the gentleman is ready to close.

Mr. Speaker, when I look on the walls of this Chamber, I see the quote by Daniel Webster up above the Speaker's chair, and it says: ''Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.''

Worthy to be remembered. I think our Founding Fathers had it right. They visualized a nation of tremendous promise, where the wealth of the Nation and the protection of the Nation would come together in the production of its resources and in the taking care of its land.

I don't find it unusual at all that the same generation protected Yellowstone and yet gave us the capability to create these mines, which take billions of dollars to promote and to produce. I don't find that unusual at all.

But what I do find unusual is that our friends on the other side of the aisle are not listening to their own testimony coming in their own hearings. We heard testimony from both Democrat and Republican witnesses alike saying 8 percent royalties are unprecedented. They are damaging, destructive, they will hurt. Those are the things that we heard in the committee.

I would suggest that we send this work in progress back to the committee and finish our work before we try to change 135-year-old policy.

Mr. Chairman, I include a letter for the RECORD from Governor Palin of Alaska, the U.S. Chamber of Commerce, the National Mining Association, and others, all in opposition to the legislation proposed here.

DEPARTMENT OF NATURAL RESOURCES,
Anchorage, AK, September 28, 2007.

Hon. NICK RAHALL,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN RAHALL: The State of Alaska has completed a review of H.R. 2262,

the Hardrock Mining and Reclamation Act of 2007. I attach the resulting position paper for your consideration.

While we acknowledge the need to revise some of the same federal laws that H.R. 2262 modifies, we believe the legislation would unjustifiably harm the domestic mining industry, and the Alaska mining industry in particular.

Our state produced almost $3 billion of minerals last year, four percent of the nation's total. We can continue and even expand this contribution indefinitely, but not without predictable access, on reasonable fiscal terms, to the federal domain in Alaska.

Your legislation, H.R. 2262, would create several obstacles to such access and terms. Specifically:

Prohibiting mining exploration and development on lands identified in the 2001 Forest Service ''roadless rule'' and in other ''special areas'' would place millions of acres off limits. These prohibitions are far too broad, particularly in Alaska where the federal government owns so much land, yet already offers so little of it to mineral exploration.

A flat royalty on gross revenues will cause unnecessary mine shutdowns and job losses during periods of low prices. The government should adopt a flexible royalty that adjusts for high and low returns.

The proposed new permitting system would unnecessarily duplicate existing laws while also creating great uncertainty and thus great risk for mineral exploration and development. We believe it could end exploration and mining on federal lands.

Thank you for considering these views and the attached position paper as Congress works to reform the nation's mining laws.

Sincerely,

TOM IRWIN,
Commissioner.

NATIONAL MINING ASSOCIATION,
Washington, DC, October 29, 2007.

Hon. NEIL ABERCROMBIE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ABERCROMBIE: The National Mining Association (NMA) supports updating the Mining Law in a manner that produces a fair and predictable public policy capable of sustaining a healthy domestic hard rock mining industry and providing a fair return to the taxpayer for the use of federal lands. House members will soon be asked to vote on the ''Hardrock Mining and Reclamation Act of 2007'' (H.R. 2262). NMA opposes H.R. 2262 because it jeopardizes current and future sources of domestic minerals that are critical to our nation's economic well-being and security.

NMA believes that the Mining Law can be responsibly updated in way that does not sacrifice American jobs or endanger the nation's security. Our domestic mineral and mining industry supports 169,500 direct and indirect jobs, produces metals valued at more than $16 billion and pays direct personal and payroll taxes totaling $830 million.

NMA finds the following features of H.R. 2262 particularly objectionable.

Excessive Royalty (Tax): The bill would impose the world's highest royalty on mineral production—a new tax on America's minerals that are critical to our economic vitality and national security. The tax would take the form of an 8 percent gross royalty, which would cause a significant reduction in mineral and mining investments. NMA supports a fair return to the public in the form of a net income production payment for minerals produced from new mining claims on federal lands.

Retroactive Levy on Existing Mines: The bill would retroactively levy a 4 percent gross royalty on existing mines where business plans and investments were implemented without this significant cost in mind. Apart from the doubtful legality of such a levy, it virtually guarantees the closure of some mines and the export of high-paying mining-related jobs.

Confiscation of Investments: Several provisions of H.R. 2262 would empower political appointees to stop new mining projects even when such projects have met all applicable environmental and legal requirements. No business can attract the necessary capital or operate with such regulatory uncertainty and, as you would expect, those investments and projects will move overseas.

Our country is becoming increasingly dependent on foreign sources of minerals critical to virtually every sector of our economy. Our national minerals policy should support, not destroy, the investments, jobs and infrastructure necessary to supply our domestic mineral needs. We urge you to oppose H.R. 2262 so a more balanced measure can be developed.

Sincerely yours,

KRAIG R. NAASZ,
President & CEO.

NATIONAL ASSOCIATION OF MANUFACTURERS,
October 30, 2007.

DEAR REPRESENTATIVES: On behalf of the National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, I urge vou to oppose H.R. 2262, the Hardrock Mining and Reclamation Act of 2007.

The U.S. mining industry currently provides about 50 percent of the metals American manufacturers need to operate, including iron ore, copper, gold, phosphate, zinc, silver and molybdenum. The U.S. has become increasingly dependent upon foreign sources of minerals for products that are strategically important to both our national and economic security.

Rather than encouraging environmentally safe mineral development, H.R. 2262 would impose new taxes on the mining industry, including an eight percent royalty on new mining and a retroactive four percent royalty on existing mining operations. The bill would also establish new prohibitions on future mining on certain public lands and set highly prescriptive environmental standards that sometimes conflict with existing state and federal regulations.

Not only would the bill seriously impact the U.S. mining industry, it would increase the cost of raw materials for U.S. manufacturers, make our products less competitive in global markets and adversely affect thousands of high-paying manufacturing jobs. Moreover, we remain concerned that this sets an unwise precedent in targeting specific industries with new and burdensome tax increases.

The NAM's Key Vote Advisory Committee has indicated that votes on H.R. 2262 will be considered for designation as Key Manufacturing Votes in the 110th Congress.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Senior Vice President for Policy and Government Relations.

CHEVRON MINING INC.,
Englewood, CO, October 30, 2007.

DEAR CONGRESSMEN: as an operator of two domestic metal mines with over 500 employees, I would like to urge you to vote ''NO'' on the ''Hardrock Mining and Reclamation Act of 2007'' (H.R. 2262). As longstanding members of the mining community in the United States, we are concerned that H.R. 2262 as it currently stands will negatively affect domestic supply of the metals and minerals needed to ensure our future economic prosperity. The new taxes imposed, and more importantly, the retroactive taxes proposed, will have a chilling effect on our industry. The uncertainty of mining rights will make domestic investment in new mines difficult, undoubtedly increasing our dependence on foreign minerals and eliminating countless jobs in the US.

Today, American hard rock miners are the highest paid in the world earning excellent salaries and receiving unmatched benefits. Congress will drive these jobs overseas if it approves H.R. 2262, which impose the highest minerals tax in the world!

We are dedicated to reforming Mining Law to ensure a fair return to taxpayers and allow businesses to stay open, preserve high-wage American jobs and prevent further increases in our dependence on foreign minerals.

On behalf of our 500 employees, I urge you to vote ''NO'' on the Hardrock Mining and Reclamation Act of 2007.

Very truly yours,

MARK A. SMITH,
President and CEO.

AMERICAN COPPER POLICY COUNCIL,
Washington, DC, October 30, 2007.

Hon. NEIL ABERCROMBIE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ABERCROMBIE: I am writing on behalf of the members of the American Copper Policy Council (ACPC) to indicate our opposition to H.R. 2262, the Hardrock Mining and Reclamation Act of 2007. Reform of the mining law is long overdue, but this legislation in its present form would impose new costs and regulatory burdens that would make the U.S. mining industry uncompetitive in the world marketplace. In addition to stifling new mining investment, H.R. 2262 would increase our domestic manufacturing sectors dependence on imported raw materials, particularly from manufacturing economies such as China. In the case of copper, this could discourage the use of a valuable material that positively contributes to green construction and improved energy efficiency.

ACPC members are involved in all facets of copper mining, production, fabrication and distribution and as such play a critical role in nearly all domestic manufacturing, which is vital to the national economy and defense. Mining law amendments must recognize the need to strike a balance between providing a fair return to the public for minerals extracted on federal lands and ensuring that our U.S. mining industry can continue to compete and provide our industrial base with a reliable supply of domestic minerals.

H.R. 2262 would impose a royalty that is higher than any other mining country in the world. A royalty is imposed on new mines and also retroactively on existing mines on federal lands. The bill fails to provide assurances that significant investments on public lands will not be placed at risk by arbitrary and capricious restrictions by regulators, and it imposes redundant and conflicting environmental standards on mining contrary to a finding by the National Research Council that current laws protect the environment.

We support reform but let's make sure it is good reform. At a time when our manufacturing base is struggling to compete in a world marketplace that is not always level, we need to consider the ramifications of legislation on our industrial base.

Thank you for your consideration of our concerns.

Sincerely,

LINDA D. FINDLAY,
Chair, American Copper Policy Council.

The American Copper Policy Council's members include the Copper Development Association, the Copper and Brass Fabricators Council, the Copper and Brass Servicenter Association, the International Copper Association, the National Electrical Manufacturers Association, Rio Tinto, and Freeport McMoRan Copper & Gold, Inc.

I yield back the balance of my time, Mr. Chairman.

Mr. RAHALL. Mr. Chairman, on January 28, 1872, Representative Sergeant brought to the House floor from the Committee on Mines and Mining H.R. 1016, the bill that was to be enacted as the Mining Law of 1872. He noted that debate had taken place whether it was worthwhile for the government to sell the mineral lands of the United States, some thought, on some idea of a royalty belonging to the government.

Instead, the Members debating that measure decided to allow for the patenting of mining claims for $2.50 or $5 an acre, depending on whether it was allowed to place their claim because, in the words of Representative Sergeant, ''We are inducing miners to purchase their claims so that large amounts of money are thereby brought into the Treasury of the United States.''

Well, now, perhaps back then $2.50 an acre represented a large amount of money. But I submit it does not today. And the royalty debated back when this law was passed is what, ironically, we are debating today.

Now, the gentleman from New Mexico has said that in order to pay that $2.50 an acre you have to mine the land. I would say that that is an inaccurate description of current law. You do not necessarily have to mine the land. You have to show that there's a valuable mineral that exists therein, which is not a very hard proposition to show these days.

With that noted, let me state that I've engaged in the effort to reform the Mining Law of 1872 these past many years, not just for the apparent reasons, valuable minerals mined for free, the threats to health and human safety from abandoned mine lands, but also because I am pro-mining, I come from a coal mining State, because I no longer believe that we can expect a viable hardrock mining industry to exist on public domain lands in the future if we do not make corrections to the law today.

I do so because there are provisions of the existing law which impede efficient and serious mineral exploration and development. And I do so because of the unsettled political climate governing this activity. With reform, if not coming in a comprehensive fashion, certainly it will continue to come on a piecemeal basis.

As my colleagues come to the floor to vote on this issue, I hope they will ask their staffs just how many letters from how many mining groups have they received in opposition to the pending bill. I hope they'll bring those letters to the floor with them, because I submit there will not be many. And I submit the reason may be, using my intuition, could the responsible segments of the hardrock mining industry, which is the majority, could the responsible segment of that hardrock mining industry want to end the uncertainty that exists over this industry? Could it be that they want a finality to the arguments surrounding their industry? Could it be that they want a basis upon which to make business and future investment decisions?

And hardly today are they screaming pauper. Look at this week's Wall Street Journal headline: ''Gold Rush of 2007. Mining Mergers.''

The price is pretty well up there these days. I think these companies are doing quite well, and they would like to have some finality on this issue. I believe that, with enough courage, as we've seen from elected officials, hunters, sportsmen, fishermen from across the West, we can continue to address the problems facing mining and dovetail our need for minerals with the necessity of protecting our environment.

For at stake here in this debate over the Mining Law of 1872 is the health, welfare, and environmental integrity of our people and on our Federal lands. At stake is the public interest of all Americans. And at stake is the ability of the hardrock mining industry to continue to operate on public domain lands in the future to produce those minerals that are necessary to maintain our standard of living.

I urge the adoption of this legislation.

Mr. GEORGE MILLER of California. I rise in very strong support of H.R. 2262, and I congratulate its sponsor, Chairman NICK RAHALL.

The Hardrock Mining and Reclamation Act of 2007 will finally end the give-away of our public lands and minerals. The bill secures a fair return for taxpayers on minerals taken from public lands, and it will provide for environmental standards and cleanup for hardrock mining.

For 135 years, American hardrock mining policy has given away public resources, and it has left each new generation a larger legacy of unreclaimed lands and degraded streams.

The 1872 mining law is long overdue for comprehensive reform.

The American taxpayers deserve an updated mining policy, and so does our natural environment.

Chairman RAHALL and I have been striving to update this antiquated law for decades, and thanks to his leadership, we are closer today to success than we have ever been.

The Natural Resources Committee's effort to reform mining law began in the early 1990s, when I chaired the committee, but we were derailed by the Republican rule.

Chairman RAHALL has spent 20 years introducing bills in this House to get to this point. He has persevered against indifference, opposition, and intensive lobbying.

Today, he has brought a bill to the floor of the House that takes a major step towards reform after many long years of struggle.

The 1872 mining law allows mining companies to take billions of dollars worth of gold, silver and other minerals from public lands for free.

We no longer treat any other resource that way—not coal, oil, or gas—yet under the archaic mining law, we still give away gold with no compensation to the taxpayers who own it.

And over the years, the price tag for mining cleanup has risen astronomically. Since the House last acted on reform legislation, more than 20 mines and mills have been added to the Superfund National Priority List.

The EPA Inspector General has warned of nearly $24 billion in cleanup costs for mine sites, some of which will require treatment ''in perpetuity.''

The 1872 law's failings have had a serious impact on California and the West. The mining law has remained in effect while Northern California's Iron Mountain mine spewed out nearly a quarter of the copper and zinc discharged by industries to the Nation's surface waters; as historic lands of the Indian Pass area in the southern California desert faced destruction from the proposed Glamis mine; during decades of efforts to control acidic, metal-laden discharges from an old sulfur mine southeast of Tahoe; and as the city of Grass Valley spends millions to treat hazardous mine discharges and fight a giant mining corporation in court.

The bill that is before us today, the Hardrock Mining and Reclamation Act of 2007, will: put certain irreplaceable public lands off limits to mining, secure a fair return for taxpayers with a royalty on minerals taken from public lands, halt the sale of public lands to mining claimholders, adopt modern environmental standards for hardrock mining; and establish a program to clean up abandoned mines.

I congratulate the chairman of the Natural Resources Committee, NICK RAHALL, and Energy Subcommittee Chairman JIM COSTA, our California colleague, for their leadership on this issue.

I also want to commend the staff of the Natural Resources committee for their years of hard work to get us to this point.

I urge all of my colleagues to support this major legislative accomplishment, which will be celebrated by future generations of Americans.

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong support of this important legislation.

As a proud cosponsor of the bill, I want to begin by congratulating Chairman RAHALL, the lead sponsor of H.R. 2262 and our leader on the Natural Resources Committee, for all he has done to make it possible for the House to consider the bill today.

For many years, he has worked to replace the ancient mining law of 1872 with a statute more attuned to this era than to the days of the Grant administration—a worthy task that remains unfinished through no fault of his.

For him, it is personal. And it is personal for me as well.

My uncle, Stewart Udall, had the honor of serving as Secretary of the Interior during the administrations of Presidents Kennedy and Johnson. During his tenure, he accomplished a great deal, but he wanted to do more. He has often said that reform of the mining law of 1872 was the biggest unfinished business on the Nation's natural resources agenda, and

has never let me forget that one of his final actions as Secretary was to send to Congress proposed legislation to accomplish that goal.

And, as Chairman RAHALL has reminded us all, my father, Representative Morris K. Udall, recognized the need for legislation such as the bill before us today. As chairman of what was then the Committee on Interior and Insular Affairs, he also accomplished a great deal, but he did not live to see that need fulfilled through its enactment.

So, I consider myself very fortunate to have the opportunity to join in supporting this bill and, by so doing, helping to accomplish what both my father and uncle recognized as a long-overdue step to provide the American people—owners of the Federal lands—with a fair return for development of "hardrock" minerals and to establish a better balance between the development of those minerals and the other uses of those lands.

Those are the purposes of this bill, and I think it is well designed to accomplish them.

Its enactment will replace the mining law of 1872 with a new statutory framework for the development of hardrock minerals on Federal lands.

Perhaps most notably, it will impose a royalty on gross income from hardrock mining on Federal land. Under current law, those who mine gold, silver, platinum, or other hardrock minerals from those lands pay no royalties at all—unlike those who extract oil, natural gas, or other minerals covered by the Mineral Leasing Act.

The royalty rate would be 8 percent of "net smelter return" for new mines and mine expansions, and a 4 percent net smelter rerun for production from existing mines. Those royalties, to the extent they exceed the costs of administering the new law, would go into a special fund in the Treasury and, along with certain administrative fees, would be available, subject to appropriation, to support reclamation programs and to provide assistance to State, local, and tribal governments.

I consider the establishment of this "abandoned hardrock mine reclamation fund" one of the most important features of the bill.

It is very important for Colorado because while mining brought many benefits to our State, it has also left us with too many worked-out and abandoned mines. Some of them are mere open pits or shafts that endanger hunters, hikers, or other visitors. And too many are the source of pollution that contaminates the nearby land and nearby streams or other bodies of water, and so are threats to public health as well as to the ranchers and farmers who depend on water to make a living and the fish and wildlife for whom it is life itself.

In fact, I have seen credible estimates indicating that the Western States have as many as 500,000 abandoned hardrock mines, and that just in Colorado there are over 20,000 old mines, shafts, and exploration holes.

In short, Mr. Chairman, there is an urgent need to clean up and reclaim these abandoned mines. But there are two major obstacles to progress toward that goal.

One is a lack of funds for cleaning up sites for which no private person or entity can be held liable. The reclamation fund established by this bill will be a major step toward remedying that problem.

The other obstacle is the fact that while many people would like to undertake the work of cleaning up abandoned mines, these would-be "good Samaritans" are deterred because they fear that under the Clean Water Act or other current law someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place.

Because that obstacle is not addressed by this bill, I have introduced a separate measure—H.R. 4011—that does address it. That bill, similar to ones I introduced in the 107th, 108th and 109th Congresses, reflects valuable input from representatives of the Western Governors' Association and other interested parties, including staff of the Transportation and Infrastructure Committee and the Environmental Protection Agency. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines. It is cosponsored by our colleague from New Mexico, Representative PEARCE, whose help I greatly appreciate, and I will be seeking to have it considered as soon as practicable.

Another important aspect of the bill before us is the way it would modify the administrative and judicial procedures related to mining activities, including establishing a means for local governments to petition for withdrawal of Federal land from the staking of new mining claims.

That will enable local governments all over Colorado to have a much greater voice regarding activities that could have the potential to cause problems for their residents and for them to seek protection for such resources and values as watersheds and drinking water supplies, wildlife habitats, cultural or historic resources, scenic areas. In addition, Indian tribes will be able to seek protections for religious and cultural values.

I recognize that not everyone supports the bill as it stands. The Colorado Mining Association has informed me that while its members support reforming the 1872 mining law, they think the royalty rate that the bill would apply to new production is too high, and that they consider application of even a lower rate to existing production is unfair. I respect their views—although I don't think it is accurate to describe the royalty on existing production as "retroactive," because it will not apply to any production occurring prior to the bill's enactment—and I am ready to consider supporting changes in the royalty rates as the legislative process continues.

In conclusion, Mr. Chairman, this is a good bill, one that deserves our support. In the words of a recent editorial in the Daily Sentinel newspaper of Grand Junction, CO, it is "long-overdue and much-needed legislation." I urge its passage, and for the benefit of all our colleagues I attach the complete text of the Daily Sentinel's editorial.

[From the (Grand Junction, CO) Daily Sentinel, Oct. 18, 2007]

ARCHAIC MINING LAW NEEDS 21ST-CENTURY UPDATE

The mining industry that transformed huge swaths of western Colorado's landscape in the latter part of the 19th century was given a considerable boost by the 1872 Mining Law. And that legal antique continues to transform public lands in the state today.

However, long-overdue and much-needed legislation to finally reform the 135-year-old law is to be marked up in the House Natural Resources Committee today.

The mining legislation signed into law by President Ulysses S. Grant was adopted when most Americans enthusiastically supported both the development of the largely unpopulated West by white settlers and full exploitation of its natural resources. Along with laws such as the Homestead Act and the Timber and Stone Act, the 1872 Mining Law helped drive that effort.

Over time, however, public-lands laws passed in the late 19th century have been eliminated or superseded. Only the 1872 Mining Law remains in largely its original form, allowing companies and individuals to stake mining claims on federal lands and eventually purchase those lands for as little as $5 an acre.

In Colorado since 1980, 17 companies and 40 individuals have obtained mineral rights and deeds to more than 84,000 acres of once-public land under the 1872 law, according to a study by the Environmental Working Group. Four more applications are pending to acquire deeds to mining claims in Colorado.

Moreover, unlike companies that lease the rights to recover coal, oil and gas from public lands, those who obtain gold, silver and other precious metals under the 1872 law contribute nothing to the federal treasury through leasing or royalty payments. And because there were no environmental requirements in the law, U.S. taxpayers are footing the bill to clean up thousands of old mine sites around the West.

The legislation before the committee would end the practice of selling federal lands for hard-rock mining. People could lease lands for mining—as they do with coal, oil and gas—but they could not gain ownership of them, often for a tiny fraction of their current value.

Additionally, the bill to reform the 1872 Mining Law would establish an 8 percent royalty for new mines. It would improve environmental rules, create reclamation bonding requirements for mines and give federal land managers more authority to balance hard-rock mining with other public-lands activity. Not surprisingly, industry lobbyists are trying to water it down.

Western Colorado's two House members, Mark Udall and John Salazar, support the bill. Others should, too. It's long past time this 19th century relic was revamped to reflect the new realities of the 21st century.

Mr. DEFAZIO. Mr. Chairman, I rise today to speak in favor of H.R. 2262, the Hardrock Mining and Reclamation Act of 2007, introduced by my good friend, Chairman RAHALL. In 1991, I introduced the Mining Law Reform Act of 1991, which was very similar to the legislation that we are considering today. The following year, I introduced an amendment to another mining reform bill—also introduced by Chairman RAHALL—that would have put a 12.5 percent royalty on hardrock minerals mined on Federal public lands. It is beyond belief that for the past 135 years, the law has allowed these minerals to be extracted with no royalty paid to the American people, unlike the royalties paid by oil, gas, and coal developers.

So, I am very familiar with the issues involved in hardrock mining and the efforts to reform the antiquated 1872 mining law.

Unfortunately, none of these previous measures became law. Today, however, we have a real chance at mining reform. I am glad for that.

H.R. 2262 is a vast improvement over the 1872 mining law that currently guides mineral development on our public lands. Still, it could be improved further.

In the markup of this bill held by the Natural Resources Committee, I offered an amendment that would have clarified that the royalty

provisions of H.R. 2262 do not apply to small miners, many of whom reside in my district in Oregon. The Bureau of Land Management estimates that there are approximately 3,400 small miners in Oregon that hold 10 or fewer claims, who engage in casual use of the public lands for hand panning, nonmotorized sluicing, and other small, recreational mining activities. Unfortunately, my amendment was not approved by the committee, although Chairman RAHALL agreed to work with me to address my concerns.

I intended to offer the same amendment to H.R. 2262 here today on the floor, to do just that. The Rules Committee, however, did not make my amendment in order. Therefore, I rise today to speak on this issue.

I am told by Chairman RAHALL and his staff that the underlying bill does not apply to recreational miners, or those miners engaged in casual use of the public lands; i.e., those mining activities that do not ordinarily result in any disturbance of public lands and resources. Sections 302 and 304 of H.R. 2622 indicate that miners engaged in casual use do not have to get a permit to mine, and section 103 states that miners who hold less than 10 claims are exempt from paying the maintenance fee required under the act.

I am told that this language, combined with existing regulations, means that recreational miners are not subject to the royalty provisions of H.R. 2622. I remain unconvinced that this is the case, which is why I wanted to offer my amendment. If it is true that small miners are not covered by this legislation, then adding clarifying language should not have been a problem. If the bill is in fact unclear, my amendment would have clarified it. In addition, my amendment would have addressed concerns raised by Chairman RAHALL that exempting small miners from royalty payments was a slippery slope, and that the exemption would have reduced revenues to the Federal Government. Nevertheless, I was not permitted to offer my amendment.

Therefore, let me be clear now, it is not my intention that the royalty provisions of H.R. 2622—specifically, section 102 of the legislation—apply to small recreational miners engaged in casual use of the public lands for mining. Hand panning, the use of hand tools, and other similar activities that work public lands for enjoyment or to supplement one's income is a time-honored tradition in this country, and explicitly anticipated by a variety of Federal laws governing the multiple use of these lands. While a revamp of the 1872 mining law is more than overdue, including placing royalties on the minerals extracted from Federal lands, we must ensure that small, recreational mining opportunities are not lost. My amendment would have guaranteed protection for small miners. I am disappointed that I was unable to offer it today.

I have made my concerns known to my colleagues in the Senate, and have provided them with copies of my amendment. When this legislation reaches their Chamber, I will call on them to ensure that small miners are not subject to the royalty provisions of this bill. Until then, I will reserve my judgment on whether I will support a final conference report on mining reform.

Mr. PASTOR. Mr. Chairman, I rise today to applaud and congratulate my good friend, Chairman RAHALL for his efforts to bring this legislation to the House floor. He has worked over many years to reform the mining law and because of his persistence, we have a better chance of finally securing reform than we ever have. Reform is long overdue.

I am supporting this legislation, but I wish to continue to work with the chairman and follow the actions of the Senate to make sure final legislation does not inadvertently create a system that makes our domestic industry unable to compete in the world marketplace. Mining has a long and colorful history in the State of Arizona and it provides great benefit to the State's economy. I believe we can have reform and also preserve a healthy industry.

I know the chairman shares that objective, and again I applaud him and his staff for making this issue a priority.

Mr. KING of Iowa. Mr. Chairman, I rise today in opposition to H.R. 2262, the Hardrock Mining and Reclamation Act of 2007.

H.R. 2262 will put new royalty rates on production from hardrock mining. For the other side, of course, royalty rates is a fun, new catchword meaning taxes. But, unlike the coal and petroleum industry who are taxed on production of product, H.R. 2262 will place the tax on the amount of material extracted. For example, if "Joe Voter Mining" moves 1 cubic yard of rock weighing in the neighborhood of 800 pounds to retrieve 1/10th or 1 ounce of gold, Joe would not be taxed on the gold recovered, but on the amount of rock moved. By raising taxes like this, the bill will cripple American production.

Since the 110th Congress convened, the PELOSI-led majority has been talking about the need for "renewable" energy.

The energy bills, that were rammed through the House and put large tax increases on the oil and natural gas industries placed a large emphasis on renewable energy; wind and solar. So why would this bill punish renewable energy?

Now, western Iowa does not have a hardrock mining industry. Thankfully for our farmers, we don't have much hardrock in western Iowa. But what we do have is large-scale production of renewable energy. The Fifth District of Iowa is the leader in production of BTU's of renewable energy: ethanol, biodiesel, and wind. However, this bill will put a cramp on further production of renewable energy. I want to let my colleagues on the other side of the aisle in on a little secret, those ethanol and biodiesel plants require steel and copper. Those wind chargers that produce clean, renewable electricity from the air sit on large steel columns. The electricity that is produced by wind chargers and solar panels is transported via copper wires.

Mr. Chairman, steel and copper come from the ground. So I want to try and figure out the Democrat logic. They are going to tax the raw resources that are used by the renewable industry to make a product the Democrats want to see more of? That doesn't sound like sound logic to me. I would just hope that what my Democrat colleagues realize is that which you tax, you get less of. If they want less renewable energy, then taxing the resources used in its production is a sure way to make that happen.

Mr. Chairman, today, oil is over $90 a barrel and natural gas is over $8 per million cubic feet because of Democrat energy policies. And in an absurd response, the Democrats aim to crush the renewable industry by raising the rates on the materials the renewable energy industry is built on. I urge my colleagues to oppose H.R. 2262, the Hardrock Mining and Reclamation Act of 2007.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to mark the passage of H.R. 2262, the Hardrock Mining and Reclamation Act. H.R. 2262 takes long overdue action to reform the 1872 Mining Act. That law, the General Mining Act of 1872, was written to encourage westward expansion and to generate the supply of minerals needed in our Nation. Back in 1872, a charge of $5 an acre to mine hard rock minerals in remote areas of the undeveloped west was probably a pretty fair price. The fact that the price is still the same today is simply ludicrous.

As a result, private companies, both domestic and foreign, have been able to profit handsomely by mining on public lands without the need to pay the American people any royalties or to even clean up the messes they leave behind. By some estimates, the antiquated 1872 Mining Act has allowed over $245 billion worth of minerals to be extracted from more than 3.4 million acres of public lands without returning to the American people, the owners of those lands, a single cent in royalties. Today, we took a necessary step toward bringing this policy into the modern era.

H.R. 2262, introduced by Representative NICK RAHALL, the chairman of the Natural Resources Committee, requires mining companies to pay royalties to the American people for the minerals they mine from public lands and to properly reclaim lands damaged by mining. It also allows for the prohibition of mining on environmentally sensitive lands, and it creates a fund to begin the clean up of nearly a half million abandoned mine sites.

I sincerely hope that the Hardrock Mining and Reclamation Act sees swift passage in the other Chamber so we can send it to the President to be signed into law. Even though we have already waited 135 years to take action on this matter, time is truly of the essence. In 1872, hardrock mining mostly took place in the middle of vast undeveloped lands. Today, however, with over 375,000 mining claims spread throughout the rapidly developing West, some of our last pieces of unspoiled lands are threatened. According to the New York Times, many of those 375,000 claims are within 5 miles of 11 major national parks, including Death Valley and the Grand Canyon.

Over 89,000 of those claims were staked in 2006, largely due to the renewed interest in nuclear energy and the concomitant increase in the price of uranium. In New Mexico alone, almost 2,000 claims were staked in 2006. Many New Mexicans, most particularly members of the Navajo Nation, have already suffered devastating injuries from uranium mining in the past. H.R. 2262 will bring some much needed balance to the use of our public lands and, in so doing, help protect the health of our citizens. I am proud to support Chairman RAHALL's efforts and I encourage our colleagues in the other Chamber to do the same.

Mr. SHULER. Mr. Chairman, I rise today in support of H.R. 2262, the Hardrock Mining and Reclamation Act, which will reform the General Mining Law of 1872 and provide a fair return to the American taxpayer of publicly owned minerals on Federal lands.

By charging a royalty for publicly owned minerals, the American taxpayer will no longer have to bear the cost of reclaiming and restoring abandoned hardrock mines. H.R. 2262 will

assure that future mines operate in a manner that conserves the environment and our valuable natural resources, including fish and wildlife habitats.

H.R. 2262 addresses the financial needs of our Nation. By charging a royalty fee on existing and future mining operations, along with filing and maintenance fees, the Congressional Budget Office has determined this legislation would reduce our country's deficit, which has spiraled out of control under the current administration.

Mr. Chairman, I urge my colleagues today to update the 1872 Mining Law for the 21st century and vote for this important legislation.

Mr. STARK. Mr. Chairman, I rise today in support of reforming one of the most antiquated laws still on the books. The General Mining Law of 1872 has remained essentially unchanged since Ulysses S. Grant was President. Originally intended to spur westward expansion, the law has become an environmental and fiscal train wreck. Today we have a chance to reform this relic by passing the Hardrock Mining and Reclamation Act of 2007 (H.R. 2262).

Back in 1872 individual miners used hand tools to look for gold and silver; now multi-national corporations blast the tops off of mountains and produce chemicals such as cyanide, arsenic, and mercury that leach into streams and groundwater long after mining operations cease. Much has changed, but the law has not.

For 135 years, mining companies have been the beneficiaries of public largesse that would make even Haliburton blush: over $245 billion worth of minerals have been removed from public lands virtually free of charge. Taxpayers have then been expected to foot the bill for the massive cleanup of abandoned mines to the tune of at least $30 billion. Under the 1872 law, mining takes precedence over ever other concern—environmental protection, recreation, or safety. The mining industry, which is responsible for more Federal Superfund sites than any other industry, pays no royalties on extracted metals. In addition, through the ''patent'' process, companies can force the sale of public lands for as little as $2.50 per acre. Patenting has resulted in the sale of over 3 million acres of public property at far below market value.

In my home State of California, a recent study found over 21,000 existing mining claims within 10 miles of national parks, monuments, and wilderness areas. The 285 claims within 10 miles of Yosemite threaten one of the Nation's most visited and spectacular parks.

The bill before us protects sensitive lands in California and throughout the West by creating environmental safeguards, transparency, and public participation. Some lands, such as wilderness study areas, would be completely off-limits. In other areas, new mines would be permitted only after a showing that they are not environmentally destructive. Local governments can also challenge new projects. The bill restores fiscal sanity by ending the practice of ''patenting'' and requiring that new mines pay an 8 percent royalty and existing mines pay 4 percent, both reasonable rates and well below what the coal and oil industries pay. These royalties are then put into a fund to pay for the cleanup of old mines.

It is time to fix a law that deserves to disappear into the dustbin of history. I urge all of my colleagues to vote for reform.

Mr. KIND. Mr. Chairman, I rise today in strong support of H.R. 2262 because it will finally compensate American taxpayers for the minerals that are extracted from public federal lands and, at the same time, dedicate this revenue to restoring wildlife habitat, drinking water supplies, and other natural resources that have been ruined by mining operations. Mr. Chairman, these changes are long overdue, and I commend Chairman RAHALL for bringing this bill to the floor today.

The importance of mining to the settlement and development of the West and to western economies today cannot be overstated. Therefore, this bill does not seek to destroy the U.S. mining industry, but to bring it out of the 19th century and into the 21st. The Hardrock Mining and Reclamation Act at long last will force U.S. law to recognize that our public lands belong to all U.S. citizens, and any activities or industries that utilize those lands must do so for the benefit of all Americans. This bill will hold the mining industry responsible for the public minerals it extracts and for the environmental consequences of their operations.

For the past 135 years, the mining industry has had easy access to federal lands and was free to take what it wanted and then leave the lands in whatever condition they chose. The American taxpayer gave up their rights to these minerals and then took up the bill for cleaning up lands polluted with toxic chemicals. H.R. 2262 rightfully imposes a royalty fee on mining companies, similar to that paid by oil, coal, and natural gas companies who drill and mine on federal lands, which the Department of the Interior will use to fund environmental restoration and reclamation of abandoned mines. It is only fair that the mining industry pay to repair the damage it has done to natural resources, including drinking water supplies and prime habitat for wildlife and outdoor recreation.

This last point is very important to me. As an avid hunter and outdoorsman, it is critically important to me that we maintain our Nation's natural heritage for current and future generations. Federal lands harbor some of the most important fish and wildlife habitat and provide some of the finest hunting and angling opportunities in the country. For example, public lands contain more than 50 percent of the Nation's blue-ribbon trout streams and are strongholds for imperiled trout and salmon in the western United States. More than 80 percent of the most critical habitat for elk is found on lands managed by the Forest Service and the BLM, alone. Pronghorn antelope, sage grouse, mule deer, salmon and steelhead, and countless other fish and wildlife species are similarly dependent on public lands.

That is why sportsmen's organizations around the country support reform of the Mining Law of 1872. By passing this bill today, we will ensure the continued viability of wildlife habitat and the continued ability of hunters, anglers, and outdoor enthusiasts to pursue and pass on our sporting heritage.

Mr. Chairman, H.R. 2262 just makes good sense. By holding the mining industry accountable for its own actions and making it live up to certain basic environmental standards, this bill will protect the rights of all American citizens while ensuring that mining will continue in a balanced and responsible manner. I support H.R. 2262, and I urge my colleagues to vote for its passage today.

Mr. LEVIN. Mr. Chairman, I rise in strong support of H.R. 2262, the Hardrock Mining and Reclamation Act. Reform of this 135-year-old law is long overdue, and I am proud to be a cosponsor of this needed legislation.

In 1872, President Ulysses S. Grant signed the General Mining Law. The intention of the law was to promote the settlement of the American West. Under the 1872 law, mining companies do not pay any royalties for the publicly-owned ''hardrock'' minerals mined on federal lands. Over the years, mining companies have been able to extract hundreds of billions of dollars in gold, silver, platinum, copper, and uranium without paying royalties.

It is time to overhaul this archaic law. Let me be clear that this bill does not affect privately-owned land, but rather federal lands that belong to all Americans. The American people deserve a fair return for the minerals extracted from the lands they own. By comparison, the coal, oil, and gas companies already pay royalties for their operations on federal lands. Why should hardrock mining be any different? Virtually every other nation that allows mining on public lands imposes some form of royalty.

Opponents of this bill claim that charging an 8 percent royalty on new hardrock mines and setting some basic environmental standards will devastate the domestic mining industry and send mining jobs overseas. I read in the paper this morning that the price of gold hit just hit a 27-year high of $800 an ounce. Platinum is now selling for $1,447 an ounce. The worldwide demand for copper is so high that thieves have taken to stealing phone lines in some areas so they can sell the copper at recycling yards. Yet, in the face of these facts, opponents of the bill implausibly argue that the mining industry in this country will collapse if we don't continue to give away publicly-owned minerals for free.

I urge all my colleagues to join me in voting to bring this 19th century mining law into the 21st century.

Mr. SHAYS. Mr. Chairman, I urge my colleagues to support H.R. 2262, the Hardrock Mining and Reclamation Act, which requires hardrock mining companies to pay the government royalties for their operations on federal land.

Currently, the General Mining Law of 1872 allows mining companies to stake claims on public lands without paying royalties to the government. Claimholders are able to purchase public lands where their mines are located for as little as $2.50 an acre.

The bottom line is that there is no good reason that hardrock mining companies should be exempt from royalties for using land that belongs to all Americans. It is time we treat the hardrock mining industry just as we do coal, oil, and gas companies who operate on public lands.

For example, miners of coal on public lands pay 8 percent on underground deposits and 12.5 percent on surface deposits. Drillers of oil and natural gas pay 8 percent to 16.7 percent.

The Congressional Budget Office estimates that $1 billion in hardrock minerals are extracted annually from federal lands. Under this bill, future mine operations would pay an 8 percent royalty and existing mines would pay a 4 percent royalty. It would also end the ''patenting'' practice, allows claimholders to purchase public lands where their mines are located for as little as $2.50 an acre.

The Environmental Protection Agency, EPA, has identified hardrock mining as a leading source of toxic pollution in the United States.

According to the EPA, it will cost approximately $50 billion to clean up abandoned hardrock mines, and 40 percent of the headwaters of western watersheds have been polluted by mining.

Mining practices have changed since 1872. Today, mining companies often dig holes over one mile in diameter and 1,000 feet deep, using cyanide and other chemicals to extract metals from tons of low-grade ore. These chemicals and the toxic metals they dissolve from the rocks can leach into water sources. Acid mine drainage filled with heavy metals is difficult and expensive to clean up. When spills occur, taxpayers bear the brunt of cleaning them up.

The royalties collected under this bill would be directed towards much needed environmental protection measures. Two-thirds of the royalties, fees, and penalties paid by hardrock mining companies would help to mitigate the harmful effects of past mining activities on water supplies and public health. The funds would be used to restore land, water, and wildlife harmed by mining, and to clean up the abandoned mines and toxic waste materials.

The remaining one-third would go to assist states and localities impacted by hardrock mining to provide public facilities and services.

H.R. 2662 also expands the types of land on which mining would be prohibited to include wilderness areas, wild and scenic rivers, and certain roadless areas in national forests, adding necessary protections to some of our national treasures.

H.R. 2262 brings much needed reforms to hardrock mining operations. The bill ends priority status for mining interests, and ensures that mining on public lands takes place in a manner that protects taxpayers and the environment, and I urge its support.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hardrock Mining and Reclamation Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions and references.
Sec. 3. Application rules.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

Sec. 101. Limitation on patents.
Sec. 102. Royalty.
Sec. 103. Hardrock mining claim maintenance fee.
Sec. 104. Effect of payments for use and occupancy of claims.

TITLE II—PROTECTION OF SPECIAL PLACES

Sec. 201. Lands open to location.
Sec. 202. Withdrawal petitions by States, political subdivisions, and Indian tribes.

TITLE III—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

Sec. 301. General standard for hardrock mining on Federal land.
Sec. 302. Permits.
Sec. 303. Exploration permit.
Sec. 304. Operations permit.
Sec. 305. Persons ineligible for permits.
Sec. 306. Financial assurance.
Sec. 307. Operation and reclamation.
Sec. 308. State law and regulation.
Sec. 309. Limitation on the issuance of permits.

TITLE IV—MINING MITIGATION

Subtitle A—Locatable Minerals Fund

Sec. 401. Establishment of Fund.
Sec. 402. Contents of Fund.
Sec. 403. Subaccounts.

Subtitle B—Use of Hardrock Reclamation Account

Sec. 411. Use and objectives of the Account.
Sec. 412. Eligible lands and waters.
Sec. 413. Expenditures.
Sec. 414. Authorization of appropriations.

Subtitle C—Use of Hardrock Community Impact Assistance Account

Sec. 421. Use and objectives of the Account.
Sec. 422. Allocation of funds.

TITLE V—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Subtitle A—Administrative Provisions

Sec. 501. Policy functions.
Sec. 502. User fees.
Sec. 503. Inspection and monitoring.
Sec. 504. Citizens suits.
Sec. 505. Administrative and judicial review.
Sec. 506. Enforcement.
Sec. 507. Regulations.
Sec. 508. Effective date.

Subtitle B—Miscellaneous Provisions

Sec. 511. Oil shale claims subject to special rules.
Sec. 512. Purchasing power adjustment.
Sec. 513. Savings clause.
Sec. 514. Availability of public records.
Sec. 515. Miscellaneous powers.
Sec. 516. Multiple mineral development and surface resources.
Sec. 517. Mineral materials.

SEC. 2. DEFINITIONS AND REFERENCES.

(a) IN GENERAL.—As used in this Act:

(1) The term ''affiliate'' means with respect to any person, any of the following:

(A) Any person who controls, is controlled by, or is under common control with such person.

(B) Any partner of such person.

(C) Any person owning at least 10 percent of the voting shares of such person.

(2) The term ''applicant'' means any person applying for a permit under this Act or a modification to or a renewal of a permit under this Act.

(3) The term ''beneficiation'' means the crushing and grinding of locatable mineral ore and such processes as are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques.

(4) The term ''casual use''—

(A) subject to subparagraphs (B) and (C), means mineral activities that do not ordinarily result in any disturbance of public lands and resources;

(B) includes collection of geochemical, rock, soil, or mineral specimens using handtools, hand panning, or nonmotorized sluicing; and

(C) does not include—

(i) the use of mechanized earth-moving equipment, suction dredging, or explosives;

(ii) the use of motor vehicles in areas closed to off-road vehicles;

(iii) the construction of roads or drill pads; and

(iv) the use of toxic or hazardous materials.

(5) The term ''claim holder'' means a person holding a mining claim, millsite claim, or tunnel site claim located under the general mining laws and maintained in compliance with such laws and this Act. Such term may include an agent of a claim holder.

(6) The term ''control'' means having the ability, directly or indirectly, to determine (without regard to whether exercised through one or more corporate structures) the manner in which an entity conducts mineral activities, through any means, including without limitation, ownership interest, authority to commit the entity's real or financial assets, position as a director, officer, or partner of the entity, or contractual arrangement.

(7) The term ''exploration''—

(A) subject to subparagraphs (B) and (C), means creating surface disturbance other than casual use, to evaluate the type, extent, quantity, or quality of minerals present;

(B) includes mineral activities associated with sampling, drilling, and analyzing locatable mineral values; and

(C) does not include extraction of mineral material for commercial use or sale.

(8) The term ''Federal land'' means any land, and any interest in land, that is owned by the United States and open to location of mining claims under the general mining laws and title II of this Act.

(9) The term ''Indian lands'' means lands held in trust for the benefit of an Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation.

(10) The term ''Indian tribe'' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 and following), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(11) The term ''locatable mineral''—

(A) subject to subparagraph (B), means any mineral, the legal and beneficial title to which remains in the United States and that is not subject to disposition under any of—

(i) the Mineral Leasing Act (30 U.S.C. 181 and following);

(ii) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following);

(iii) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(iv) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following); and

(B) does not include any mineral that is subject to a restriction against alienation imposed by the United States and is—

(i) held in trust by the United States for any Indian or Indian tribe, as defined in section 2 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101); or

(ii) owned by any Indian or Indian tribe, as defined in that section.

(12) The term ''mineral activities'' means any activity on a mining claim, millsite claim, or tunnel site claim for, related to, or incidental to, mineral exploration, mining, beneficiation, processing, or reclamation activities for any locatable mineral.

(13) The term ''National Conservation System unit'' means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Trails System, or a National Conservation Area, a National Recreation Area, a National Monument, or any unit of the National Wilderness Preservation System.

(14) The term ''operator'' means any person proposing or authorized by a permit issued under this Act to conduct mineral activities and any agent of such person.

(15) The term ''person'' means an individual, Indian tribe, partnership, association, society,

joint venture, joint stock company, firm, company, corporation, cooperative, or other organization and any instrumentality of State or local government including any publicly owned utility or publicly owned corporation of State or local government.

(16) The term ''processing'' means processes downstream of beneficiation employed to prepare locatable mineral ore into the final marketable product, including but not limited to smelting and electrolytic refining.

(17) The term ''Secretary'' means the Secretary of the Interior, unless otherwise specified.

(18) The term ''temporary cessation'' means a halt in mine-related production activities for a continuous period of no longer than 5 years.

(19) The term ''undue degradation'' means irreparable harm to significant scientific, cultural, or environmental resources on public lands that cannot be effectively mitigated.

(b) TITLE II.—

(1) VALID EXISTING RIGHTS.—As used in title II, the term ''valid existing rights'' means a mining claim or millsite claim located on lands described in section 201(b), that—

(A) was properly located and maintained under this Act prior to and on the applicable date; or

(B)(i) was properly located and maintained under the general mining laws prior to the applicable date;

(ii) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the applicable date, or satisfied the limitations under existing law for millsite claims; and

(iii) continues to be valid under this Act.

(2) APPLICABLE DATE.—As used in paragraph (1), the term ''applicable date'' means one of the following:

(A) For lands described in paragraph (1) of section 201(b), the date of the recommendation referred to in paragraph (1) of that section if such recommendation is made on or after the date of the enactment of this Act.

(B) For lands described in paragraph (1) of section 201(b), if the recommendation referred to in paragraph (1) of that section is made before the date of the enactment of this Act, the earlier of—

(i) the date of the enactment of this Act; or

(ii) the date of any withdrawal of such lands from mineral activities.

(C) For lands described in paragraph (3)(B) of section 201(b), the date of the enactment of this Act.

(D) For lands described in paragraph (3)(A) or (3)(C) of section 201(b), the date of the enactment of the amendment to the Wild and Scenic Rivers Act (16 U.S.C. 1271 and following) listing the river segment for study.

(E) For lands described in paragraph (3)(B) of section 201(b), the date of the determination of eligibility of such lands for inclusion in the Wild and Scenic River System.

(F) For lands described in paragraph (4) of section 201(b), the date of the withdrawal under other law.

(c) REFERENCES TO OTHER LAWS.—(1) Any reference in this Act to the term general mining laws is a reference to those Acts that generally comprise chapters 2, 12A, and 16, and sections 161 and 162, of title 30, United States Code.

(2) Any reference in this Act to the Act of July 23, 1955, is a reference to the Act entitled ''An Act to amend the Act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, and for other purposes'' (30 U.S.C. 601 and following).

SEC. 3. APPLICATION RULES.

(a) IN GENERAL.—This Act applies to any mining claim, millsite claim, or tunnel site claim located under the general mining laws, before, on, or after the date of enactment of this Act, except as provided in subsection (b).

(b) PREEXISTING CLAIMS.—(1) Any unpatented mining claim or millsite claim located under the general mining laws before the date of enactment of this Act for which a plan of operation has not been approved or a notice filed prior to the date of enactment shall, upon the effective date of this Act, be subject to the requirements of this Act, except as provided in paragraphs (2) and (3).

(2)(A) If a plan of operations is approved for mineral activities on any claim or site referred to in paragraph (1) prior to the date of enactment of this Act but such operations have not commenced prior to the date of enactment of this Act—

(i) during the 10-year period beginning on the date of enactment of this Act, mineral activities at such claim or site shall be subject to such plan of operations;

(ii) during such 10-year period, modifications of any such plan may be made in accordance with the provisions of law applicable prior to the enactment of this Act if such modifications are deemed minor by the Secretary concerned; and

(iii) the operator shall bring such mineral activities into compliance with this Act by the end of such 10-year period.

(B) Where an application for modification of a plan of operations referred to in subparagraph (A)(ii) has been timely submitted and an approved plan expires prior to Secretarial action on the application, mineral activities and reclamation may continue in accordance with the terms of the expired plan until the Secretary makes an administrative decision on the application.

(c) FEDERAL LANDS SUBJECT TO EXISTING PERMIT.—(1) Any Federal land shall not be subject to the requirements of section 102 if the land is—

(A) subject to an operations permit; and

(B) producing valuable locatable minerals in commercial quantities prior to the date of enactment of this Act.

(2) Any Federal land added through a plan modification to an operations permit on Federal land that is submitted after the date of enactment of this Act shall be subject to the terms of section 102.

(d) APPLICATION OF ACT TO BENEFICIATION AND PROCESSING OF NON-FEDERAL MINERALS ON FEDERAL LANDS.—The provisions of this Act (including the environmental protection requirements of title III) shall apply in the same manner and to the same extent to mining claims, millsite claims, and tunnel site claims used for beneficiation or processing activities for any mineral without regard to whether or not the legal and beneficial title to the mineral is held by the United States. This subsection applies only to minerals that are locatable minerals or minerals that would be locatable minerals if the legal and beneficial title to such minerals were held by the United States.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

SEC. 101. LIMITATION ON PATENTS.

(a) MINING CLAIMS.—

(1) DETERMINATIONS REQUIRED.—After the date of enactment of this Act, no patent shall be issued by the United States for any mining claim located under the general mining laws unless the Secretary determines that, for the claim concerned—

(A) a patent application was filed with the Secretary on or before September 30, 1994; and

(B) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims were fully complied with by that date.

(2) RIGHT TO PATENT.—If the Secretary makes the determinations referred to in subparagraphs (A) and (B) of paragraph (1) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(b) MILLSITE CLAIMS.—

(1) DETERMINATIONS REQUIRED.—After the date of enactment of this Act, no patent shall be issued by the United States for any millsite claim located under the general mining laws unless the Secretary determines that for the millsite concerned—

(A) a patent application for such land was filed with the Secretary on or before September 30, 1994; and

(B) all requirements applicable to such patent application were fully complied with by that date.

(2) RIGHT TO PATENT.—If the Secretary makes the determinations referred to in subparagraphs (A) and (B) of paragraph (1) for any millsite claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 102. ROYALTY.

(a) RESERVATION OF ROYALTY.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), production of all locatable minerals from any mining claim located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from any such mining claim, as the case may be, shall be subject to a royalty of 8 percent of the gross income from mining. The claim holder or any operator to whom the claim holder has assigned the obligation to make royalty payments under the claim and any person who controls such claim holder or operator shall be liable for payment of such royalties.

(2) ROYALTY FOR FEDERAL LANDS SUBJECT TO EXISTING PERMIT.—The royalty under paragraph (1) shall be 4 percent in the case of any Federal land that—

(A) is subject to an operations permit on the date of the enactment of this Act; and

(B) produces valuable locatable minerals in commercial quantities on the date of enactment of this Act.

(3) FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.—Any Federal land added through a plan modification to an operations permit on Federal land that is submitted after the date of enactment of this Act shall be subject to the royalty that applies to other Federal land that is subject to the operations permit before that submission under paragraph (1) or (2), as applicable.

(4) OTHER APPLICATION PROVISION NOT EFFECTIVE.—Section 3(c) of this Act shall have no force or effect.

(5) DEPOSIT.—Amounts received by the United States as royalties under this subsection shall be deposited into the account established under section 401.

(b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND TRANSPORTERS.—(1) A person—

(A) who is required to make any royalty payment under this section shall make such payments to the United States at such times and in such manner as the Secretary may by rule prescribe; and

(B) shall notify the Secretary, in the time and manner as may be specified by the Secretary, of any assignment that such person may have made of the obligation to make any royalty or other payment under a mining claim.

(2) Any person paying royalties under this section shall file a written instrument, together with the first royalty payment, affirming that such person is responsible for making proper payments for all amounts due for all time periods for which such person has a payment responsibility. Such responsibility for the periods referred to in the preceding sentence shall include any and all additional amounts billed by

the Secretary and determined to be due by final agency or judicial action. Any person liable for royalty payments under this section who assigns any payment obligation shall remain jointly and severally liable for all royalty payments due for the claim for the period.

(3) A person conducting mineral activities shall—

(A) develop and comply with the site security provisions in the operations permit designed to protect from theft the locatable minerals, concentrates or products derived therefrom which are produced or stored on a mining claim, and such provisions shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances on mining claims; and

(B) not later than the 5th business day after production begins anywhere on a mining claim, or production resumes after more than 90 days after production was suspended, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(4) The Secretary may by rule require any person engaged in transporting a locatable mineral, concentrate, or product derived therefrom to carry on his or her person, in his or her vehicle, or in his or her immediate control, documentation showing, at a minimum, the amount, origin, and intended destination of the locatable mineral, concentrate, or product derived therefrom in such circumstances as the Secretary determines is appropriate.

(c) RECORDKEEPING AND REPORTING REQUIREMENTS.—(1) A claim holder, operator, or other person directly involved in developing, producing, processing, transporting, purchasing, or selling locatable minerals, concentrates, or products derived therefrom, subject to this Act, through the point of royalty computation shall establish and maintain any records, make any reports, and provide any information that the Secretary may reasonably require for the purposes of implementing this section or determining compliance with rules or orders under this section. Such records shall include, but not be limited to, periodic reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, composition volume, weight, and assay of all minerals extracted from the mining claim. Upon the request of any officer or employee duly designated by the Secretary conducting an audit or investigation pursuant to this section, the appropriate records, reports, or information that may be required by this section shall be made available for inspection and duplication by such officer or employee. Failure by a claim holder, operator, or other person referred to in the first sentence to cooperate with such an audit, provide data required by the Secretary, or grant access to information may, at the discretion of the Secretary, result in involuntary forfeiture of the claim.

(2) Records required by the Secretary under this section shall be maintained for 7 years after release of financial assurance under section 306 unless the Secretary notifies the operator that the Secretary has initiated an audit or investigation involving such records and that such records must be maintained for a longer period. In any case when an audit or investigation is underway, records shall be maintained until the Secretary releases the operator of the obligation to maintain such records.

(d) AUDITS.—The Secretary is authorized to conduct such audits of all claim holders, operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sales of minerals covered by this Act, as the Secretary deems necessary for the purposes of ensuring compliance with the requirements of this section. For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have access to, and may copy, all books, papers and other documents that relate to compliance with any provision of this section by any person.

(e) COOPERATIVE AGREEMENTS.—(1) The Secretary is authorized to enter into cooperative agreements with the Secretary of Agriculture to share information concerning the royalty management of locatable minerals, concentrates, or products derived therefrom, to carry out inspection, auditing, investigation, or enforcement (not including the collection of royalties, civil or criminal penalties, or other payments) activities under this section in cooperation with the Secretary, and to carry out any other activity described in this section.

(2) Except as provided in paragraph (3)(A) of this subsection (relating to trade secrets), and pursuant to a cooperative agreement, the Secretary of Agriculture shall, upon request, have access to all royalty accounting information in the possession of the Secretary respecting the production, removal, or sale of locatable minerals, concentrates, or products derived therefrom from claims on lands open to location under this Act.

(3) Trade secrets, proprietary, and other confidential information protected from disclosure under section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, shall be made available by the Secretary to other Federal agencies as necessary to assure compliance with this Act and other Federal laws. The Secretary, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and other Federal officials shall ensure that such information is provided protection in accordance with the requirements of that section.

(f) INTEREST AND SUBSTANTIAL UNDERREPORTING ASSESSMENTS.—(1) In the case of mining claims where royalty payments are not received by the Secretary on the date that such payments are due, the Secretary shall charge interest on such underpayments at the same interest rate as the rate applicable under section 6621(a)(2) of the Internal Revenue Code of 1986. In the case of an underpayment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount.

(2) If there is any underreporting of royalty owed on production from a claim for any production month by any person liable for royalty payments under this section, the Secretary shall assess a penalty of not greater than 25 percent of the amount of that underreporting.

(3) For the purposes of this subsection, the term ''underreporting'' means the difference between the royalty on the value of the production that should have been reported and the royalty on the value of the production which was reported, if the value that should have been reported is greater than the value that was reported.

(4) The Secretary may waive or reduce the assessment provided in paragraph (2) of this subsection if the person liable for royalty payments under this section corrects the underreporting before the date such person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of the enactment of this section, whichever is later.

(5) The Secretary shall waive any portion of an assessment under paragraph (2) of this subsection attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that—

(A) such person had written authorization from the Secretary to report royalty on the value of the production on basis on which it was reported,

(B) such person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported,

(C) such person previously had notified the Secretary, in such manner as the Secretary may by rule prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting, or

(D) such person meets any other exception which the Secretary may, by rule, establish.

(6) All penalties collected under this subsection shall be deposited in the Locatable Minerals Fund established under title IV.

(g) DELEGATION.—For the purposes of this section, the term ''Secretary'' means the Secretary of the Interior acting through the Director of the Minerals Management Service.

(h) EXPANDED ROYALTY OBLIGATIONS.—Each person liable for royalty payments under this section shall be jointly and severally liable for royalty on all locatable minerals, concentrates, or products derived therefrom lost or wasted from a mining claim located under the general mining laws and maintained in compliance with this Act when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this section.

(i) GROSS INCOME FROM MINING DEFINED.—For the purposes of this section, for any locatable mineral, the term ''gross income from mining'' has the same meaning as the term ''gross income'' in section 613(c) of the Internal Revenue Code of 1986.

(j) EFFECTIVE DATE.—The royalty under this section shall take effect with respect to the production of locatable minerals after the enactment of this Act, but any royalty payments attributable to production during the first 12 calendar months after the enactment of this Act shall be payable at the expiration of such 12-month period.

(k) FAILURE TO COMPLY WITH ROYALTY REQUIREMENTS.—Any person who fails to comply with the requirements of this section or any regulation or order issued to implement this section shall be liable for a civil penalty under section 109 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719) to the same extent as if the claim located under the general mining laws and maintained in compliance with this Act were a lease under that Act.

SEC. 103. HARDROCK MINING CLAIM MAINTENANCE FEE.

(a) FEE.—

(1) Except as provided in section 2511(e)(2) of the Energy Policy Act of 1992 (relating to oil shale claims), for each unpatented mining claim, mill or tunnel site on federally owned lands, whether located before, on, or after enactment of this Act, each claimant shall pay to the Secretary, on or before August 31 of each year, a claim maintenance fee of $150 per claim to hold such unpatented mining claim, mill or tunnel site for the assessment year beginning at noon on the next day, September 1. Such claim maintenance fee shall be in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28 et seq.) and the related filing requirements contained in section 314(a) and (c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a) and (c)).

(2)(A) The claim maintenance fee required under this subsection shall be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(i) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands; and

(ii) have performed assessment work required under the Mining Law of 1872 (30 U.S.C. 28 et seq.) to maintain the mining claims held by the claimant and such related parties for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(B) For purposes of subparagraph (A), with respect to any claimant, the term ''all related parties'' means—

(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claimant; or

(ii) a person affiliated with the claimant, including—

(I) a person controlled by, controlling, or under common control with the claimant; or

(II) a subsidiary or parent company or corporation of the claimant.

(3)(A) The Secretary shall adjust the fees required by this subsection to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after the date of enactment of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.

(B) The Secretary shall provide claimants notice of any adjustment made under this paragraph not later than July 1 of any year in which the adjustment is made.

(C) A fee adjustment under this paragraph shall begin to apply the calendar year following the calendar year in which it is made.

(4) Monies received under this subsection shall be deposited in the Locatable Minerals Fund established by this Act.

(b) LOCATION.—

(1) Notwithstanding any provision of law, for every unpatented mining claim, mill or tunnel site located after the date of enactment of this Act and before September 30, 1998, the locator shall, at the time the location notice is recorded with the Bureau of Land Management, pay to the Secretary a location fee, in addition to the fee required by subsection (a) of $50 per claim.

(2) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Locatable Minerals Fund established by this Act.

(c) CO-OWNERSHIP.—The co-ownership provisions of the Mining Law of 1872 (30 U.S.C. 28 et seq.) will remain in effect except that the annual claim maintenance fee, where applicable, shall replace applicable assessment requirements and expenditures.

(d) FAILURE TO PAY.—Failure to pay the claim maintenance fee as required by subsection (a) shall conclusively constitute a forfeiture of the unpatented mining claim, mill or tunnel site by the claimant and the claim shall be deemed null and void by operation of law.

(e) OTHER REQUIREMENTS.—

(1) Nothing in this section shall change or modify the requirements of section 314(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(b)), or the requirements of section 314(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(c)) related to filings required by section 314(b), which remain in effect.

(2) Section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) is amended by inserting ''or section 103(a) of the Hardrock Mining and Reclamation Act of 2007'' after ''Act of 1993,''.

SEC. 104. EFFECT OF PAYMENTS FOR USE AND OCCUPANCY OF CLAIMS.

Timely payment of the claim maintenance fee required by section 103 of this Act or any related law relating to the use of Federal land, asserts the claimant's authority to use and occupy the Federal land concerned for prospecting and exploration, consistent with the requirements of this Act and other applicable law.

TITLE II—PROTECTION OF SPECIAL PLACES

SEC. 201. LANDS OPEN TO LOCATION.

(a) LANDS OPEN TO LOCATION.—Except as provided in subsection (b), mining claims may be located under the general mining laws only on such lands and interests as were open to the location of mining claims under the general mining laws immediately before the enactment of this Act.

(b) LANDS NOT OPEN TO LOCATION.—Notwithstanding any other provision of law and subject to valid existing rights, each of the following shall not be open to the location of mining claims under the general mining laws on or after the date of enactment of this Act:

(1) Wilderness study areas.

(2) Areas of critical environmental concern.

(3) Areas designated for inclusion in the National Wild and Scenic Rivers System pursuant to the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), areas designated for potential addition to such system pursuant to section 5(a) of that Act (16 U.S.C. 1276(a)), and areas determined to be eligible for inclusion in such system pursuant to section 5(d) of such Act (16 U.S.C. 1276(d)).

(4) Any area identified in the set of inventoried roadless areas maps contained in the Forest Service Roadless Area Conservation Final Environmental Impact Statement, Volume 2, dated November 2000.

(c) EXISTING AUTHORITY NOT AFFECTED.—Nothing in this Act limits the authority granted the Secretary in section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714) to withdraw public lands.

SEC. 202. WITHDRAWAL PETITIONS BY STATES, POLITICAL SUBDIVISIONS, AND INDIAN TRIBES.

(a) IN GENERAL.—Any State or political subdivision of a State or an Indian tribe may submit a petition to the Secretary for the withdrawal of a specific tract of Federal land from the operation of the general mining laws, in order to protect specific values identified in the petition that are important to the State or political subdivision or Indian tribe. Such values may include the value of a watershed to supply drinking water, wildlife habitat value, cultural or historic resources, or value for scenic vistas important to the local economy, and other similar values. In the case of an Indian tribe, the petition may also identify religious or cultural values that are important to the Indian tribe. The petition shall contain the information required by section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

(b) CONSIDERATION OF PETITION.—The Secretary—

(1) shall solicit public comment on the petition;

(2) shall make a final decision on the petition within 180 days after receiving it; and

(3) shall grant the petition unless the Secretary makes and publishes in the Federal Register specific findings why a decision to grant the petition would be against the national interest.

TITLE III—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

SEC. 301. GENERAL STANDARD FOR HARDROCK MINING ON FEDERAL LAND.

Notwithstanding section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the first section of the Act of June 4, 1897 (chapter 2; 30 Stat. 36 16 U.S.C. 478), and the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), and in accordance with this title and applicable law, unless expressly stated otherwise in this Act, the Secretary—

(1) shall ensure that mineral activities on any Federal land that is subject to a mining claim, millsite claim, or tunnel site claim is carefully controlled to prevent undue degradation of public lands and resources; and

(2) shall not grant permission to engage in mineral activities if the Secretary, after considering the evidence, makes and publishes in the Federal Register a determination that undue degradation would result from such activities.

SEC. 302. PERMITS.

(a) PERMITS REQUIRED.—No person may engage in mineral activities on Federal land that may cause a disturbance of surface resources, including but not limited to land, air, ground water and surface water, and fish and wildlife, unless—

(1) the claim was properly located under the general mining laws and maintained in compliance with such laws and this Act; and

(2) a permit was issued to such person under this title authorizing such activities.

(b) NEGLIGIBLE DISTURBANCE.—Notwithstanding subsection (a)(2), a permit under this title shall not be required for mineral activities that are a casual use of the Federal land.

(c) COORDINATION WITH NEPA PROCESS.—To the extent practicable, the Secretary and the Secretary of Agriculture shall conduct the permit processes under this Act in coordination with the timing and other requirements under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 303. EXPLORATION PERMIT.

(a) AUTHORIZED EXPLORATION ACTIVITY.—Any claim holder may apply for an exploration permit for any mining claim authorizing the claim holder to remove a reasonable amount of the locatable minerals from the claim for analysis, study and testing. Such permit shall not authorize the claim holder to remove any mineral for sale nor to conduct any activities other than those required for exploration for locatable minerals and reclamation.

(b) PERMIT APPLICATION REQUIREMENTS.—An application for an exploration permit under this section shall be submitted in a manner satisfactory to the Secretary or, for National Forest System lands, the Secretary of Agriculture, and shall contain an exploration plan, a reclamation plan for the proposed exploration, and such documentation as necessary to ensure compliance with applicable Federal and State environmental laws and regulations.

(c) RECLAMATION PLAN REQUIREMENTS.—The reclamation plan required to be included in a permit application under subsection (b) shall include such provisions as may be jointly prescribed by the Secretary and the Secretary of Agriculture.

(d) PERMIT ISSUANCE OR DENIAL.—The Secretary, or for National Forest System lands, the Secretary of Agriculture, shall issue an exploration permit pursuant to an application under this section unless such Secretary makes any of the following determinations:

(1) The permit application, the exploration plan and reclamation plan are not complete and accurate.

(2) The applicant has not demonstrated that proposed reclamation can be accomplished.

(3) The proposed exploration activities and condition of the land after the completion of exploration activities and final reclamation would not conform with the land use plan applicable to the area subject to mineral activities.

(4) The area subject to the proposed permit is included within an area not open to location under section 201.

(5) The applicant has not demonstrated that the exploration plan and reclamation plan will be in compliance with the requirements of this Act and all other applicable Federal requirements, and any State requirements agreed to by the Secretary of the Interior (or Secretary of Agriculture, as appropriate).

(6) The applicant has not demonstrated that the requirements of section 306 (relating to financial assurance) will be met.

(7) The applicant is eligible to receive a permit under section 305.

(e) TERM OF PERMIT.—An exploration permit shall be for a stated term. The term shall be no greater than that necessary to accomplish the proposed exploration, and in no case for more than 10 years.

(f) PERMIT MODIFICATION.—During the term of an exploration permit the permit holder may submit an application to modify the permit. To approve a proposed modification to the permit, the Secretary concerned shall make the same determinations as are required in the case of an original permit, except that the Secretary and the Secretary of Agriculture may specify by joint rule the extent to which requirements for initial exploration permits under this section shall apply to applications to modify an exploration permit based on whether such modifications are deemed significant or minor.

(g) TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.—(1) No transfer, assignment, or sale of rights granted by a permit issued under this section shall be made without the prior written approval of the Secretary or for National Forest System lands, the Secretary of Agriculture.

(2) Such Secretary shall allow a person holding a permit to transfer, assign, or sell rights under the permit to a successor, if the Secretary finds, in writing, that the successor—

(A) is eligible to receive a permit in accordance with section 304(d);

(B) has submitted evidence of financial assurance satisfactory under section 306; and

(C) meets any other requirements specified by the Secretary.

(3) The successor in interest shall assume the liability and reclamation responsibilities established by the existing permit and shall conduct the mineral activities in full compliance with this Act, and the terms and conditions of the permit as in effect at the time of transfer, assignment, or sale.

(4) Each application for approval of a permit transfer, assignment, or sale pursuant to this subsection shall be accompanied by a fee payable to the Secretary of the Interior in such amount as may be established by such Secretary. Such amount shall be equal to the actual or anticipated cost to the Secretary or the Secretary of Agriculture, as appropriate, of reviewing and approving or disapproving such transfer, assignment, or sale, as determined by the Secretary of the Interior. All moneys received under this subsection shall be deposited in the Locatable Minerals Fund established under title IV of this Act.

SEC. 304. OPERATIONS PERMIT.

(a) OPERATIONS PERMIT.—(1) Any claim holder that is in compliance with the general mining laws and section 103 of this Act may apply to the Secretary, or for National Forest System lands, the Secretary of Agriculture, for an operations permit authorizing the claim holder to carry out mineral activities, other than casual use, on—

(A) any valid mining claim, valid millsite claim, or valid tunnel site claim; and

(B) such additional Federal land as the Secretary may determine is necessary to conduct the proposed mineral activities, if the operator obtains a right-of-way permit for use of such additional lands under title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) and agrees to pay all fees required under that title for the permit under that title.

(2) If the Secretary decides to issue such permit, the permit shall include such terms and conditions as prescribed by such Secretary to carry out this title.

(b) PERMIT APPLICATION REQUIREMENTS.—An application for an operations permit under this section shall be submitted in a manner satisfactory to the Secretary concerned and shall contain site characterization data, an operations plan, a reclamation plan, monitoring plans, long-term maintenance plans, to the extent necessary, and such documentation as necessary to ensure compliance with applicable Federal and State environmental laws and regulations. If the proposed mineral activities will be carried out in conjunction with mineral activities on adjacent non-Federal lands, information on the location and nature of such operations may be required by the Secretary.

(c) PERMIT ISSUANCE OR DENIAL.—(1) After providing for public participation pursuant to subsection (i), the Secretary, or for National Forest System lands the Secretary of Agriculture, shall issue an operations permit if such Secretary makes each of the following determinations in writing, and shall deny a permit if such Secretary finds that the application and applicant do not fully meet the following requirements:

(A) The permit application, including the site characterization data, operations plan, and reclamation plan, are complete and accurate and sufficient for developing a good understanding of the anticipated impacts of the mineral activities and the effectiveness of proposed mitigation and control.

(B) The applicant has demonstrated that the proposed reclamation in the operation and reclamation plan can be and is likely to be accomplished by the applicant and will not cause undue degradation.

(C) The condition of the land, including the fish and wildlife resources and habitat contained thereon, after the completion of mineral activities and final reclamation, will conform to the land use plan applicable to the area subject to mineral activities and are returned to a productive use.

(D) The area subject to the proposed plan is open to location for the types of mineral activities proposed.

(E) The proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.

(F) The applicant will fully comply with the requirements of section 306 (relating to financial assurance) prior to the initiation of operations.

(G) Neither the applicant nor operator, nor any subsidiary, affiliate, or person controlled by or under common control with the applicant or operator, is ineligible to receive a permit under section 305.

(H) The reclamation plan demonstrates that 10 years following mine closure, no treatment of surface or ground water for carcinogens or toxins will be required to meet water quality standards at the point of discharge.

(2) With respect to any activities specified in the reclamation plan referred to in subsection (b) that constitutes a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following), the Secretary shall consult with the Administrator of the Environmental Protection Agency prior to the issuance of an operations permit. The Administrator shall ensure that the reclamation plan does not require activities that would increase the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following) or corrective actions under the Solid Waste Disposal Act (42 U.S.C. 6901 and following).

(d) TERM OF PERMIT; RENEWAL.—

(1) An operations permit—

(A) shall be for a term that is no longer than the shorter of—

(i) the period necessary to accomplish the proposed mineral activities subject to the permit; and

(ii) 20 years; and

(B) shall be renewed for an additional 20-year period if the operation is in compliance with the requirements of this Act and other applicable law.

(2) Failure by the operator to commence mineral activities within 2 years of the date scheduled in an operations permit shall require a modification of the permit if the Secretary concerned determines that modifications are necessary to comply with section 201.

(e) PERMIT MODIFICATION.—

(1) During the term of an operations permit the operator may submit an application to modify the permit (including the operations plan or reclamation plan, or both).

(2) The Secretary, or for National Forest System lands the Secretary of Agriculture, may, at any time, require reasonable modification to any operations plan or reclamation plan upon a determination that the requirements of this Act cannot be met if the plan is followed as approved. Such determination shall be based on a written finding and subject to public notice and hearing requirements established by the Secretary concerned.

(3) A permit modification is required before changes are made to the approved plan of operations, or if unanticipated events or conditions exist on the mine site, including in the case of—

(A) development of acid or toxic drainage;

(B) loss of springs or water supplies;

(C) water quantity, water quality, or other resulting water impacts that are significantly different than those predicted in the application;

(D) the need for long-term water treatment;

(E) significant reclamation difficulties or reclamation failure;

(F) the discovery of significant scientific, cultural, or biological resources that were not addressed in the original plan; or

(G) the discovery of hazards to public safety.

(f) TEMPORARY CESSATION OF OPERATIONS.—(1) An operator conducting mineral activities under an operations permit in effect under this title may not temporarily cease mineral activities for a period greater than 180 days unless the Secretary concerned has approved such temporary cessation or unless the temporary cessation is permitted under the original permit. Any operator temporarily ceasing mineral activities for a period greater than 90 days under an operations permit issued before the date of the enactment of this Act shall submit, before the expiration of such 90-day period, a complete application for temporary cessation of operations to the Secretary concerned for approval unless the temporary cessation is permitted under the original permit.

(2) An application for approval of temporary cessation of operations shall include such information required under subsection (b) and any other provisions prescribed by the Secretary concerned to minimize impacts on the environment. After receipt of a complete application for temporary cessation of operations such Secretary shall conduct an inspection of the area for which temporary cessation of operations has been requested.

(3) To approve an application for temporary cessation of operations, the Secretary concerned shall make each of the following determinations:

(A) A determination that the methods for securing surface facilities and restricting access to the permit area, or relevant portions thereof, will effectively ensure against hazards to the health and safety of the public and fish and wildlife.

(B) A determination that reclamation is in compliance with the approved reclamation plan, except in those areas specifically designated in the application for temporary cessation of operations for which a delay in meeting such standards is necessary to facilitate the resumption of operations.

(C) A determination that the amount of financial assurance filed with the permit application is sufficient to assure completion of the reclamation activities identified in the approved reclamation plan in the event of forfeiture.

(D) A determination that any outstanding notices of violation and cessation orders incurred in connection with the plan for which temporary cessation is being requested are either stayed pursuant to an administrative or judicial appeal proceeding or are in the process of being abated to the satisfaction of the Secretary concerned.

(g) PERMIT REVIEWS.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall review each permit issued under this section every 10 years during the term of such permit, shall provide public notice of the permit review, and, based upon a written finding, such Secretary shall require the operator to take such actions as the Secretary deems necessary to assure that mineral activities conform to the permit, including adjustment of financial assurance requirements.

(h) TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.—(1) No transfer, assignment, or sale of rights granted by a permit under this section shall be made without the prior written approval of the Secretary, or for National Forest System lands the Secretary of Agriculture.

(2) The Secretary, or for National Forest System lands, the Secretary of Agriculture, may allow a person holding a permit to transfer, assign, or sell rights under the permit to a successor, if such Secretary finds, in writing, that the successor—

(A) has submitted information required and is eligible to receive a permit in accordance with section 305;

(B) has submitted evidence of financial assurance satisfactory under section 306; and

(C) meets any other requirements specified by such Secretary.

(3) The successor in interest shall assume the liability and reclamation responsibilities established by the existing permit and shall conduct the mineral activities in full compliance with this Act, and the terms and conditions of the permit as in effect at the time of transfer, assignment, or sale.

(4) Each application for approval of a permit transfer, assignment, or sale pursuant to this subsection shall be accompanied by a fee payable to the Secretary of the Interior, or for National Forest System lands, the Secretary of Agriculture, in such amount as may be established by such Secretary, or for National Forest System lands, by the Secretary of Agriculture. Such amount shall be equal to the actual or anticipated cost to the Secretary or, for National Forest System lands, to the Secretary of Agriculture, of reviewing and approving or disapproving such transfer, assignment, or sale, as determined by such Secretary. All moneys received under this subsection shall be deposited in the Locatable Minerals Fund established under title IV.

(i) PUBLIC PARTICIPATION.—The Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate regulations to ensure transparency and public participation in permit decisions required under this Act, consistent with any requirements that apply to such decisions under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 305. PERSONS INELIGIBLE FOR PERMITS.

(a) CURRENT VIOLATIONS.—Unless corrective action has been taken in accordance with subsection (c), no permit under this title shall be issued or transferred to an applicant if the applicant or any agent of the applicant, the operator (if different than the applicant) of the claim concerned, any claim holder (if different than the applicant) of the claim concerned, or any affiliate or officer or director of the applicant is currently in violation of any of the following:

(1) A provision of this Act or any regulation under this Act.

(2) An applicable State or Federal toxic substance, solid waste, air, water quality, or fish and wildlife conservation law or regulation at any site where mining, beneficiation, or processing activities are occurring or have occurred.

(3) The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following) or any regulation implementing that Act at any site where surface coal mining operations have occurred or are occurring.

(b) SUSPENSION.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall suspend an operations permit, in whole or in part, if such Secretary determines that any of the entities described in subsection (a) were in violation of any requirement listed in subsection (a) at the time the permit was issued.

(c) CORRECTION.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, may issue or reinstate a permit under this title if the applicant submits proof that the violation referred to in subsection (a) or (b) has been corrected or is in the process of being corrected to the satisfaction of such Secretary and the regulatory authority involved or if the applicant submits proof that the violator has filed and is presently pursuing, a direct administrative or judicial appeal to contest the existence of the violation. For purposes of this section, an appeal of any applicant's relationship to an affiliate shall not constitute a direct administrative or judicial appeal to contest the existence of the violation.

(2) Any permit which is issued or reinstated based upon proof submitted under this subsection shall be conditionally approved or conditionally reinstated, as the case may be. If the violation is not successfully abated or the violation is upheld on appeal, the permit shall be suspended or revoked.

(d) PATTERN OF WILLFUL VIOLATIONS.—No permit under this Act may be issued to any applicant if there is a demonstrated pattern of willful violations of the environmental protection requirements of this Act by the applicant, any affiliate of the applicant, or the operator or claim holder if different than the applicant.

SEC. 306. FINANCIAL ASSURANCE.

(a) FINANCIAL ASSURANCE REQUIRED.—(1) After a permit is issued under this title and before any exploration or operations begin under the permit, the operator shall file with the Secretary, or for National Forest System lands the Secretary of Agriculture, evidence of financial assurance payable to the United States. The financial assurance shall be provided in the form of a surety bond, a trust fund, letters of credits, government securities, certificates of deposit, cash, or an equivalent form approved by such Secretary.

(2) The financial assurance shall cover all lands within the initial permit area and all affected waters that may require restoration, treatment, or other management as a result of mineral activities, and shall be extended to cover all lands and waters added pursuant to any permit modification made under section 303(f) (relating to exploration permits) or section 304(e) (relating to operations permits), or affected by mineral activities.

(b) AMOUNT.—The amount of the financial assurance required under this section shall be sufficient to assure the completion of reclamation and restoration satisfying the requirements of this Act if the work were to be performed by the Secretary concerned in the event of forfeiture, including the construction and maintenance costs for any treatment facilities necessary to meet Federal and State environmental requirements. The calculation of such amount shall take into account the maximum level of financial exposure which shall arise during the mineral activity and administrative costs associated with a government agency reclaiming the site.

(c) DURATION.—The financial assurance required under this section shall be held for the duration of the mineral activities and for an additional period to cover the operator's responsibility for reclamation, restoration, and long-term maintenance, and effluent treatment as specified in subsection (g).

(d) ADJUSTMENTS.—The amount of the financial assurance and the terms of the acceptance of the assurance may be adjusted by the Secretary concerned from time to time as the area requiring coverage is increased or decreased, or where the costs of reclamation or treatment change, or pursuant to section 304(f) (relating to temporary cessation of operations), but the financial assurance shall otherwise be in compliance with this section. The Secretary concerned shall review the financial guarantee every 3 years and as part of the permit application review under section 304(c).

(e) RELEASE.—Upon request, and after notice and opportunity for public comment, and after inspection by the Secretary, or for National Forest System lands, the Secretary of Agriculture, such Secretary may, after consultation with the Administrator of the Environmental Protection Agency, release in whole or in part the financial assurance required under this section if the Secretary makes both of the following determinations:

(1) A determination that reclamation or restoration covered by the financial assurance has been accomplished as required by this Act.

(2) A determination that the terms and conditions of any other applicable Federal requirements, and State requirements applicable pursuant to cooperative agreements under section 308, have been fulfilled.

(f) RELEASE SCHEDULE.—The release referred to in subsection (e) shall be according to the following schedule:

(1) After the operator has completed any required backfilling, regrading, and drainage control of an area subject to mineral activities and covered by the financial assurance, and has commenced revegetation on the regraded areas subject to mineral activities in accordance with the approved plan, that portion of the total financial assurance secured for the area subject to mineral activities attributable to the completed activities may be released except that sufficient assurance must be retained to address other required reclamation and restoration needs and to assure the long-term success of the revegetation.

(2) After the operator has completed successfully all remaining mineral activities and reclamation activities and all requirements of the operations plan and the reclamation plan, and all other requirements of this Act have been fully met, the remaining portion of the financial assurance may be released.

During the period following release of the financial assurance as specified in paragraph (1), until the remaining portion of the financial assurance is released as provided in paragraph (2), the operator shall be required to comply with the permit issued under this title.

(g) EFFLUENT.—Notwithstanding section 307(b)(4), where any discharge or other water-related condition resulting from the mineral activities requires treatment in order to meet the applicable effluent limitations and water quality standards, the financial assurance shall include the estimated cost of maintaining such treatment for the projected period that will be needed after the cessation of mineral activities. The portion of the financial assurance attributable to such estimated cost of treatment shall not be released until the discharge has ceased for a period of 5 years, as determined by ongoing monitoring and testing, or, if the discharge continues, until the operator has met all applicable effluent limitations and water quality standards for 5 full years without treatment.

(h) ENVIRONMENTAL HAZARDS.—If the Secretary, or for National Forest System lands, the Secretary of Agriculture, determines, after final release of financial assurance, that an environmental hazard resulting from the mineral activities exists, or the terms and conditions of the explorations or operations permit of this Act were not fulfilled in fact at the time of release, such Secretary shall issue an order under section 506 requiring the claim holder or operator (or any person who controls the claim holder or operator) to correct the condition such that applicable laws and regulations and any conditions from the plan of operations are met.

SEC. 307. OPERATION AND RECLAMATION.

(a) GENERAL RULE.—(1) The operator shall restore lands subject to mineral activities carried out under a permit issued under this title to a condition capable of supporting—

(A) the uses which such lands were capable of supporting prior to surface disturbance by the operator, or

(B) other beneficial uses which conform to applicable land use plans as determined by the Secretary, or for National Forest System lands, the Secretary of Agriculture.

(2) Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities. In the case of a cessation of mineral activities beyond that provided for as a temporary cessation under this Act, reclamation activities shall begin immediately.

(b) OPERATION AND RECLAMATION STANDARDS.—The Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate regulations that establish operation and reclamation standards for mineral activities permitted under this Act. The Secretaries may determine whether outcome-based performance

standards or technology-based design standards are most appropriate. The regulations shall address the following:

(1) Segregation, protection, and replacement of topsoil or other suitable growth medium, and the prevention, where possible, of soil contamination.

(2) Maintenance of the stability of all surface areas.

(3) Control of sediments to prevent erosion and manage drainage.

(4) Minimization of the formation and migration of acidic, alkaline, metal-bearing, or other deleterious leachate.

(5) Reduction of the visual impact of mineral activities to the surrounding topography, including as necessary pit backfill.

(6) Establishment of a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area affected by mineral activities, and equal in extent of cover to the natural vegetation of the area.

(7) Design and maintenance of leach operations, impoundments, and excess waste according to standard engineering standards to achieve and maintain stability and reclamation of the site.

(8) Removal of structures and roads and sealing of drill holes.

(9) Restoration of, or mitigation for, fish and wildlife habitat disturbed by mineral activities.

(10) Preservation of cultural, paleontological, and cave resources.

(11) Prevention and suppression of fire in the area of mineral activities.

(c) SURFACE OR GROUNDWATER WITHDRAWALS.—The Secretary shall work with State and local governments with authority over the allocation and use of surface and groundwater in the area around the mine site as necessary to ensure that any surface or groundwater withdrawals made as a result of mining activities approved under this section do not cause undue degradation.

(d) SPECIAL RULE.—Reclamation activities for a mining claim that has been forfeited, relinquished, or lapsed, or a plan that has expired or been revoked or suspended, shall continue subject to review and approval by the Secretary, or for National Forest System lands the Secretary of Agriculture.

SEC. 308. STATE LAW AND REGULATION.

(a) STATE LAW.—(1) Any reclamation, land use, environmental, or public health protection standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with any such standard.

(2) Any bonding standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with such requirements.

(3) Any inspection standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with such requirements.

(b) APPLICABILITY OF OTHER STATE REQUIREMENTS.—(1) Nothing in this Act shall be construed as affecting any toxic substance, solid waste, or air or water quality, standard or requirement of any State, county, local, or tribal law or regulation, which may be applicable to mineral activities on lands subject to this Act.

(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, such person's interest in water resources affected by mineral activities on lands subject to this Act.

(c) COOPERATIVE AGREEMENTS.—(1) Any State may enter into a cooperative agreement with the Secretary, or for National Forest System lands the Secretary of Agriculture, for the purposes of such Secretary applying such standards and requirements referred to in subsection (a) and subsection (b) to mineral activities or reclamation on lands subject to this Act.

(2) In such instances where the proposed mineral activities would affect lands not subject to this Act in addition to lands subject to this Act, in order to approve a plan of operations the Secretary concerned shall enter into a cooperative agreement with the State that sets forth a common regulatory framework consistent with the requirements of this Act for the purposes of such plan of operations. Any such common regulatory framework shall not negate the authority of the Federal Government to independently inspect mines and operations and bring enforcement actions for violations.

(3) The Secretary concerned shall not enter into a cooperative agreement with any State under this section until after notice in the Federal Register and opportunity for public comment and hearing.

(d) PRIOR AGREEMENTS.—Any cooperative agreement or such other understanding between the Secretary concerned and any State, or political subdivision thereof, relating to the management of mineral activities on lands subject to this Act that was in existence on the date of enactment of this Act may only continue in force until 1 year after the date of enactment of this Act. During such 1-year period, the State and the Secretary shall review the terms of the agreement and make changes that are necessary to be consistent with this Act.

SEC. 309. LIMITATION ON THE ISSUANCE OF PERMITS.

No permit shall be issued under this title that authorizes mineral activities that would impair the land or resources of the National Park System or a National Monument. For purposes of this section, the term ''impair'' shall include any diminution of the affected land including its scenic assets, its water resources, its air quality, and its acoustic qualities, or other changes that would impair a citizen's experience at the National Park or National Monument.

TITLE IV—MINING MITIGATION

Subtitle A—Locatable Minerals Fund

SEC. 401. ESTABLISHMENT OF FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury of the United States a separate account to be known as the Locatable Minerals Fund (hereinafter in this subtitle referred to as the ''Fund'').

(b) INVESTMENT.—The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in the Secretary's judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities.

SEC. 402. CONTENTS OF FUND.

The following amounts shall be credited to the Fund:

(1) All moneys collected pursuant to section 506 (relating to enforcement) and section 504 (relating to citizens suits).

(2) All permit fees and transfer fees received under section 304.

(3) All donations by persons, corporations, associations, and foundations for the purposes of this subtitle.

(4) All amounts deposited in the Fund under section 102 (relating to royalties and penalties for underreporting).

(5) All amounts received by the United States pursuant to section 101 from issuance of patents.

(6) All amounts received by the United States pursuant to section 103 as claim maintenance and location fees.

(7) All income on investments under section 401(b).

SEC. 403. SUBACCOUNTS.

There shall be in the Fund 2 subaccounts, as follows:

(1) The Hardrock Reclamation Account, which shall consist of ⅔ of the amounts credited to the Fund under section 402 and which shall be administered by the Secretary acting through the Director of the Office of Surface Mining and Enforcement.

(2) The Hardrock Community Impact Assistance Account, which shall consist of ⅓ of the amounts credited to the Fund under section 402 and which shall be administered by the Secretary acting through the Director of the Bureau of Land Management.

Subtitle B—Use of Hardrock Reclamation Account

SEC. 411. USE AND OBJECTIVES OF THE ACCOUNT.

(a) IN GENERAL.—The Secretary is authorized, subject to appropriations, to use moneys in the Hardrock Reclamation Account for the reclamation and restoration of land and water resources adversely affected by past mineral activities on lands the legal and beneficial title to which resides in the United States, land within the exterior boundary of any national forest system unit, or other lands described in subsection (d) or section 412, including any of the following:

(1) Protecting public health and safety.

(2) Preventing, abating, treating, and controlling water pollution created by abandoned mine drainage.

(3) Reclaiming and restoring abandoned surface and underground mined areas.

(4) Reclaiming and restoring abandoned milling and processing areas.

(5) Backfilling, sealing, or otherwise controlling, abandoned underground mine entries.

(6) Revegetating land adversely affected by past mineral activities in order to prevent erosion and sedimentation, to enhance wildlife habitat, and for any other reclamation purpose.

(7) Controlling of surface subsidence due to abandoned underground mines.

(b) PRIORITIES.—Expenditures of moneys from the Hardrock Reclamation Account shall reflect the following priorities in the order stated:

(1) The protection of public health and safety, from extreme danger from the adverse effects of past mineral activities, especially as relates to surface water and groundwater contaminants.

(2) The protection of public health and safety, from the adverse effects of past mineral activities.

(3) The restoration of land, water, and fish and wildlife resources previously degraded by the adverse effects of past mineral activities.

(c) HABITAT.—Reclamation and restoration activities under this subtitle, particularly those identified under subsection (a)(4), shall include appropriate mitigation measures to provide for the continuation of any established habitat for wildlife in existence prior to the commencement of such activities.

(d) OTHER AFFECTED LANDS.—Where mineral exploration, mining, beneficiation, processing, or reclamation activities have been carried out with respect to any mineral which would be a locatable mineral if the legal and beneficial title to the mineral were in the United States, if such activities directly affect lands managed by the Bureau of Land Management as well as other lands and if the legal and beneficial title to more than 50 percent of the affected lands resides in the United States, the Secretary is authorized, subject to appropriations, to use moneys in the Hardrock Reclamation Account for reclamation and restoration under subsection (a) for all directly affected lands.

(e) RESPONSE OR REMOVAL ACTIONS.—Reclamation and restoration activities under this subtitle which constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), shall be conducted with the concurrence of the Administrator of the Environmental Protection Agency. The Secretary and the Administrator shall enter into a Memorandum of Understanding to establish procedures for consultation, concurrence, training, exchange of technical expertise and

joint activities under the appropriate circumstances, that provide assurances that reclamation or restoration activities under this subtitle shall not be conducted in a manner that increases the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following), and that avoid oversight by multiple agencies to the maximum extent practicable.

SEC. 412. ELIGIBLE LANDS AND WATERS.

(a) ELIGIBILITY.—Reclamation expenditures under this subtitle may only be made with respect to Federal lands or Indian lands or water resources that traverse or are contiguous to Federal lands or Indian lands where such lands or water resources have been affected by past mineral activities, including any of the following:

(1) Lands and water resources which were used for, or affected by, mineral activities and abandoned or left in an inadequate reclamation status before the effective date of this Act.

(2) Lands for which the Secretary makes a determination that there is no continuing reclamation responsibility of a claim holder, operator, or other person who abandoned the site prior to completion of required reclamation under State or other Federal laws.

(3) Lands for which it can be established that such lands do not contain locatable minerals which could economically be extracted through the reprocessing or remining of such lands, unless such considerations are in conflict with the priorities set forth under paragraphs (1) and (2) of section 302(b).

(b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—The provisions of section 411(d) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(d)) shall apply to expenditures made from the Hardrock Reclamation Account.

(c) INVENTORY.—The Secretary shall prepare and maintain a publicly available inventory of abandoned locatable minerals mines on public lands and any abandoned mine on Indian lands that may be eligible for expenditures under this subtitle, and shall deliver a yearly report to the Congress on the progress in cleanup of such sites.

SEC. 413. EXPENDITURES.

Moneys available from the Hardrock Reclamation Account may be expended for the purposes specified in section 411 directly by the Director of the Office of Surface Mining Reclamation and Enforcement. The Director may also make such money available for such purposes to the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Director of the National Park Service, or Director of the United States Fish and Wildlife Service, to any other agency of the United States, to an Indian tribe, or to any public entity that volunteers to develop and implement, and that has the ability to carry out, all or a significant portion of a reclamation program under this subtitle.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

Amounts credited to the Hardrock Reclamation Account are authorized to be appropriated for the purpose of this subtitle without fiscal year limitation.

Subtitle C—Use of Hardrock Community Impact Assistance Account

SEC. 421. USE AND OBJECTIVES OF THE ACCOUNT.

Amounts in the Hardrock Community Impact Assistance Account shall be available to the Secretary, subject to appropriations, to provide assistance for the planning, construction, and maintenance of public facilities and the provision of public services to States, political subdivisions and Indian tribes that are socially or economically impacted by mineral activities conducted under the general mining laws.

SEC. 422. ALLOCATION OF FUNDS.

Moneys deposited into the Hardrock Community Impact Assistance Account shall be allocated by the Secretary for purposes of section 421 among the States within the boundaries of which occurs production of locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, as the case may be, in proportion to the amount of such production in each such State.

TITLE V—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Subtitle A—Administrative Provisions

SEC. 501. POLICY FUNCTIONS.

(a) MINERALS POLICY.—Section 101 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended—

(1) in the first sentence by inserting before the period at the end the following: ''and to ensure that mineral extraction and processing not cause undue degradation of the natural and cultural resources of the public lands''; and

(2) by adding at the end thereof the following: ''It shall also be the responsibility of the Secretary of Agriculture to carry out the policy provisions of paragraphs (1) and (2) of this section.''.

(b) MINERAL DATA.—Section 5(e)(3) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(e)(3)) is amended by inserting before the period the following: '', except that for National Forest System lands the Secretary of Agriculture shall promptly initiate actions to improve the availability and analysis of mineral data in public land use decisionmaking''.

SEC. 502. USER FEES.

(a) IN GENERAL.—The Secretary and the Secretary of Agriculture may each establish and collect from persons subject to the requirements of this Act such user fees as may be necessary to reimburse the United States for the expenses incurred in administering such requirements. Fees may be assessed and collected under this section only in such manner as may reasonably be expected to result in an aggregate amount of the fees collected during any fiscal year which does not exceed the aggregate amount of administrative expenses referred to in this section.

(b) ADJUSTMENT.—(1) The Secretary shall adjust the fees required by this section to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after the date of enactment of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.

(2) The Secretary shall provide claimants notice of any adjustment made under this subsection not later than July 1 of any year in which the adjustment is made.

(3) A fee adjustment under this subsection shall begin to apply the calendar year following the calendar year in which it is made.

SEC. 503. INSPECTION AND MONITORING.

(a) INSPECTIONS.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall make inspections of mineral activities so as to ensure compliance with the requirements of this Act.

(2) The Secretary concerned shall establish a frequency of inspections for mineral activities conducted under a permit issued under title III, but in no event shall such inspection frequency be less than one complete inspection per calendar quarter or, two per calendar quarter in the case of a permit for which the Secretary concerned approves an application under section 304(f) (relating to temporary cessation of operations). After revegetation has been established in accordance with a reclamation plan, such Secretary shall conduct annually 2 complete inspections. Such Secretary shall have the discretion to modify the inspection frequency for mineral activities that are conducted on a seasonal basis. Inspections shall continue under this subsection until final release of financial assurance.

(3)(A) Any person who has reason to believe he or she is or may be adversely affected by mineral activities due to any violation of the requirements of a permit approved under this Act may request an inspection. The Secretary, or for National Forest System lands the Secretary of Agriculture, shall determine within 10 working days of receipt of the request whether the request states a reason to believe that a violation exists. If the person alleges and provides reason to believe that an imminent threat to the environment or danger to the health or safety of the public exists, the 10-day period shall be waived and the inspection shall be conducted immediately. When an inspection is conducted under this paragraph, the Secretary concerned shall notify the person requesting the inspection, and such person shall be allowed to accompany the Secretary concerned or the Secretary's authorized representative during the inspection. The Secretary shall not incur any liability for allowing such person to accompany an authorized representative. The identity of the person supplying information to the Secretary relating to a possible violation or imminent danger or harm shall remain confidential with the Secretary if so requested by that person, unless that person elects to accompany an authorized representative on the inspection.

(B) The Secretaries shall, by joint rule, establish procedures for the review of (i) any decision by an authorized representative not to inspect; or (ii) any refusal by such representative to ensure that remedial actions are taken with respect to any alleged violation. The Secretary concerned shall furnish such persons requesting the review a written statement of the reasons for the Secretary's final disposition of the case.

(b) MONITORING.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall require all operators to develop and maintain a monitoring and evaluation system that shall identify compliance with all requirements of a permit approved under this Act. The Secretary concerned may require additional monitoring to be conducted as necessary to assure compliance with the reclamation and other environmental standards of this Act. Such plan must be reviewed and approved by the Secretary and shall become a part of the explorations or operations permit.

(2) The operator shall file reports with the Secretary, or for National Forest System lands the Secretary of Agriculture, on a frequency determined by the Secretary concerned, on the results of the monitoring and evaluation process, except that if the monitoring and evaluation show a violation of the requirements of a permit approved under this Act, it shall be reported immediately to the Secretary concerned. The Secretary shall evaluate the reports submitted pursuant to this paragraph, and based on those reports and any necessary inspection shall take enforcement action pursuant to this section. Such reports shall be maintained by the operator and by the Secretary and shall be made available to the public.

(3) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall determine what information shall be reported by the operator pursuant to paragraph (3). A failure to report as required by the Secretary concerned shall constitute a violation of this Act and subject the operator to enforcement action pursuant to section 506.

SEC. 504. CITIZENS SUITS.

(a) IN GENERAL.—Except as provided in subsection (b), any person may commence a civil action on his or her own behalf to compel compliance—

(1) against any person (including the Secretary or the Secretary of Agriculture) who is allged to be in violation of any of the provisions

of this Act or any regulation promulgated pursuant to this Act or any term or condition of any permit issued under this Act; or

(2) against the Secretary or the Secretary of Agriculture where there is alleged a failure of such Secretary to perform any act or duty under this Act, or to promulgate any regulation under this Act, which is not within the discretion of the Secretary concerned.

The United States district courts shall have jurisdiction over actions brought under this section, without regard to the amount in controversy or the citizenship of the parties, including actions brought to apply any civil penalty under this Act. The district courts of the United States shall have jurisdiction to compel agency action unreasonably delayed, except that an action to compel agency action reviewable under section 505 may only be filed in a United States district court within the circuit in which such action would be reviewable under section 505.

(b) EXCEPTIONS.—(1) No action may be commenced under subsection (a) before the end of the 60-day period beginning on the date the plaintiff has given notice in writing of such alleged violation to the the alleged violator and the Secretary, or for National Forest System lands the Secretary of Agriculture, except that any such action may be brought immediately after such notification if the violation complained of constitutes an imminent threat to the environment or to the health or safety of the public.

(2) No action may be brought against any person other than the Secretary or the Secretary of Agriculture under subsection (a)(1) if such Secretary has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance.

(3) No action may be commenced under paragraph (2) of subsection (a) against either Secretary to review any rule promulgated by, or to any permit issued or denied by such Secretary if such rule or permit issuance or denial is judicially reviewable under section 505 or under any other provision of law at any time after such promulgation, issuance, or denial is final.

(c) VENUE.—Venue of all actions brought under this section shall be determined in accordance with section 1391 of title 28, United States Code.

(d) COSTS.—The court, in issuing any final order in any action brought pursuant to this section may award costs of litigation (including attorney and expert witness fees) to any party whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(e) SAVINGS CLAUSE.—Nothing in this section shall restrict any right which any person (or class of persons) may have under chapter 7 of title 5, United States Code, under this section, or under any other statute or common law to bring an action to seek any relief against the Secretary or the Secretary of Agriculture or against any other person, including any action for any violation of this Act or of any regulation or permit issued under this Act or for any failure to act as required by law. Nothing in this section shall affect the jurisdiction of any court under any provision of title 28, United States Code, including any action for any violation of this Act or of any regulation or permit issued under this Act or for any failure to act as required by law.

SEC. 505. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) REVIEW BY SECRETARY.—(1)(A) Any person issued a notice of violation or cessation order under section 506, or any person having an interest which is or may be adversely affected by such notice or order, may apply to the Secretary, or for National Forest System lands the Secretary of Agriculture, for review of the notice or order within 30 days after receipt thereof, or as the case may be, within 30 days after such notice or order is modified, vacated, or terminated.

(B) Any person who is subject to a penalty assessed under section 506 may apply to the Secretary concerned for review of the assessment within 45 days of notification of such penalty.

(C) Any person may apply to such Secretary for review of the decision within 30 days after it is made.

(D) Pending a review by the Secretary or resolution of an administrative appeal, final decisions (except enforcement actions under section 506) shall be stayed.

(2) The Secretary concerned shall provide an opportunity for a public hearing at the request of any party to the proceeding as specified in paragraph (1). The filing of an application for review under this subsection shall not operate as a stay of any order or notice issued under section 506.

(3) For any review proceeding under this subsection, the Secretary concerned shall make findings of fact and shall issue a written decision incorporating therein an order vacating, affirming, modifying, or terminating the notice, order, or decision, or with respect to an assessment, the amount of penalty that is warranted. Where the application for review concerns a cessation order issued under section 506 the Secretary concerned shall issue the written decision within 30 days of the receipt of the application for review or within 30 days after the conclusion of any hearing referred to in paragraph (2), whichever is later, unless temporary relief has been granted by the Secretary concerned under paragraph (4).

(4) Pending completion of any review proceedings under this subsection, the applicant may file with the Secretary, or for National Forest System lands the Secretary of Agriculture, a written request that the Secretary grant temporary relief from any order issued under section 506 together with a detailed statement giving reasons for such relief. The Secretary concerned shall expeditiously issue an order or decision granting or denying such relief. The Secretary concerned may grant such relief under such conditions as he or she may prescribe only if such relief shall not adversely affect the health or safety of the public or cause imminent environmental harm to land, air, or water resources.

(5) The availability of review under this subsection shall not be construed to limit the operation of rights under section 504 (relating to citizen suits).

(b) JUDICIAL REVIEW.—(1) Any final action by the Secretaries of the Interior and Agriculture in promulgating regulations to implement this Act, or any other final actions constituting rulemaking to implement this Act, shall be subject to judicial review only in the United States Court of Appeals for the District of Columbia. Any action subject to judicial review under this subsection shall be affirmed unless the court concludes that such action is arbitrary, capricious, or otherwise inconsistent with law. A petition for review of any action subject to judicial review under this subsection shall be filed within 60 days from the date of such action, or after such date if the petition is based solely on grounds arising after the 60th day. Any such petition may be made by any person who commented or otherwise participated in the rulemaking or any person who may be adversely affected by the action of the Secretaries.

(2) Final agency action under this subsection, including such final action on those matters described under subsection (a), shall be subject to judicial review in accordance with paragraph (4) and pursuant to section 1391 of title 28, United States Code, on or before 60 days from the date of such final action. Any action subject to judicial review under this subsection shall be affirmed unless the court concludes that such action is arbitrary, capricious, or otherwise inconsistent with law.

(3) The availability of judicial review established in this subsection shall not be construed to limit the operations of rights under section 504 (relating to citizens suits).

(4) The court shall hear any petition or complaint filed under this subsection solely on the record made before the Secretary or Secretaries concerned. The court may affirm or vacate any order or decision or may remand the proceedings to the Secretary or Secretaries for such further action as it may direct.

(5) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the action, order, or decision of the Secretary or Secretaries concerned.

(c) COSTS.—Whenever a proceeding occurs under subsection (a) or (b), at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney fees) as determined by the Secretary or Secretaries concerned or the court to have been reasonably incurred by such person for or in connection with participation in such proceedings, including any judicial review of the proceeding, may be assessed against either party as the court, in the case of judicial review, or the Secretary or Secretaries concerned in the case of administrative proceedings, deems proper if it is determined that such party prevailed in whole or in part, achieving some success on the merits, and that such party made a substantial contribution to a full and fair determination of the issues.

SEC. 506. ENFORCEMENT.

(a) ORDERS.—(1) If the Secretary, or for National Forest System lands the Secretary of Agriculture, or an authorized representative of such Secretary, determines that any person is in violation of any environmental protection requirement under title III or any regulation issued by the Secretaries to implement this Act, such Secretary or authorized representative shall issue to such person a notice of violation describing the violation and the corrective measures to be taken. The Secretary concerned, or the authorized representative of such Secretary, shall provide such person with a period of time not to exceed 30 days to abate the violation. Such period of time may be extended by the Secretary concerned upon a showing of good cause by such person. If, upon the expiration of time provided for such abatement, the Secretary concerned, or the authorized representative of such Secretary, finds that the violation has not been abated he or she shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation.

(2) If the Secretary concerned, or the authorized representative of the Secretary concerned, determines that any condition or practice exists, or that any person is in violation of any requirement under a permit approved under this Act, and such condition, practice or violation is causing, or can reasonably be expected to cause—

(A) an imminent danger to the health or safety of the public; or

(B) significant, imminent environmental harm to land, air, water, or fish or wildlife resources; such Secretary or authorized representative shall immediately order a cessation of mineral activities or the portion thereof relevant to the condition, practice, or violation.

(3)(A) A cessation order pursuant to paragraphs (1) or (2) shall remain in effect until such Secretary, or authorized representative, determines that the condition, practice, or violation has been abated, or until modified, vacated or terminated by the Secretary or authorized representative. In any such order, the Secretary or authorized representative shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the order. The Secretary concerned shall require appropriate financial assurances to ensure that the abatement obligations are met.

(B) Any notice or order issued pursuant to paragraphs (1) or (2) may be modified, vacated, or terminated by the Secretary concerned or an authorized representative of such Secretary. Any person to whom any such notice or order is issued shall be entitled to a hearing on the record.

(4) If, after 30 days of the date of the order referred to in paragraph (3)(A) the required abatement has not occurred, the Secretary concerned shall take such alternative enforcement action against the claim holder or operator (or any person who controls the claim holder or operator) as will most likely bring about abatement in the most expeditious manner possible. Such alternative enforcement action may include, but is not necessarily limited to, seeking appropriate injunctive relief to bring about abatement. Nothing in this paragraph shall preclude the Secretary, or for National Forest System lands the Secretary of Agriculture, from taking alternative enforcement action prior to the expiration of 30 days.

(5) If a claim holder or operator (or any person who controls the claim holder or operator) fails to abate a violation or defaults on the terms of the permit, the Secretary, or for National Forest System lands the Secretary of Agriculture, shall forfeit the financial assurance for the plan as necessary to ensure abatement and reclamation under this Act. The Secretary concerned may prescribe conditions under which a surety may perform reclamation in accordance with the approved plan in lieu of forfeiture.

(6) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall not cause forfeiture of the financial assurance while administrative or judicial review is pending.

(7) In the event of forfeiture, the claim holder, operator, or any affiliate thereof, as appropriate as determined by the Secretary by rule, shall be jointly and severally liable for any remaining reclamation obligations under this Act.

(b) COMPLIANCE.—The Secretary, or for National Forest System lands the Secretary of Agriculture, may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction or restraining order, or any other appropriate enforcement order, including the imposition of civil penalties, in the district court of the United States for the district in which the mineral activities are located whenever a person—

(1) violates, fails, or refuses to comply with any order issued by the Secretary concerned under subsection (a); or

(2) interferes with, hinders, or delays the Secretary concerned in carrying out an inspection under section 503.

Such court shall have jurisdiction to provide such relief as may be appropriate. Any relief granted by the court to enforce an order under paragraph (1) shall continue in effect until the completion or final termination of all proceedings for review of such order unless the district court granting such relief sets it aside.

(c) DELEGATION.—Notwithstanding any other provision of law, the Secretary may utilize personnel of the Office of Surface Mining Reclamation and Enforcement to ensure compliance with the requirements of this Act.

(d) PENALTIES.—(1) Any person who fails to comply with any requirement of a permit approved under this Act or any regulation issued by the Secretaries to implement this Act shall be liable for a penalty of not more than $25,000 per violation. Each day of violation may be deemed a separate violation for purposes of penalty assessments.

(2) A person who fails to correct a violation for which a cessation order has been issued under subsection (a) within the period permitted for its correction shall be assessed a civil penalty of not less than $1,000 per violation for each day during which such failure continues.

(3) Whenever a corporation is in violation of a requirement of a permit approved under this Act or any regulation issued by the Secretaries to implement this Act or fails or refuses to comply with an order issued under subsection (a), any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same penalties as may be imposed upon the person referred to in paragraph (1).

(e) SUSPENSIONS OR REVOCATIONS.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall suspend or revoke a permit issued under title III, in whole or in part, if the operator—

(1) knowingly made or knowingly makes any false, inaccurate, or misleading material statement in any mining claim, notice of location, application, record, report, plan, or other document filed or required to be maintained under this Act;

(2) fails to abate a violation covered by a cessation order issued under subsection (a);

(3) fails to comply with an order of the Secretary concerned;

(4) refuses to permit an audit pursuant to this Act;

(5) fails to maintain an adequate financial assurance under section 306;

(6) fails to pay claim maintenance fees or other moneys due and owing under this Act; or

(7) with regard to plans conditionally approved under section 305(c)(2), fails to abate a violation to the satisfaction of the Secretary concerned, or if the validity of the violation is upheld on the appeal which formed the basis for the conditional approval.

(f) FALSE STATEMENTS; TAMPERING.—Any person who knowingly—

(1) makes any false material statement, representation, or certification in, or omits or conceals material information from, or unlawfully alters, any mining claim, notice of location, application, record, report, plan, or other documents filed or required to be maintained under this Act; or

(2) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained under this Act,

shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this subsection, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.

(g) KNOWING VIOLATIONS.—Any person who knowingly—

(1) engages in mineral activities without a permit required under title III, or

(2) violates any other requirement of a permit issued under this Act, or any condition or limitation thereof,

shall upon conviction be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after the first conviction of such person under this subsection, punishment shall be a fine of not less than $10,000 per day of violation, or by imprisonment of not more than 6 years, or both.

(h) KNOWING AND WILLFUL VIOLATIONS.—Any person who knowingly and willfully commits an act for which a civil penalty is provided in paragraph (1) of subsection (g) shall, upon conviction, be punished by a fine of not more than $50,000, or by imprisonment for not more than 2 years, or both.

(i) DEFINITION.—For purposes of this section, the term ''person'' includes any officer, agent, or employee of a person.

SEC. 507. REGULATIONS.

The Secretary and the Secretary of Agriculture shall issue such regulations as are necessary to implement this Act. The regulations implementing title II, title III, title IV, and title V that affect the Forest Service shall be joint regulations issued by both Secretaries, and shall be issued no later than 180 days after the date of enactment of this Act.

SEC. 508. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, except as otherwise provided in this Act.

Subtitle B—Miscellaneous Provisions

SEC. 511. OIL SHALE CLAIMS SUBJECT TO SPECIAL RULES.

(a) APPLICATION OF SECTION 511.—Section 511 shall apply to oil shale claims referred to in section 2511(e)(2) of the Energy Policy Act of 1992 (Public Law 102–486).

(b) AMENDMENT.—Section 2511(f) of the Energy Policy Act of 1992 (Public Law 102–486) is amended as follows:

(1) By striking ''as prescribed by the Secretary''.

(2) By inserting before the period the following: ''in the same manner as if such claim was subject to title II and title III of the Hardrock Mining and Reclamation Act of 2007''.

SEC. 512. PURCHASING POWER ADJUSTMENT.

The Secretary shall adjust all location fees, claim maintenance rates, penalty amounts, and other dollar amounts established in this Act for changes in the purchasing power of the dollar no less frequently than every 5 years following the date of enactment of this Act, employing the Consumer Price Index for All-Urban Consumers published by the Department of Labor as the basis for adjustment, and rounding according to the adjustment process of conditions of the Federal Civil Penalties Inflation Adjustment Act of 1990 (104 Stat. 890).

SEC. 513. SAVINGS CLAUSE.

(a) SPECIAL APPLICATION OF MINING LAWS.—Nothing in this Act shall be construed as repealing or modifying any Federal law, regulation, order, or land use plan, in effect prior to the date of enactment of this Act that prohibits or restricts the application of the general mining laws, including laws that provide for special management criteria for operations under the general mining laws as in effect prior to the date of enactment of this Act, to the extent such laws provide for protection of natural and cultural resources and the environment greater than required under this Act, and any such prior law shall remain in force and effect with respect to claims located (or proposed to be located) or converted under this Act. Nothing in this Act shall be construed as applying to or limiting mineral investigations, studies, or other mineral activities conducted by any Federal or State agency acting in its governmental capacity pursuant to other authority. Nothing in this Act shall affect or limit any assessment, investigation, evaluation, or listing pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following), or the Solid Waste Disposal Act (42 U.S.C. 3251 and following).

(b) EFFECT ON OTHER FEDERAL LAWS.—The provisions of this Act shall supersede the general mining laws, except for those parts of the general mining laws respecting location of mining claims that are not expressly modified by this Act. Except for the general mining laws, nothing in this Act shall be construed as superseding, modifying, amending, or repealing any provision of Federal law not expressly superseded, modified, amended, or repealed by this Act. Nothing in this Act shall be construed as altering, affecting, amending, modifying, or changing, directly or indirectly, any law which refers to and provides authorities or responsibilities for, or is administered by, the Environmental Protection Agency or the Administrator of the Environmental Protection Agency, including the Federal Water Pollution Control Act, title XIV of the Public Health Service Act

(the Safe Drinking Water Act), the Clean Air Act, the Pollution Prevention Act of 1990, the Toxic Substances Control Act, the Federal Insecticide, Fungicide, and Rodenticide Act, the Federal Food, Drug, and Cosmetic Act, the Motor Vehicle Information and Cost Savings Act, the Federal Hazardous Substances Act, the Endangered Species Act of 1973, the Atomic Energy Act, the Noise Control Act of 1972, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, the Ocean Dumping Act, the Environmental Research, Development, and Demonstration Authorization Act, the Pollution Prosecution Act of 1990, and the Federal Facilities Compliance Act of 1992, or any statute containing an amendment to any of such Acts. Nothing in this Act shall be construed as modifying or affecting any provision of the Native American Graves Protection and Repatriation Act (Public Law 101–601) or any provision of the American Indian Religious Freedom Act (42 U.S.C. 1996), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.).

(c) PROTECTION OF CONSERVATION AREAS.—In order to protect the resources and values of National Conservation System units, the Secretary, as appropriate, shall utilize authority under this Act and other applicable law to the fullest extent necessary to prevent mineral activities that could have an adverse impact on the resources or values for which such units were established.

SEC. 514. AVAILABILITY OF PUBLIC RECORDS.

Copies of records, reports, inspection materials, or information obtained by the Secretary or the Secretary of Agriculture under this Act shall be made immediately available to the public, consistent with section 552 of title 5, United States Code, in central and sufficient locations in the county, multicounty, and State area of mineral activity or reclamation so that such items are conveniently available to residents in the area proposed or approved for mineral activities and on the Internet.

SEC. 515. MISCELLANEOUS POWERS.

(a) IN GENERAL.—In carrying out his or her duties under this Act, the Secretary, or for National Forest System lands the Secretary of Agriculture, may conduct any investigation, inspection, or other inquiry necessary and appropriate and may conduct, after notice, any hearing or audit, necessary and appropriate to carrying out his or her duties.

(b) ANCILLARY POWERS.—In connection with any hearing, inquiry, investigation, or audit under this Act, the Secretary, or for National Forest System lands the Secretary of Agriculture, is authorized to take any of the following actions:

(1) Require, by special or general order, any person to submit in writing such affidavits and answers to questions as the Secretary concerned may reasonably prescribe, which submission shall be made within such reasonable period and under oath or otherwise, as may be necessary.

(2) Administer oaths.

(3) Require by subpoena the attendance and testimony of witnesses and the production of all books, papers, records, documents, matter, and materials, as such Secretary may request.

(4) Order testimony to be taken by deposition before any person who is designated by such Secretary and who has the power to administer oaths, and to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection.

(5) Pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(c) ENFORCEMENT.—In cases of refusal to obey a subpoena served upon any person under this section, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General at the request of the Secretary concerned and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Secretary concerned. Any failure to obey such order of the court may be punished by such court as contempt thereof and subject to a penalty of up to $10,000 a day.

(d) ENTRY AND ACCESS.—Without advance notice and upon presentation of appropriate credentials, the Secretary, or for National Forest System lands the Secretary of Agriculture, or any authorized representative thereof—

(1) shall have the right of entry to, upon, or through the site of any claim, mineral activities, or any premises in which any records required to be maintained under this Act are located;

(2) may at reasonable times, and without delay, have access to records, inspect any monitoring equipment, or review any method of operation required under this Act;

(3) may engage in any work and do all things necessary or expedient to implement and administer the provisions of this Act;

(4) may, on any mining claim located under the general mining laws and maintained in compliance with this Act, and without advance notice, stop and inspect any motorized form of transportation that such Secretary has probable cause to believe is carrying locatable minerals, concentrates, or products derived therefrom from a claim site for the purpose of determining whether the operator of such vehicle has documentation related to such locatable minerals, concentrates, or products derived therefrom as required by law, if such documentation is required under this Act; and

(5) may, if accompanied by any appropriate law enforcement officer, or an appropriate law enforcement officer alone, stop and inspect any motorized form of transportation which is not on a claim site if he or she has probable cause to believe such vehicle is carrying locatable minerals, concentrates, or products derived therefrom from a claim site on Federal lands or allocated to such claim site. Such inspection shall be for the purpose of determining whether the operator of such vehicle has the documentation required by law, if such documentation is required under this Act.

SEC. 516. MULTIPLE MINERAL DEVELOPMENT AND SURFACE RESOURCES.

The provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), commonly known as the Multiple Minerals Development Act, and the provisions of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), shall apply to all mining claims located under the general mining laws and maintained in compliance with such laws and this Act.

SEC. 517. MINERAL MATERIALS.

(a) DETERMINATIONS.—Section 3 of the Act of July 23, 1955 (30 U.S.C. 611), is amended as follows:

(1) By inserting ''(a)'' before the first sentence.

(2) By inserting ''mineral materials, including but not limited to'' after ''varieties of'' in the first sentence.

(3) By striking ''or cinders'' and inserting in lieu thereof ''cinders, and clay''.

(4) By adding the following new subsection at the end thereof:

''(b)(1) Subject to valid existing rights, after the date of enactment of the Hardrock Mining and Reclamation Act of 2007, notwithstanding the reference to common varieties in subsection (a) and to the exception to such term relating to a deposit of materials with some property giving it distinct and special value, all deposits of mineral materials referred to in such subsection, including the block pumice referred to in such subsection, shall be subject to disposal only under the terms and conditions of the Materials Act of 1947.

''(2) For purposes of paragraph (1), the term 'valid existing rights' means that a mining claim located for any such mineral material—

''(A) had and still has some property giving it the distinct and special value referred to in subsection (a), or as the case may be, met the definition of block pumice referred to in such subsection;

''(B) was properly located and maintained under the general mining laws prior to the date of enactment of the Hardrock Mining and Reclamation Act of 2007;

''(C) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws as in effect immediately prior to the date of enactment of the Hardrock Mining and Reclamation Act of 2007; and

''(D) that such claim continues to be valid under this Act.''.

(b) MINERAL MATERIALS DISPOSAL CLARIFICATION.—Section 4 of the Act of July 23, 1955 (30 U.S.C. 612), is amended as follows:

(1) In subsection (b) by inserting ''and mineral material'' after ''vegetative''.

(2) In subsection (c) by inserting ''and mineral material'' after ''vegetative''.

(c) CONFORMING AMENDMENT.—Section 1 of the Act of July 31, 1947, entitled ''An Act to provide for the disposal of materials on the public lands of the United States'' (30 U.S.C. 601 and following) is amended by striking ''common varieties of'' in the first sentence.

(d) SHORT TITLES.—

(1) SURFACE RESOURCES.—The Act of July 23, 1955, is amended by inserting after section 7 the following new section:

''SEC. 8. This Act may be cited as the 'Surface Resources Act of 1955'.''.

(2) MINERAL MATERIALS.—The Act of July 31, 1947, entitled ''An Act to provide for the disposal of materials on the public lands of the United States'' (30 U.S.C. 601 and following) is amended by inserting after section 4 the following new section:

''SEC. 5. This Act may be cited as the 'Materials Act of 1947'.''.

(e) REPEALS.—(1) Subject to valid existing rights, the Act of August 4, 1892 (27 Stat. 348, 30 U.S.C. 161), commonly known as the Building Stone Act, is hereby repealed.

(2) Subject to valid existing rights, the Act of January 31, 1901 (30 U.S.C. 162), commonly known as the Saline Placer Act, is hereby repealed.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–416. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–416.

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. RAHALL:

Amend section 2(b) to read as follows:

(b) VALID EXISTING RIGHTS.—As used in this Act, the term ''valid existing rights'' means a mining claim or millsite claim located on lands described in section 201(b), that—

(1) was properly located and maintained under the general mining laws prior to the date of enactment of this Act;

(2) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, or satisfied the limitations under existing law for millsite claims; and

(3) continues to be valid under this Act.

In section 3(c)(1), strike the matter preceding subparagraph (A) and insert ''Any Federal land shall be subject to the requirements of section 102(a)(2) if the land is—''.

In section 3(c)(2), strike ''section 102'' and insert ''section 102(a)(3)''.

Amend section 102(a)(3) to read as follows:

(3) FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.—Any Federal land added through a plan modification to an operations permit that is submitted after the date of enactment of this Act shall be subject to the royalty that applies to Federal land under paragraph (1).

Strike section 102(a)(4) (and redesignate the subsequent paragraph accordingly).

Amend section 103(a)(4) to read as follows:

(4) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Locatable Minerals Fund established by this Act.

In section 202(a), strike ''Any State'' and insert ''Subject to valid existing rights, any State''.

In section 202(b)(3), after ''petition'' insert ''subject to valid existing rights,''.

In section 303(g)(4), strike ''All moneys'' and all that follows through the end of the sentence.

In section 304(h)(4), strike ''All moneys'' and all that follows through the end of the sentence.

In section 309, strike ''the National Park System'' and insert ''a National Park''.

In section 309, strike ''including its scenic assets, its water resources, its air quality, and its acoustic qualities, or other changes'' and insert ''including wildlife, scenic assets, water resources, air quality, and acoustic qualities, or other changes''.

Amend section 402(2) to read as follows:

(2) All fees received under section 304(a)(1)(B).

Amend section 402(6) to read as follows:

(6) All amounts received by the United States pursuant to section 103 as claim maintenance and location fees minus the moneys allocated for administration of the mining laws by the Department of the Interior.

In section 504(a)(1), strike ''allged'' and insert ''alleged''.

In section 504(a)(1), strike ''pursuant to this Act'' and insert ''pursuant to title III of this Act''.

In section 504(a)(1), strike ''under this Act'' and insert ''under title III of this Act''.

Amend section 511 to read as follows (and conform the table of contents in section 1(b)):

SEC. 511. OIL SHALE CLAIMS.

Section 2511(f) of the Energy Policy Act of 1992 (Public Law 102–486) is amended as follows:

(1) By striking ''as prescribed by the Secretary''.

(2) By inserting before the period the following: ''in the same manner as required by title II and title III of the Hardrock Mining and Reclamation Act of 2007''.

At the end of section 513, add the following:

(d) SOVEREIGN IMMUNITY OF INDIAN TRIBES.—Nothing in this section shall be construed so as to waive the sovereign immunity of any Indian tribe.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I ask unanimous consent to modify the amendment by the form that I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. RAHALL:

In the instruction relating to section 202(b)(3), insert before the word ''insert'' the following phrase: ''in the first place it appears''.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, following 2 days of committee consideration of the bill during which the committee debated 25 amendments, we continued a dialogue with several members of the committee, both sides of the aisle, Democrat and Republican, in order to further perfect the underlying legislation and to keep the fairness of the process open.

This manager's amendment is a result of those deliberations. In summary, the manager's amendment would, one, clarify that valid existing rights associated with existing mining claims would be protected under the act.

Number two, this amendment clarifies that, in addition to paying a 4 percent royalty, existing operations would still need to come into compliance with the act within 10 years.

Number three, this amendment clarifies that the claim maintenance and location fees currently allotted to the administration of the mining claims will continue to be so allotted with the balance going to cleanup of abandoned hardrock mines.

In addition, in this amendment, as requested by the gentleman from Colorado (Mr. LAMBORN), user fees assessed by the BLM to process mining permit applications would be used for administration of the mining law program.

The manager's amendment would further limit the purview of section 504 citizen suits to permits issued pursuant to title III of the act as suggested by Mr. CANNON of Utah.

The manager's amendment would clarify that nothing under this act will affect the sovereign immunity of any Indian tribe.

That concludes the summary explanation of the manager's amendment.

Mr. Chairman, I urge an ''aye'' vote.

I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, we have no objection to the amendment and would yield back our time.

Mr. RAHALL. I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PEARCE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–416.

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PEARCE:

In section 2(a), strike paragraph (19).

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, this amendment is actually quite simple. It deletes the new definition for ''undue degradation.''

H.R. 2262 changes the current standard contained in the Federal Land Policy and Management Act from unnecessary and undue degradation to just undue degradation, which is defined to mean ''irreparable harm to significant, cultural or environmental resources on public lands that cannot be effectively managed.''

The new definition is dramatically different from the existing regulatory definition of unnecessary and undue. Under current law, unnecessary and undue degradation means impacts greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations based on sound practices, including use of the best reasonable and available technology.

The definition now in this H.R. 2262 reinstates a Clinton-era change to regulations governing hardrock mining on Federal lands that was rescinded in 2001 after a very open, public review of the Clinton regulatory scheme.

The Clinton-era definition for undue degradation was specifically rejected. It was rejected by the Bureau of Land Management Environmental Impact Statement that reviewed the Clinton regulations and declared it to be too vague and too subjective. The BLM EIS process included scoping for the EIS, which included a formal 81-day comment period and 19 public meetings in 12 cities; placing the proposed regulations, draft EIS and related documents on BLM's Internet Web site; and finally, two public comment periods for the EIS, including 29 public hearings in 16 cities.

After this very thorough process, the BLM found that this definition was, essentially, an opportunity for the Secretary of the Interior to deny a mining company an operating permit, even though the proposed mining operation

would be in full compliance with Federal and State laws govern hardrock mining. This is what some people refer to as the ''mine veto.''

The BLM found that the requirement to avoid irreparable harm to significant resources values which cannot be effectively mitigated has the greatest potential for affecting mining activities, both large and small. In some cases this provision could preclude operations altogether.

The Clinton-era regulations were spearheaded by Secretary of the Interior Bruce Babbitt and Solicitor John Leshy. During the Elko, Nevada, field hearings this past summer, majority leader, Senator HARRY REID, made the following statements regarding the outcome of the changes to the regulation: ''Bruce Babbitt is a friend of mine. But for the mining he was awful.'' That's what HARRY REID said this year. It was in one of the hearings that we've referred to today.

□ 1315

''He had people there that—John Leshy . . . He tried to destroy mining. Really . . . he didn't believe in it. He wanted it gone. And that created uncertainty.''

This new definition for ''undue regulation'' is a lawyer's dream creating ambiguity fighting about whether we mine instead of how we mine. We don't need more litigation; we need more common sense.

This definition brings so much uncertainty to the regulatory process that we will see a further decline in investments and the exploration and development of our domestic mineral resources. And there is a potential when mines that are in production today transition into the new system outlined in title III or are in the permitting process to expand their operations that those operations could be denied a license to operate, leaving billions of dollars of infrastructure idle.

I can guarantee you that the coal industry, which has played such an important role in the economic well-being of the chairman's district, would not be able to operate under this definition.

This definition alone will drive more companies offshore, making us more dependent on foreign sources of mineral resources and adversely impacting the economic vitality of mining-dependent communities in the West, like Silver City, New Mexico.

Keep in mind that the mining industry pays the highest nonsupervisory wages in the country. It provides benefits including health care, retirement programs, college scholarships, and assistance for employees and their families. Tourism and recreation jobs cannot compete with these high-paying family-wage jobs.

I would urge you to vote ''yes'' on this amendment, keeping the current standard, protecting American jobs and access to domestic mineral resources.

Mr. Chairman, I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, I would agree with my friend from New Mexico in only the first three words of the statement he just made, and that being it's a simple amendment. Yes, it's a simple amendment. It helps liberate, it eradicates, it eliminates, it erases, it simply guts the fundamental environmental safeguard of this legislation.

We have struggled for many years to find a statutory standard by which hardrock mining on Federal lands must comply with. This bill states that mining must prevent ''undue degradation of public lands and resources.'' That term is defined as ''irreparable harm to significant scientific, cultural, or environmental resources on public lands that cannot be effectively mitigated.''

And let me stress the use of the words ''that cannot be effectively mitigated.'' It is common practice in this country to mitigate developments, whether it be the construction of a highway, a dam, or a mine. But under this bill, if a mining operation could not be configured under any circumstance to effectively mitigate irreparable harm to save the water supply of a major city, then the Interior Department would have the ability to just say no. The gentleman from New Mexico's amendment would strike the definition in the bill of this term. The amendment would continue a 19th century view that was fashioned in an era when there was no major metropolises in the West. The amendment harkens back to an era that no longer exists. This is a defining moment. This is what we are talking about in the overall thrust of the pending legislation.

Under this bill, we will continue to have mining on Federal lands. I personally believe it will flourish. But the bad actors in the industry, the minority, and I will be the first to readily admit it is a minority, will no longer be allowed on the stage. The responsible industries should be against this amendment because they are the ones, as I said earlier, that want some certainty to their planning decisions so that they can make the investment decisions necessary to run a responsible mining operation with the jobs attendant thereto.

I therefore would urge opposition to the gentleman from New Mexico's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. MATSUI

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–416.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. MATSUI:

In section 411—

(1) in subsection (a)(2), before the period insert '', including in river watershed areas''; and

(2) in subsection (b)(3), before the period insert '', which may include restoration activities in river watershed areas''.

The CHAIRMAN. Pursuant to House Resolution 780, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to this much-needed legislation. My amendment clarifies that river watersheds will be eligible to receive some of the cleanup funding that will be generated by this bill.

Watersheds are crucial for the health of our Nation. They help move our goods, preserve our ecosystems, and protect our communities from flooding. Managing our Nation's watersheds in a holistic and responsible way is essential. If we do not protect and maintain them, we jeopardize critical parts of our environment that support commerce and recreation.

In arid States like California, Nevada, and Utah, river watersheds are even more important to economic and environmental health. Watersheds support a variety of agricultural, economic, and recreational activities. In my home State of California, for example, the Sacramento River Watershed forms the basis for fertile farmland, thriving urban areas, and outdoor recreational opportunities.

However, many watersheds are located near active and abandoned mines. Years ago rivers represented great economic opportunity. Rivers are where many precious metals are located. But the drive for these minerals has left a negative environmental legacy.

In Nevada, more than 7,000 tons of mercury were deposited into the Carson River Watershed during the quest for silver. In the California foothills, tens of thousands of mines were dug for the gold that was discovered in the watershed running through my district. More than 4,000 of these abandoned mines pose environmental hazards.

We must protect these river watersheds that are vital to our way of life. That is why my amendment is needed. It does not change the underlying structure of this very good bill. But it does make it crystal clear that cleaning up watersheds affected by mining is a priority.

Mr. Chairman, mining impacts water all across the West. Our river watersheds feel the effects of mining to a great degree. Addressing these impacts requires a comprehensive management approach. My amendment is crafted, and offered today, with this in mind. And it acknowledges that good watershed management is a critical tool of maintaining our natural resource. It recognizes that by protecting watersheds, we are investing in a public good that all Americans use. And it ensures that this public good will be maintained for future generations.

I urge all Members to support my amendment.

Mr. RAHALL. Mr. Chairman, will the gentlewoman yield?

Ms. MATSUI. I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentlewoman from California for yielding and for offering this very important amendment that does improve and enhance our ability to restore abandoned mine lands and waters.

The underlying legislation would establish an abandoned hardrock mining reclamation fund which would be financed by the royalties that were imposed on operations under the mining law of 1872. The gentlewoman's amendment makes it clear that remedial activities could be done on a river watershed basis.

Again, I commend her for offering this amendment, and we are truly ready to accept it.

Ms. MATSUI. I thank the chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. Mr. Chairman, I appreciate the gentlewoman's comments.

Again, speaking today, we are wondering if the bill that we are talking about has an effect in all districts. And I would say we have a chart here which shows that rising commodity prices are driving people to stealing copper, stealing our minerals, and it is occurring in many of the districts, including the gentlewoman's district in California, where there has been a prosecution. And we have got 80 of these. We have a chart, but I won't show that.

The concept of cleaning up abandoned mine lands is one that we are deeply encouraged by and associate ourselves with, and especially as it affects watersheds. Nowhere are watersheds more important than in the West, and especially New Mexico, because so little water exists throughout the West. Anything we can do to clean up watersheds in general, but, again, the abandoned mine lands is something that we are very supportive of from this side. It relates back to the comments that we have made in our opening statement that I don't think that on the core issues that we are very far apart at all, that we could have gotten where we all would agree with the bill. So we would accept the amendment and congratulate the gentlewoman for her work on this in abandoned mine lands and watersheds in general.

I yield back the balance of my time.

Ms. MATSUI. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HELLER OF NEVADA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–416.

Mr. HELLER of Nevada. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HELLER of Nevada:

In section 411(b), amend the matter preceding paragraph (1) to read as follows:

(b) ALLOCATION.—Of the amounts deposited into the Hardrock Reclamation Account, 50 percent shall be allocated by the Secretary among the States within the boundaries of which occurs production of locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, as the case may be, in proportion to the amount of such production in each such State. Expenditures of the remainder of such amounts shall reflect the following priorities in the order stated:

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER of Nevada. Mr. Chairman, more hardrock mining occurs in my district than in any other State; therefore, the remediation of abandoned mine lands is very important to my constituents.

As many of us are aware, abandoned mine lands are the unfortunate legacy of the irresponsible mining practices of the past. Fortunately, mining operations today are held accountable for their practices. So with bad practices of the past ended, we have an opportunity to focus on cleaning up the abandoned mine lands. And the amendment I am offering will do just that.

My amendment will direct half of the revenues deposited in the hardrock reclamation fund to States for the purposes of abandoned mine land remediation, while preserving the Federal Government's ability to fund the national priorities in the bill. My amendment allows the Federal Government to distribute half of the funds as it sees fit. The other half of the funds would go proportionately to States where production is occurring to fund in-place, successful AML programs.

In multiple committee hearings, we heard that States currently do a great job of remediating abandoned mine land sites. They often are only limited by their available resources to conduct remediation projects. To give some of you perspective of how effective State programs are, Nevada has identified more than 20,000 AML sites in need of remediation and is still in the process, of course, of identifying more. The good news is that to date we have secured more than 9,000 of those sites.

Likewise, in Colorado it is estimated that there are about 23,000 abandoned mines. More than 6,000 have been made safe by the State Division of Reclamation Mining and Safety.

So in an effort to get money on the ground to remediate abandoned land mine sites quickly and efficiently, a portion of these funds needs to be dedicated to States where production is occurring. Given that many States have already prioritized their AML needs, we should get funding to them as directly as possible, as quickly as possible. This amendment will expedite the cleanup process that we all want.

My amendment bolsters the ability of States to continue their good work on the ground while providing a way to remediate historic hardrock sites in States where mineral production will not generate sufficient funds to deal with current abandoned mine land issues.

I would urge support of the Heller amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise only to claim the time in opposition.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, during debate in committee over this legislation, the gentleman from Nevada conducted himself in a manner which I highly commend. He offered amendments that were aimed at addressing the concerns and interests of his State and his district. And, frankly, I recognize he has the most at stake here, representing Nevada, the largest gold-producing State in the Nation.

The gentleman offered two amendments. The one he is offering today was one of those amendments. In committee, I could not accept it because we had no discussions on it prior to its appearing as an amendment. But we did offer to continue to work with the gentleman from Nevada, as we have done.

And after having some time to consider the subject matter of his amendment, I am going to accept it, and I would urge my colleagues to do likewise.

This amendment would allocate 50 percent of the revenues received from the proposed new abandoned hardrock reclamation fund back to the States where those revenues were generated.

□ 1330

There is precedent for this arrangement in the Abandoned Mine Reclamation Fund established for coal back in

1977 which so vitally affects my State. The other 50 percent of the revenues would be used by the Federal Government for national priorities.

So, in conclusion, I say to the gentleman from Nevada, you are looking out for your State. I appreciate that; I commend you for it. And I appreciate the manner in which you have approached this overall issue of mining law reform, and I accept your amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HELLER of Nevada. I want to express my appreciation to the chairman of the Natural Resources Committee, again thanking him for his respect and efforts on this particular bill and hard work, and giving me time and efforts for my comments and concerns that I shared during the committee.

I want to thank him for accepting this amendment.

Mr. RAHALL. Will the gentleman yield?

Mr. HELLER of Nevada. Yes, I will.

Mr. RAHALL. And I say I accept your amendment without soliciting a pledge for your vote on final passage.

Mr. HELLER of Nevada. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CANNON

The CHAIRMAN. The Chair understands that amendment No. 5 will not be offered.

Therefore, it is now in order to consider amendment No. 6 printed in House Report 110–416.

Mr. CANNON. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CANNON: Strike section 517.

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from Utah (Mr. CANNON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I yield myself 3 minutes.

I would like to begin by thanking the chairman of the full committee. We have worked on this bill or ideas surrounding this bill for, I think, over 10 years now. It is now on the floor. It has been done with grace and with dignity, and I appreciate the gentleman's approach.

We come from very, very different districts. About two-thirds of my State is public lands, very little of the gentleman's State is public lands. And so we differ. We have a different approach, and I think that's very appropriate, just as the gentleman pointed out with regard to Mr. HELLER and his district.

So we have differences, and we come at these things differently. And in that context, I hope that the gentleman will consider accepting my amendment. On the other hand, our colleagues here today will recognize the importance of this amendment.

My amendment would strike section 517 of the bill before us. The amendment is necessary so common consumer products remain affordable. If section 517 is not stricken, Americans will see an increase in the cost of everyday products, such as glass, ceramics, paper, plastics, rubber, detergents, insulation, cosmetics and pharmaceuticals, to name just a few.

Section 517 deals with common varieties of industrial minerals. Unfortunately, this provision would put industrial minerals that are clearly identifiable as unique, and thus ''locatable,'' under the mining law into this category despite existing law that has labeled them as locatable.

Industrial minerals have been classified as locatable since 1872 under the General Mining Law. These minerals were never intended to be included in the Mineral Materials Act. The Mineral Materials Act was designed to deal with bulk sales of common deposits of sand and gravel. Moving industrial minerals into the Mineral Materials Act would make it impossible for these operations to continue to extract these unique industrial minerals.

Industrial minerals should not be treated the same as rocks and sand and gravel that can be loaded in the back of a truck and hauled away. Yet section 517 would do just that. Under the Mineral Materials Act, minerals are disposed of by non-competitive processes for small quantities and by competitive bidding contracts for terms of 10 years or less. However, it can take 50 years to extract industrial minerals, and the investment for doing that tends to be in the 50 to $100 million range.

Competitive bidding contracts of a maximum term of 10 years will remove any incentive by industrial mineral companies to research and explore for new reserves.

After spending resources to discover reserves; and if also awarded the contract, the company will not be guaranteed the necessary time to actually extract the minerals and develop the resource. This will force our mining industry to move overseas and will result in the loss of thousands of high-paying jobs here in America.

Not only will section 517 create uncertainty for mine operators but will also impose a significant administrative burden on BLM.

I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, I appreciate very much the gentleman from Utah's concern and his deep involvement in this legislation. What worries me with his pending amendment is the myriad of unintended consequences that may occur.

In 1947, and again in 1955, Congress took out from the operation of the Mining Law of 1872 mineral materials such as sand, stone, and gravel on Federal lands and provided that they could be sold under contracts. However, a loophole was inserted into the law. Under this loophole, if the sand, stone, or gravel was an uncommon variety, it would remain under the Mining Law of 1872.

Now, determining just what an ''uncommon variety'' is has since cost the American taxpayers countless millions of dollars in litigation. The legislation before us today eliminates the distinction and confusion. And we would make all of these mineral materials available through sales contracts. The gentleman's amendment would strike that provision.

In essence, the gentleman's amendment would continue to allow uncommon varieties of mineral materials to be claimed under the Mining Law as revised by this legislation.

I'm not sure the sponsor of the amendment realizes what the result would be for these uncommon variety mining claims to be then subject to the bill's royalty regime and the bill's environmental standards. As such, if we adopted the gentleman's amendment, an 8 percent royalty would then be slapped on any future production from these uncommon variety claims.

Be that as it may, I oppose this amendment. First, the American people receive a return from the disposition of mineral materials through the sales contract. Moreover, this distinction between uncommon and common varieties of sand, stone, and gravel is nothing but a scam. I well recall, as does the gentleman from Oregon, our colleague, PETER DEFAZIO, the ''great sand scam'' at the Oregon Dunes National Recreational Area. I conducted a subcommittee hearing in Oregon on this issue. One person plastered mining claims over 780 areas of the recreation area where the hearing was held claiming the sand was uncommon. As I recall, his contention was that it had unique silica virtues for making glass. He then demanded $11 million from the Federal Government to buy him out.

I well recall the ''stone-washed jeans scam,'' where this guy located mining claims for pumice in a wild scenic river in New Mexico. He claimed that the pumice was an uncommon variety because you could produce stone-washed jeans with it. Give me a break. I think the gentleman gets the idea.

And just because some special interests lobbyists got this loophole inserted into Federal law in 1955 does not mean it should be condoned today. I view it as a scam, a rip-off. I urge defeat of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield myself the remainder of my time.

In the first place, I believe that what the gentleman was just talking about was metallurgical-grade silica and different from the summary we've just had.

I think, though, in response to his main argument, it is an amazing comment on the bulk of this bill that the producers of industrial minerals prefer to be under the new regime than to be under the uncertainty that would be created. They need certainty to develop minerals over 50 years instead of 10 years. And so while the gentleman's comment is well taken, I would suggest to him that the industry actually prefers my amendment, regardless of the fact that it incurs these other burdens.

And, finally, I would take exception to the reference of this as a scam. The fact that we don't have tax dollars coming to the Treasury based upon reserves that are being developed does not mean that Americans aren't better off because they have lower prices for paper, which requires kaolin, a locatable clay that makes paper cheaper.

So this is a matter of policy; it is not a matter of scams. And I urge my colleagues to recognize that, to recognize the burdens that this would create on very common products that we produce with these locatable minerals, and to vote in support of my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time and merely would restate what I said earlier about the millions of dollars in litigation that the American people have shelled out to determine just what uncommon varieties are. And, therefore, the gentleman from Utah's amendment would merely continue allowing, without royalties being paid and allow being mined for free, these uncommon varieties of sand, stone and gravel being mined from Federal lands.

So I would urge opposition to the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CANNON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. PEARCE

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–416.

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PEARCE:

Add at the end the following:

TITLE ____—MINERAL COMMODITY INFORMATION ADMINISTRATION

SEC. __01. SHORT TITLE.

This title may be cited as ''Resources Origin and Commodity Knowledge Act''.

SEC. __02. FINDINGS, PURPOSE, AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) Mineral commodities are essential to the United States economy.

(2) The United States is the world's leading user of mineral commodities.

(3) Mineral commodities processed domestically accounted for $478,000,000,000 in the United States economy in 2005.

(4) The value of imports of raw and processed mineral commodities totaled $103,000,000,000 in 2005.

(5) The Board of Governors of the Federal Reserve uses mineral commodity information data and reports to calculate the indexes of industrial production, capacity, and capacity utilization, which are among the most widely followed monthly indicators of the United States economy.

(6) Manufacturers and consumers of mineral commodities in the United States depended on foreign countries for 100 percent of 16 mineral commodities and for more than 50 percent of 42 mineral commodities that are critical to the United States economy.

(7) The Department of Defense requires mineral commodity information on strategic minerals to manage the National Defense Stockpile.

(8) Mineral specialists assist the Department of State fulfill United States obligations under the Clean Diamond Trade Act (19 U.S.C. 3901 et seq.) and as a signatory to the Kimberly Process Certification Scheme, which is a multinational effort to stop the flow of conflict diamonds.

(9) New and innovative uses of minerals are vital to maintaining the high quality of both the natural environment and human environment in the United States.

(10) Knowledge and understanding of mineral mining, processing, and usage, both domestically and internationally, is important for maintaining the national security and economic security of the United States.

(b) PURPOSES.—The purpose of this title is to create the Mineral Commodity Information Administration to ensure information vital to the United States economy, domestic security, and the high quality of life enjoyed by all residents of the United States continues to be provided to the many customers that rely upon the data.

(c) POLICY.—The Congress declares that—

(1) it is in the national interest to maintain and disseminate information on domestically produced mineral commodities, regardless of ownership of the reserves and resources involved; and

(2) it is in the national interest to maintain and disseminate information on international mineral commodities, reserves, and resources, international mineral industry activities, and international mineral commodity markets.

SEC. __03. ESTABLISHMENT OF MINERAL COMMODITY INFORMATION ADMINISTRATION.

(a) ESTABLISHMENT.—There is established the Mineral Commodity Information Administration, which shall be under the general direction and supervision of the Secretary of the Interior and shall not be affiliated with or be within any other agency or bureau of the Department of the Interior.

(b) ADMINISTRATOR.—The management of the Administration shall be vested in an Administrator, who shall be appointed from by the President, by and with the advice and consent of the Senate, from among individuals who have outstanding qualifications with a broad background and substantial experience in the mineral industries and in the management of mineral resources.

(c) OTHER OFFICIALS AND EMPLOYEES.—

(1) IN GENERAL.—There shall be in the Administration an Associate Administrator and 4 Assistant Administrators who shall perform, in accordance with applicable law, such functions as the Administrator shall assign to them in accordance with this title. The functions the Administrator shall assign to the Assistant Administrators shall include the following functions:

(A) Commodity information and analysis, including development and maintenance of—

(i) historical and current mineral commodity information, including the degree of import dependence of the United States;

(ii) international mineral commodity, reserve, and resource information;

(iii) domestic mineral commodity, reserve, and resource information by State, county, and region;

(iv) material flow and recycling analysis, showing disposition in the United States of mined materials into stocks in use, waste, and residuals; and

(v) ongoing analysis of United States mineral commodity exports, and analysis of imports of mineral commodities and processed materials of mineral origin that are destined for consumption in the United States, categorized by the country of origin.

(B) Global mineral supply analysis for critical commodities of greatest long-term concern, including collecting and developing—

(i) location, reserve, resource, technology, and economic data for major discovered deposits;

(ii) engineering and cost, mini-feasibility studies on the most significant deposits; and

(iii) supply analyses combining the engineering and economic data on groups of deposits.

(C) Mineral materials technology assessment including tracking worldwide research, development, and utilization of advanced technologies that will permit discovery of new deposits, mining and processing of minerals from lower-grade deposits, and recovery of minerals from waste streams.

(D) Mineral industry analysis, including the continuing assessment and analysis of events, trends, and issues affecting the minerals sector of the domestic economy, including exploration spending and activity, mineral production trends, mineral stocks and inventories, merger and acquisitions activity, and labor and workforce trends.

(E) Data acquisition and analysis, including management of data collection, statistical analysis, analytical forecasting and modeling, and regular data quality assessments.

(F) Information systems and services, including information technology management, publications and production dissemination, and library services.

(G) External affairs, including congressional and legislative liaison, communications, and public affairs, and international and intergovernmental affairs.

(H) Budget, financial, and human resource management, including budget and financial management, human capital management, employee training, professional development, procurement and contract management, and small business support.

(2) TRANSFER OF EXISTING POSITIONS.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the Administrator the following positions:

(A) UNITED STATES GEOLOGICAL SURVEY.—From the United States Geological Survey, not less than 200 full-time equivalent positions, including all filled and unfilled commodity and country specialists within the United States Geological Survey Minerals Information Team immediately before the enactment of this Act.

(B) DEPARTMENT OF INTERIOR, GENERALLY.—From the Department of the Interior generally not less that 100 full time equivalent positions of an administrative nature, including communications and public affairs specialists, congressional and legislative liaison specialists, human resources personnel, librarians, administrative assistants, information technology management specialists, publication service specialists, and budget analysts.

(3) SUBSEQUENT APPOINTMENTS.—The Administrator may appoint such employees as may be necessary to positions that are transferred under paragraph (2), but vacant on the date of the transfer of the positions. Such appointments shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service. Such positions shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) WRITTEN AND ELECTRONIC MATERIALS.—The Secretary of the Interior shall transfer to the Administrator all existing written and electronic materials under the control of the Department pertaining to mineral commodities and mineral resources, including mineral commodity time series data, library materials, maps, unpublished data files, and existing mineral commodity reports prepared or held by the United States Geological Survey and its predecessor agency, the Bureau of Mines.

SEC. __04. DUTIES OF THE ADMINISTRATOR.

(a) MINERAL COMMODITY DATA AND INFORMATION PROGRAM.—The Administrator shall carry out a central, comprehensive, and unified mineral commodity data and information program to collect, evaluate, assemble, analyze, and disseminate data and information regarding mineral resources and reserves, mineral commodity production, consumption, and technology, and related economic and statistical information, that is relevant to the adequacy of mineral resources to meet demands in the near term and longer term future for the Nation's economic and social needs.

(b) MINERAL COMMODITY DATA TIME SERIES.—

(1) IN GENERAL.—The Administrator shall continue to maintain all existing mineral commodity data time series maintained by the Department of the Interior immediately before the enactment of this Act, and shall develop such new mineral commodity data time series as the Administrator finds useful and proper after consulting with other Federal and State agencies and the public.

(2) PUBLIC COMMENT.—The Administrator shall—

(A) provide for public review and comment regarding all mineral commodity data time series maintained by the Department of the Interior immediately before the enactment of this Act, by not later than 15 years after such date of enactment; and

(B) seek public comments on a continuing basis on the adequacy and accuracy of any time series added after the date of the enactment of this Act, not later than 5 years after the inception of such new series.

(c) PROJECTIONS OF SUPPLY AND USAGE PATTERNS.—

(1) IN GENERAL.—The Administrator shall—

(A) not later than 3 years after the date of the enactment of this Act, prepare and make available to the public an analysis of projected mineral commodity supply and usage patterns by the United States at 10, 25, and 50 year intervals following such date of enactment; and

(B) update such analysis and make it publicly available every 5 years thereafter.

(2) CONSIDERATIONS.—In preparing such analyses, the Administrator shall take into consideration—

(A) market trends;

(B) geopolitical considerations; and

(C) the reasonably foreseeable advances in basic industries, high technology, material sciences, and energy usage.

(d) ANNUAL REPORT.—The Administrator shall annually publish and submit to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of the domestic supplies of mineral commodities.

(e) MINERAL COMMODITY REPORTS.—The Administrator—

(1) shall continue to prepare and distribute all series of mineral commodity reports prepared and published by the Bureau of Mines and the United States Geological Survey as of the date of the enactment of this Act, including—

(A) all volumes of the Minerals Yearbook;

(B) Mineral Commodity Summaries;

(C) Mineral Industry Surveys;

(D) Metal Industry Indicators;

(E) Nonmetallic Mineral Product Industry Indexes;

(F) minerals supply analyses for selected commodities;

(G) material flow studies and recycling reports; and

(H) Historical Statistics for Mineral and Material Commodities;

(2) may develop, prepare, and publish additional reports related to mineral commodities as the Administrator considers appropriate.

(f) ANALYSIS WITH RESPECT SUSTAINING ENERGY USAGE.—

(1) IN GENERAL.—The Administrator of the Mineral Commodity Information Administration shall, in 2007 and each year thereafter, following the issuance of the Annual Energy Outlook analysis prepared by the Administrator of the Energy Information Administration, prepare and publish an analysis of the foreign and domestic mineral commodities that will be required by the United States to sustain the energy supply, demand, and prices projected by such Annual Energy Outlook analysis.

(2) JOINT AGREEMENT.—The Administrator of the Energy Information Agency and the Administrator of the Mineral Commodity Information Administration may, at their sole discretion, enter into a joint agreement for preparation of a unified analysis to meet the requirements of this paragraph.

(g) OTHER APPROVAL NOT REQUIRED.—The Administrator—

(1) shall not be required to obtain the approval of any other officer or employee of the United States in connection with the collection or analysis of any information; and

(2) shall not be required, prior to publication, to obtain the approval of any other officer or employee of the United States with respect to the substance of any analytical studies, statistical, or forecasting technical reports that the Administrator has prepared in accordance with law.

SEC. __05. EXCEPTIONS TO INFORMATION AVAILABILITY.

(a) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, and except as provided in subsection (b), data and information provided to the Administrator by persons or firms engaged in any phase of mineral or mineral-material production or large-scale consumption shall not be disclosed outside of the Administration in a nonaggregated form in such a manner as may disclose data and information supplied by an individual or other person, unless such person authorizes such disclosure after the person is provided notice and an opportunity to object.

(b) DISCLOSURE TO FEDERAL DEFENSE OR HOMELAND SECURITY AGENCIES.—The Administrator may disclose nonaggregated data and information to any agency of the Department of Homeland Security or the Department of Defense, upon written request by the head of the agency for appropriate purposes.

SEC. __06. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee to be known as the Mineral Commodity Advisory Committee.

(b) FUNCTIONS.—The Advisory Committee—

(1) shall respond to all questions referred to it by the Administrator regarding any matter related to the activities authorized by this title;

(2) shall undertake such studies and inquiries as are necessary to provide answers, advice, and recommendations on matters referred to it by the Administrator; and

(3) in carrying out such studies, may seek information from individuals, business enterprises, colleges, universities, and any State or Federal agency.

(c) PARTICIPATION IN REVIEWS OF MATERIALS.—The Administrator shall invite the Advisory Committee to participate in any public review of materials prepared pursuant to section __04.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee—

(A) shall consist of 15 individuals appointed in accordance with paragraph (2); and

(B) shall include—

(i) one representative from each of a mineral exploration company, a metallic mineral producer, an industrial mineral producer, and an aggregate producer;

(ii) one representative from each of the State geologists, mining labor organizations, and the mining finance industry;

(iii) two representatives from small businesses;

(iv) three representatives from manufacturing industries; and

(v) three purchasing professionals.

(2) APPOINTMENT.—The Administrator shall appoint the members of the Advisory Committee from among individuals who—

(A) are not officers or employees of the Federal Government; and

(B) are United States citizens.

(3) TERM.—Each member of the Advisory Committee shall be appointed to serve a term of 4 years.

(e) ORGANIZATION AND MEETINGS.—The Advisory Committee—

(1) shall select a Chairman and Vice-Chairman from among its members;

(2) shall organize itself into such subcommittees as the members determine to be necessary; and

(3) shall meet not less than 2 times each year.

(f) COMPENSATION AND EXPENSES.—Subject to the availability of appropriations, each member of the Advisory Committee—

(1) shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Advisory Committee; and

(2) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Committee.

(g) SUPPORT AND RECORDS MAINTENANCE.—The Administrator—

(1) shall provide administrative and technical support for the Advisory Committee; and

(2) shall maintain the records of the Advisory Committee.

(h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee only to the extent that the provisions of such Act do not conflict with the requirements of this section.

SEC. _07. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term ''Administration'' means the Mineral Commodity Information Administration established by this title.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Administration.

(3) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Mineral Commodity Advisory Committee established by this title.

SEC. _08. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator to carry out this title $30,000,000 for each of the fiscal years through 2008 through 2018.

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I would like to start talking about first what this amendment is not. First of all, it is not a cost increase. CBO has said there will be no cost associated with it. Also, it is not an effort to reestablish the Bureau of Mines at the Department of the Interior. Congress abolished the Bureau of Mines before I came to Congress; but a key component of that agency, the Minerals Information Team, was entrusted to the U.S. Geological Service. Unfortunately, USGS has not recognized the critical nature of this program or the importance of the information the MIT produces.

Today, at USGS, the Mineral Commodity Function is five steps below the USGS Director, and eight steps below the Secretary of the Interior. In contrast, the Energy Information Administrator is only one step below the Secretary of Energy. At DOI Minerals Information, it's just about like being a janitor; you have about that much access into the system.

The Resource Origin and Commodity Knowledge, ROCK, Act, takes the mineral commodity information function away from USGS and creates and funds a stand-alone agency using DOI resources. It restores and funds the function Congress sought to retain and protect in 1995.

Mr. Chairman, I would reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, this is an amendment that the gentleman continues to push. We had it offered in full committee markup, had debate on it at that time.

When it was offered in committee, I advised him that it did not belong in this bill and perhaps should be considered as a stand-alone piece of legislation after the subject of a hearing. We have not conducted that hearing yet on this matter.

As I said in committee, I do remind my colleagues on the other side that when Newt Gingrich and Company issued their Contract with America, one of its tenets was to reduce the Federal bureaucracy. What the Republican majority ultimately achieved in this regard was the elimination of two Federal entities, the ICC, the Interstate Commerce Commission, which was then recreated as the STB within the Transportation Department. And the other Federal entity that the then-Republican majority eliminated was the Bureau of Mines at the Interior Department.

Now, in a stunning reversal, the Bureau of Mines would essentially be recreated under the guise of a Mineral Commodity Information Agency, I guess you would call that, MCIA. It would enlarge the bureaucracy and increase Federal spending. I repeat, it would enlarge the Federal bureaucracy and increase spending. I keep looking around for my colleague from Arizona (Mr. FLAKE). Where are you when we need you?

The gentleman's amendment would authorize $30 million a year for this new bureaucracy that the then-Republican majority eliminated when they ran the Congress. This new bureaucracy would have an associated administrator; it would have four assistant administrators; there would be an external affairs office, a public affairs office, even an international affairs office, and who knows how many other offices here and there.

□ 1345

The budget, financial, human resources offices, the human capital management office, the professional development office, the contract management office, yadda, yadda, yadda, I think you get the picture. So this is a whole lot of bureaucracy that would be created based on a proposal that never had a hearing and that was rejected by the Republicans when they were in the majority.

I urge the defeat of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, the hearings did occur last year on this bill, and I would remind the gentleman from West Virginia that existing resources inside DOI would be used. That is the reason the CBO said that no additional cost would be required.

I yield 2 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Chairman, I rise today to support the Pearce amendment to H.R. 2262, which establishes the Minerals Commodity Information Administration at the Department of the Interior. The MIT collects and disseminates data on virtually every commercially important nonfuel mineral commodity produced worldwide, information that is critical to businesses, the government, and importantly, the Department of Defense to help manage the National Defense Stockpile. Due to the importance of the data, the MIT should be an independent agency reporting to the Secretary of the Interior.

This information from the MIT is critical to the effective use of the Nation's natural resources and for accurate forecasting. Without a reliable source of worldwide commodity information, the U.S. would be blind to any impending supply shortages.

One of the most fundamental functions of the Federal Government is to provide for the common defense. There is an undeniable nexus between our Nation's minerals policy and national security policy. Currently, 24 strategic and critical military materials are imported at no less than 40 percent from our foreign trading partners. For example, the U.S. imports 54 percent of its magnesium. This mineral is vitally important in constructing airplanes and missiles. Requiring our military to import the strategic and critical minerals it needs from foreign nations, some of whom may be hostile, puts our military at a significant disadvantage and weakens our ability to adequately sustain our national defense.

At a time when defense needs are determined in terms of capabilities-based planning instead of threat-based planning, an accurate assessment of our Nation's minerals is vitally important. The Pearce ROCK Act amendment is a means to that end.

I urge my colleagues to support the Pearce ROCK Act amendment.

Mr. RAHALL. Mr. Chairman, I have the right to close, do I not?

The CHAIRMAN. Yes.

Mr. RAHALL. May I inquire as to the time remaining.

The CHAIRMAN. The gentleman from West Virginia has 2 minutes remaining. The gentleman from New Mexico has 1½ minutes remaining.

Mr. RAHALL. I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, it is interesting that we did get into the discussion of the CBO here and the additional cost that would be implemented under this act. The underlying act actually has been scored at $441 million by CBO over 5 years, almost $100 million a year. I share the gentleman's concern about increasing expenditures, increasing bureaucracy, and would again request that we reconsider the

entire thing. But at the moment I would suggest that we do want to realize that two recent National Research Council reports stress that we are increasingly dependent on foreign nations for minerals critical to America and that we need to have an independent agency as called for in this ROCK Act amendment.

My amendment will establish the independent Minerals Commodity Information Administration and the Minerals Information Team to collect, analyze and disseminate information on the domestic and international supply of and demand for minerals, materials critical to the U.S. economy, and our national security.

U.S. businesses operate in a global economy, and virtually every manufacturing sector from aviation to textiles relies on the unbiased, comprehensive data reported by the MIT. This information enables American companies to use domestic resources effectively, forecast worldwide market conditions, develop informed strategic business plans, and respond effectively to short-term fluctuations and long-term trends in minerals prices, and I urge the adoption of the amendment.

Mr. RAHALL. Mr. Chairman, I yield the balance of my time to the distinguished chairman of the subcommittee on Interior appropriations and my fellow classmate, Mr. DICKS of Washington.

Mr. DICKS. Mr. Chairman, I rise in opposition to this amendment. This amendment is unnecessary. The country does not need a new bureau to create minerals information. The current situation in which the U.S. Geologic Survey administers the minerals information works perfectly fine.

As chairman of the Interior and Environment Appropriations Subcommittee, I have examined the Bush administration proposals to eliminate funding for the USGS minerals information function. Even during these difficult budgetary times, our subcommittee has appreciated the important function of the minerals assessment team at the USGS and refused the administration's recommendation to eliminate its funding.

The Pearce amendment would nearly double the size of the new agency. It would create a new bureaucracy with at least 300 staff and a yearly cost of $30 million or more. So please join me in rejecting this amendment.

I yield to the former chairman of the Interior subcommittee, Mr. REGULA from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this. When I was chairman of the committee, we eliminated the Bureau of Mines in 1995. Nobody missed it. The functions are carried on by the USGS very effectively. It is just one of those things that is not needed. I think it would be a big mistake to put it back in place.

The amendment provides for 200 employees out of USGS. Why take them away from where they are doing a good job? The mining programs have worked very effectively since 1995, the time at which we eliminated this. It saves about $100 million. I think it would be a big mistake to put another, put it back in place.

I hope that the Members will join me in opposing this amendment.

Mr. Chairman, I rise in opposition to the Pearce amendment. This amendment would simply re-create an agency that was dismantled in 1995. As Chairman of the House Interior Appropriations Subcommittee at that time, I worked to close the Bureau of Mines which the proposed amendment's agency resembles, in an effort to balance the budget through smaller, more effective government. With its closure, almost $100 million, or 66%, of the Bureau of Mines' 1995 programs ceased. However, certain critical minerals information activities moved to the US Geological Survey. This meant we receive the needed information on our mineral resources using far less money than in the past.

Since taking over the minerals information functions, the USGS has done an excellent job of producing critical minerals information and in fact has broadened the role of the minerals information group by providing vital statistics and insight to help commerce, industry, and security.

The USGS is the sole provider of mineral resource assessments and information in the federal government. To fragment this program once again by creating a new bureaucracy in government would not improve its functionality or serve American taxpayers' interests.

Mr. Chairman, this amendment does not create anything new that is substantive. The only thing the amendment will create is a title of new agency, move some people around, and employ 100 new bureaucrats in administrative positions. Why do we need 100 administrative positions to oversee 200 scientists who were already working effectively at the USGS?

Further, the amendment proposes a $30 million budget, which is more than double the current funding for this function. In our current budget climate, it makes no sense to add this new agency burden to government when the work this agency is proposed to do is already being done at the USGS effectively, with less expense to the taxpayer.

This amendment will only fracture our current system of attaining knowledge on our country's mineral resources, create a new bureaucracy and waste tax dollars. I urge a "no" vote on the amendment.

Mr. DICKS. I appreciate the gentleman's comment.

I want to congratulate the chairman for doing an outstanding job as one of my classmates.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was rejected.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–416 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. PEARCE of New Mexico.

Amendment No. 6 by Mr. CANNON of Utah.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. PEARCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 244, not voting 20, as follows:

[Roll No. 1030]

AYES—173

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berkley
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Issa
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—244

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—20

Ackerman
Alexander
Bachus
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
Faleomavaega
Gohmert
Hensarling
Hunter
Jindal
Jones (OH)
Paul
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1416

Messrs. LARSON of Connecticut, ABERCROMBIE, TAYLOR, LYNCH and Ms. HIRONO changed their vote from ''aye'' to ''no.''

Mr. TANCREDO and Mr. BISHOP of Utah changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. CANNON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. CANNON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 240, not voting 22, as follows:

[Roll No. 1031]

AYES—175

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berkley
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—240

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—22

Ackerman
Alexander
Bachus
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
Faleomavaega
Gohmert
Hensarling
Hunter
Jindal
Lowey
McNerney
Paul
Saxton
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute is left in this vote.

□ 1421

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. SERRANO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, pursuant to House Resolution 780, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PEARCE. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Pearce moves to recommit the bill H.R. 2262 to the Committee on Natural Resources with instructions to report the same back to the House promptly with the following amendments:

At the end of section 102(a) add the following:

(6) LIMITATION ON APPLICATION.—No royalty under this section shall apply to any mineral that is used in the manufacture of any technology used for the production of solar energy or nuclear energy.

At the end of the bill add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall take effect on the date the Secretary of the Interior, in consultation with the heads of other appropriate Federal agencies, certifies that nothing in this Act would result in a loss of jobs in the United States associated with mining-related activities to which this Act applies.

Mr. PEARCE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, this is an honest, straightforward and commonsense motion which should be accepted unanimously. Its acceptance would help restore America's confidence in this body.

This motion addresses two issues Americans expect their elected representatives to address. Americans want more alternative energy sources so we are not dependent on people who hate us for our energy supplies. Americans want to make sure that their government does not take actions which destroy American jobs. The supporters of this bill promise it will not hurt jobs. My motion guarantees it will not hurt jobs.

They constantly promise that they want more clean energy to reduce our dependence on foreign supplies. My motion guarantees this clean energy.

Much of the controversy about this bill is about the importance of minerals and the jobs they support. Some say the bill will cost the kind of jobs this country needs and leave us begging other nations for the minerals necessary to produce cleaner energy right here at home. Others argue that it doesn't. My amendment resolves that question.

If adopted, my motion would ensure that the government is not taxing American production of important minerals used for solar power and nuclear power.

That makes sense. The government should not be taxing our efforts to produce more clean domestic energy. The last thing that we need to do is become more dependent on others for energy sources we plan to use to get off of dangerous foreign energy supplies. That's just common sense.

Secondly, my motion applies the ''first, do no harm'' standard to this bill as it relates to jobs.

As we have said here today, minerals mining jobs are the best nonsupervisory jobs available in the country today, according to government reports. This motion says that the government has to certify that this bill will not cost American jobs before it goes into effect. That's the least this country can do for working Americans, make sure that we don't lose their jobs because of our actions.

The supporters of this bill say it will not cost jobs. This gives them a chance to vote to ensure that it doesn't.

Mr. Speaker, we have heard today on the House floor that this is a work in progress, that H.R. 2262 is a work in progress. I am saying that the Nation's security depends on our good work today and we should not submit a work in progress to the other Chamber. I hope that the supporters of this bill will take this olive branch and guarantee jobs to Americans, not just make more promises to Americans.

We have heard promises this bill won't hurt jobs; this motion guarantees it. We hear promises about more clean energy to reduce our dependence on foreign supplies. This motion guarantees it.

My motion turns a promise into a legal guarantee. I urge its adoption by all Members of the Chamber.

Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, this is the day after Halloween and I recognize fully there are still tricks in the air, and this is another trick by the minority in this body. The amendment says report back to the House promptly. I am pretty sure that every Member of this body recognizes what the word ''promptly'' means. It is an amendment by the minority to substantially delay, if not outright kill, the pending legislation. So Members are well aware of this trick, and I urge defeat of this attempt to thwart passage by the House today of bipartisan legislation that has broad support at the local, State and Federal level.

In addition, Mr. Speaker, the effect of this motion would also be to reduce the amount of royalties owed the American people under this bill, under the guise of advocating nuclear energy for that matter, and I see no relationship here. I urge defeat of this motion which would reduce the amount of royalties that would come in to the American taxpayers under this bill.

Now to the segment about loss of jobs.

□ 1430

Due to changes in demands today, it's every Member of this body's knowledge that we may see a decline in the hardrock mining industry and the demand for jobs because of the technology, because of the technologies that are coming online. There's not a one of us who is against those technologies. In many cases, they're cleaner. In many cases, they're safer and they're healthier for our workforce. But that technology does displace man and woman power. It's a fact of our economic realities today.

So the gentleman's motion to recommit is based on unfounded premises, scare tactics, and tricks that we should not adopt; and I would urge defeat of the gentleman's motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PEARCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 170, nays 240, not voting 22, as follows:

[Roll No. 1032]

YEAS—170

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—240

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—22

Ackerman
Alexander
Bachus
Boehner
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
English (PA)
Gohmert
Hensarling
Jindal
McNulty
Myrick
Paul
Pryce (OH)
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1447

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PEARCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 166, not voting 22, as follows:

[Roll No. 1033]

YEAS—244

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—166

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berkley
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)

Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Schmidt
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—22

Ackerman
Alexander
Bachus
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
Frank (MA)
Gohmert
Hastert
Hensarling
Jindal
Kaptur
McNulty
Myrick
Paul
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1454

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SHULER. Mr. Speaker, on Thursday, November 1, I was unable to vote on rollcall votes Nos. 1030, 1031, 1032, and 1033 due to a prior commitment in my district. Had I been present I would have voted "no" on rollcall votes Nos. 1030, 1031 and 1032, and "yea" on rollcall vote No. 1033.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2262, HARDROCK MINING AND RECLAMATION ACT OF 2007

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2262, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend, the majority leader, for information about next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes rolled until 6:30 p.m.

We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business tomorrow.

On Tuesday the House will meet at 9 a.m. for morning-hour debate and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business and 9 a.m. on Friday.

We expect to consider H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act; H.R. 3355, the Homeowners' Defense Act of 2007; and H.R. 3996, Temporary Tax Relief Act of 2007; the conference report on the fiscal year 2008 Labor-HHS appropriations bill. If the President vetoes the WRDA bill, we will expect to take up that veto as well.

Also, Members should note on Wednesday, President Sarkozy of France will address a joint meeting of the House and Senate. I would like to say to all the Members who are listening, I would hope that they would make a special effort to be here for the address of President Sarkozy.

I would make the observation that the new President of France is someone who, I think, holds great promise for partnership with the United States. I think he has expressed that inclination. I think that is a very significant, positive step forward, and I hope that most of us that will be able to, within the framework of legislative business, be here to hear his address.

Mr. BLUNT. I appreciate my friend's comment there, and I agree totally that a leader of France who has been so open and receptive to America as an ally and a friend deserves that kind of welcome in the joint session of Congress next week. I hope we have the kind of presence here that would indicate our opportunity and our optimism about the Sarkozy government.

On appropriations, I wonder if you have any update on the Labor-HHS conference and the conference report, if you have any sense of that yet.

Mr. HOYER. As I said in my announcement, it is my expectation that the Labor-HHS conference report will be on the floor next week. I don't know whether it will be Wednesday or Thursday of next week, but I expect it to be on the floor next week.

The conference, much of the work of the conference, as I indicated last week, the preconferencing was occurring, both parties were involved in that preconferencing, and hopefully that has led to what will be a relatively brief conference. I do not have information whether or not they were able to conclude today. I know they met this morning and into this afternoon. I don't know whether they have concluded.

Mr. BLUNT. The press reports today were that that conference would not likely include the elements of the Defense appropriations but still would include the Veterans and the Military Construction appropriations bill.

Is that my friend's sense of where they are headed on that bill?

Mr. HOYER. My sense is those were the press reports.

I can neither confirm nor deny, as they say, that that is the case.

Mr. BLUNT. Well, of course the stated goal of the majority earlier this year to move these bills one at a time would be my preference, and if Defense is not part of that conference report, it seems to me it's only one bill away from being done the right way. I would have preferred to see it the other way.

□ 1500

Mr. HOYER. Will my friend yield?

Mr. BLUNT. I would.

Mr. HOYER. I thank my friend for yielding.

And I know that point has been made, but I want to tell you, very honestly, I hear you make the point, but not only did you package almost all, the majority of bills in 2005 and 2006, but you packaged them in the calendar year, that is to say, 3 months from today, before they were passed. And so that, although that is your desire, and it is my desire, we share that view, you're absolutely right. These bills ought to be considered individually, one at a time, on their merits, sent to the President, and he ought to have the opportunity to veto them or sign them individually.

But I would remind the gentleman that in fiscal year, I believe, I may be wrong on the fiscal year, fiscal year 2005, it was not until February 2005 that that bill was passed, with eight or nine of the bills incorporated in an omnibus. And in either the year before that, or the year after that, in January, eight bills were sent.

Now, I may be off one or two bills on the numbers, but my point is, the gentleman is correct. Unfortunately, that has not been the practice, either under your leadership or our leadership. And I think it's unfortunate, personally. But we're going to move these bills, as I said last week, hopefully as quickly

and effectively as possible; and, hopefully, the President will sign them. They've passed with an average of 285 votes, some closer, some different than that. Averages lie in that respect. But they have passed pretty handily both Houses of the Congress. In the Senate every one has passed with a veto-proof majority. That's not true in the House. But we're hopeful that we can get these bills to the President and signed by the President, whether they're individually or in packages.

Mr. BLUNT. I thank my friend.

Looking backwards at this, I think that my friend is right that there was a pattern that developed with the bill that included the Veterans bill that we didn't like. And so in the Congress that started in 2005, we tried to restructure that so that that would not happen in the future. We were trying to break that pattern, and, in fact, we did. And in 2005, that bill passed individually, as did every other bill.

In 2006, unfortunately, that was not the case, and there was a penalty to be paid for that, and I guess we paid it. But we were trying to break that pattern of coupling veterans benefits with something that was much more controversial than veterans benefits. It was part of at that time Veterans Administration and Housing and Urban Development, and so we took Veterans and put them with the Military Construction so that military families, military personnel, veterans and retirees would all be in a bill that we hoped would be the least controversial of all bills and not be the subject of that packaging to get those most controversial things done. Frankly, I think the 2005 experience showed that we were on the way to achieving that.

My concern on this would be exactly that, that the pattern of using the veterans benefit bill, to couple that with bills that are less popular, and not only appropriations bills, but I can certainly see, even in this Congress, that bill becoming the host for authorizing bills that are not popular, I think is a very unfortunate development and I regret it. I wish that we could have stayed with the pattern that we tried to create in the last Congress and successfully did create in the first year of the last Congress. Again, as we look back on history, this is the first time in 20 years that not a single bill has passed now.

Also, when we coupled bills together in the 10 years I was here, we coupled those bills together to try to get a signature rather than anticipating a veto, and we got those signatures.

Mr. HOYER. Is there any doubt that that's what we're trying to do?

Mr. BLUNT. I think there is. Well, we'll see. We'll see if that's what happened.

I have a couple more questions, but I would yield on that point.

Mr. HOYER. On that point, because I think it's important for our Members to understand and for the public to understand what's going on. The gentleman is correct. You took the Veterans bill out of the Housing bill. We think you liked the Veterans bill. We're not sure you liked the Housing bill, and so you took them apart so you could pass what you liked and leave what you didn't like alone.

As you know, the first 2 months that we came in, we dealt with the eight bills that you had not passed. They were all domestic bills. You passed the Defense bill, the MilCon bill, Homeland Security bill, all of that, broad bipartisan support on our side, your side. Education was left on the table. Health was left on the table. Environment, left on the table. Space, left on the table. Law enforcement, left on the table.

We understand the decoupling. Decoupling is to put us in a position where we don't have any options. You'll take what was passed with 409 votes in this House. It was $4 billion over what the President requested, billions of dollars under what the veterans said they needed.

And now the President says he is going to sign that bill. Why is he going to sign that bill? Because I think he believes it's politically feasible to do it. It's $4 billion over what the President asked for, and he said we shouldn't ask for more than he asked for. We asked for $4 billion more than he asked for for veterans, and he's going to sign it. Overwhelmingly supported here in the House, and we would override his veto. He knows that, so I don't think he's given us much, very frankly.

And we are trying to figure out how we can get Education signed by the President, funding No Child Left Behind signed by the President, NIH, cancer research, heart, lung and blood research, diabetes research signed by the President.

So very frankly, your decoupling was to make sure that you got the bill you liked signed. Our coupling may be to ensure that we get the bill that we like signed. So very frankly, the efforts, I think, are the same. The priorities just may be different.

Mr. BLUNT. Well, if we want to try to determine the motives of each other, which is, I suppose, what we do in this place, that's one thing. But you're the one that started that.

What we were trying to do, I'll advance again, was to take the Veterans bill out of the tug of war that always went on over the Housing bill, and that's what we did.

Now, your assertion that that's because we didn't like Housing, I don't agree with that. I do agree with the idea that we thought that the Veterans bill did not need to be needlessly held back by a bill that was assured to always be intensely debated. And that's why we did that. And that's why we passed the bill. And that's why if we would have passed this bill 60 days ago when it came over from the Senate, military families and veterans would have $18.5 million every day that they haven't had the last 32 days now.

On the other issue, I don't have any reason to believe that the President is not for all of those health care issues you talked about. That's not what this veto will be about. I know I'm for advancing all of those, partly because I've benefited from research in some of those.

But I think you said at the first of the year, and you were right when you said it, that the best way to advance these bills is one at a time. Now, I think I'm hearing a different argument than that today. But I agree with your first-of-the-year view of this; and I would hope, after this process, we can get back to that.

Another thing I wanted to ask about, I read in one of the Capitol Hill newspapers this week that the majority continues to look at the possibility of limiting the minority's right, and it has been a right of the minority since 1822, to have the opportunity to have a motion to recommit at the end of the bill.

I will point out, I believe yesterday, on the bill we dealt with yesterday, the first substitute that the minority had been allowed in this entire Congress, the last day of the 10th month of the Congress, we finally get a substitute.

No question, we've had to maximize our use of the motion to recommit because, while we appreciate the amendments we had on the bill today, we haven't had many amendments before today. And while we appreciate the substitute we had yesterday, we had had no substitutes before yesterday.

I'm wondering if the gentleman will want to talk a little bit about any discussions going on, the majority has going on, about limiting the 1822 right of the motion to recommit.

And I would yield.

Mr. HOYER. I thank the gentleman.

I don't have the figure in front of me, but I will find it out. I believe, very frankly, very few substitutes have been brought to the Rules Committee by your side. But that aside, I will get that number so we will know it.

But I take your point. That aside, I take your point.

Let me say that what we intend to do is continue to try to facilitate the work of this House, facilitate passing legislation, and we will continue to try to do that.

Mr. BLUNT. Well, I would only say my concern on that would be when the majority says ''facilitate the work of the House,'' that may mean to further restrict the ability of the minority; and, of course, we would object strenuously to that.

Another topic that, I don't believe, it may or may not have been mentioned, was the AMT patch topic. Did you mention that as something you expect to come up next week?

Mr. HOYER. Yes, I think I mentioned that.

Mr. BLUNT. I thought maybe you did. Does the gentleman have any more information about that than he has already given?

Mr. HOYER. No, I don't know whether it will be Wednesday, Thursday or

Friday; but it will be one of those three days is my expectation. I know Mr. RANGEL wants to move the AMT patch. I'm for moving the AMT patch. I'm for paying for it. But I'm for moving it. The Temporary Tax Relief Act.

Mr. BLUNT. So that would be the AMT patch?

Mr. HOYER. Yes, that's what we're referring to. So the answer is, yes, we intend to move that next week.

Mr. BLUNT. And the amount of money involved there?

Mr. HOYER. I don't have that dollar amount, but I know that it's in the $50 billion category to do a temporary patch, which we have done over the last few years. We borrowed the money each time we've done that, but it's about $50 billion. We intend to pay for it.

Mr. BLUNT. And your intention is for that to be under the PAYGO rule to be paid for.

Mr. HOYER. As you know, we have followed the PAYGO rules since we adopted them, and we intend to hew to that practice. And we think it's the appropriate practice, rather than borrow $50 billion today to give taxpayers relief so that our children can pay for that tax relief in the future. We feel strongly about that and we intend to do that.

Mr. BLUNT. I think the view of that, if we were debating the bill, which we won't do, I assure you, would be that this kind of tax relief actually produces tax revenue. But in a static scoring model you don't see that revenue.

Do you have any more information about November's schedule? I know next week. You said you anticipated we would work Friday of next week.

Mr. HOYER. We anticipate Friday of next week. And I'm not yet anticipating the 16th, which is Friday, because I'm not sure exactly. The continuing resolution ends on the 16th of November. It is my expectation that we will do another continuing resolution while we continue to try to pass the balance of the appropriation bills, and I expect to do that earlier than the 16th, but we can't give away the 16th at this point in time because we have no intention of shutting down the government and, therefore, we're going to make sure that we provide for making sure the government stays in operation. But if we can conclude our work by the 15th, I'm sure the Members will be happy. But the 16th is still on the schedule.

Mr. BLUNT. I appreciate that information. I'm sure that we would be, at least I'm confident we would be more than happy to work with the majority so that we don't run into a needless last-minute crisis on the 16th in the almost unavoidable circumstance now that we don't have all of the appropriations bills done by then, and I would think the earlier that process starts, the better off we are.

And I would yield.

Mr. HOYER. I thank the gentleman for yielding one more time.

I have not mentioned something, but I do want to mention, so the House knows and, frankly, the public knows as well. As you know, we have been working very hard on the Children's Health Insurance Program, trying to get as many children as possible covered by children's health. I want to thank the whip. I had the opportunity of meeting with Mr. BOEHNER. Their staffs have been engaged. Our staffs have been engaged. Senate Democratic and Republican staff and Members have been engaged. We're still working on that.

□ 1515

As you know, Senator REID attempted to get a delay in the consideration of the bill on the Senate floor. That was objected to by Mr. MCCONNELL, or actually Mr. LOTT on behalf of Mr. MCCONNELL, and they took it up today. Mr. REID asked for another extension. That was objected to by Mr. MCCONNELL this time. So they considered it today.

But I want the whip to know that we are intending to continue to pursue discussions. Obviously the Senate has to send the bill back here. But we want to continue to pursue these discussions to see whether or not we can come to agreement so that we can send a bill to the President that, hopefully, he would sign but, if he doesn't sign, that two-thirds of us on this side of the Capitol and two-thirds on the other side of the Capitol would be prepared to see it move forward.

Mr. BLUNT. If I could ask a question in that regard, do you anticipate some changes in the Senate bill so that it comes back here? I was assuming, based on your other information, that if the Senate passed the same bill the House had passed, it would go directly to the President.

Mr. HOYER. Well, they have to send it back here as the House of origin, I believe. I'm not sure that it has to be sent back. I may be incorrect in that. But I am not sure how soon the Senate will send the bill down.

Mr. BLUNT. We will be glad to continue work on that. And in regard to the failure to provide time on the Senate side, it seems to me that's a very interesting contradiction to our desire to provide time over here to change the bill. I will assure my friend we are working in good faith to try to address the less than a handful of issues, though they are all important, that we think need to be addressed, from who benefits from this program to how you determine your eligibility and legal presence in the country to benefit, to how you work effectively to see that adults are moved off the program. We are more than willing to work on that. We have been trying to work on that all week.

And, of course, our request just a few days ago was the reverse of the problem that now we see is a problem in the Senate, which was give us some time to work this out. We were denied time on this side. Apparently the Senate has also been denied time to work this out. And, once again, I think we have headed toward a needless conclusion to this debate that could have been prevented if we would have all engaged more effectively before we sent the bill to the Senate.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Frankly, we have a disagreement on whether you were denied time. We did pass the bill, but we have been pursuing, as the gentleman observed, and I appreciate the participation of those Republicans, one of whom is sitting on the floor, who have participated in numerous meetings, whether or not we can accommodate the interests of both sides in passing legislation to include the children, expanding it to 10 million. But notwithstanding the fact that we passed it, as I explained to the House, we wanted to get that bill to the Senate so that they could have it ready for consideration.

We were in agreement that it ought to be moved over until next week. Senator REID asked for that so we could continue to work. As I advised Senator REID, the leader, I advised him that I thought there were good-faith discussions going on. I thought there was an opportunity to move forward. I am still hopeful that that is the case. And as a result, I am hopeful that we will take the additional time, the next day, tomorrow, Saturday, Sunday, Monday, to try to see if we can come to agreement.

As you know, you, Mr. BOEHNER and I met, and Mr. BOEHNER's observation was there may be significant numbers that could accrue as a result of the discussions and negotiations. We're hopeful that that is the case. If that's the case, then we would be successful in adding the 4 million children that we seek to add to the President's 6 million plus.

What I wanted to indicate before we close this colloquy is that I am hopeful we will still take that time, and I have indicated to a number of people that I want to pursue, we want to pursue, those discussions with the opportunity to perhaps take some additional action if agreement is possible.

Mr. BLUNT. I thank the gentleman for that.

And, Mr. Speaker, I will just say we are continuing to be more than willing to be helpful, the minority is, I am individually, to try to solve these problems.

I want to repeat one more time, I think we would have been better off if we had taken these 2 days that we now would have liked to have had before we voted instead of now being at the mercy of the Senate to decide whether they are going to give us time to negotiate with each other or not. But we haven't, and, hopefully, we can continue to work for a good conclusion.

ADJOURNMENT TO MONDAY, NOVEMBER 5, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. SIRES). Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, NOVEMBER 7, 2007, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY NICHOLAS SARKOZY, PRESIDENT OF THE FRENCH REPUBLIC

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, November 7, 2007, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Nicholas Sarkozy, President of the French Republic.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION TO POSTPONE CONSIDERATION OF VETO MESSAGE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that if a message transmitting a Presidential veto is laid before the House on Monday, November 5, 2007, then after the message is read and the objections of the President are spread at large upon the Journal, further consideration of the veto message and the bill shall be postponed until the following day, Tuesday, November 6, 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CHILLICOTHE: ''OHIO'S BEST HOMETOWN''

(Mr. SPACE asked and was given permission to address the House for 1 minute.)

Mr. SPACE. Mr. Speaker, I rise today with great pride in congratulating Chillicothe, Ohio, our great State's first capital, in being named Ohio's Best Hometown in the November issue of Ohio Magazine.

A small town rich in history and nestled within the beautiful foothills of the Appalachian Mountains in southern Ohio, Chillicothe represents the very embodiment of everything that's right about middle America.

In recent years, the city has gone through an impressive transformation. It has completed a large expansion of its high school. Adena Hospital is consistently ranked as one of the top rural hospitals in the country. And the OU-Chillicothe campus has grown by over 25 percent in the last 2 years.

More and more people are discovering what we have known for a long time, that southeastern Ohio and southern Ohio and towns like Chillicothe offer a great place to live and a great place to raise a family.

I would like to congratulate Mayor Joe Sulzer and the rest of my friends in Chillicothe on this great honor.

RECALCITRANT STATE DEPARTMENT PERSONNEL

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, today it became apparent that the employees of the State Department of the United States, or at least a large number of them, are resisting being assigned to Baghdad. They say it's too dangerous, and they have asked for a town hall meeting to explain their recalcitrance.

You know, when we go to Walter Reed and we go to Bethesda Hospital and we meet with our wounded warriors, our marines, our Army personnel, our naval personnel, our Air Force personnel, most of them say this to us: They say that they would like to return to fight side by side with their buddies, with their companions, in those warfighting theaters in Iraq and Afghanistan. They want to serve this Nation.

So I have recommended to the President today that we do this: That we fire those recalcitrant State Department personnel who say it's too dangerous for them to go back to Baghdad; they want another assignment. Let's let them leave the service, and let's go down to Walter Reed and Bethesda Hospital and let's recruit that wonderful team of American warriors who have been wounded in the service of their country and who have patriotism and devotion to duty and have a high enthusiasm for public service, and let's hire them into a bright new career in a new State Department.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–70)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Sudan emergency is to continue in effect beyond November 3, 2007.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 1, 2007.*

□ 1530

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE LIFE OF MR. RHYS LEWIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, today I rise to honor and mourn the extraordinary life of Rhys Lewis upon his passing at the age of 83.

Born on May 13, 1924, Rhys Lewis dedicated his life to serving others. As a United States Marine Corps sergeant

during World War II, Rhys served in the South Pacific and fought to defend the liberty of Americans and all humanity. His tour of duty included seeing combat on Iwo Jima, where he demonstrated his unfaltering honor and valor. Following his return home in 1947, Rhys married his beloved Ruth and continued his service to our Nation. An active church member, Rhys was ultimately elected to and entrusted with numerous positions of governmental and civic trust.

He served as a Republican precinct delegate, a Redford Township trustee, a Redford Civil Affairs chairman, the chairman of the Redford Republican Party, as a member of the Michigan Republican State Committee, and a 1980 Bush delegate to the national convention.

Regrettably, on October 27, 2007, Rhys Lewis passed from this earthly world to his eternal reward. He is survived by his wife, Ruth Lewis, his children, Arthur Lewis and Charlotte Wirth, his grandchildren, Kathryn Ostreko, David R. Wirth and Jeffrey Lewis, and his great grandchild, Jack Ostreko. A courageous and honorable man, Rhys will be sorely missed.

Mr. Speaker, Rhys Lewis is remembered as a compassionate father, a dedicated husband, a leader, a soldier and a friend. Today, as we bid Rhys farewell, I ask my colleagues to join me in mourning his passing and honoring the unwavering patriotism and legendary service to our country and community of this fine American.

And I would be remiss if I did not add what I believe encapsulates the essence of the man. Early in my tenure as a Member of Congress, I was honored to be asked to participate in a ceremony where Rhys Lewis was honored for his commitment to our Nation and his service as a member of the Greatest Generation of World War II. We had to work with his wife, Ruth, because Rhys, an honorable man, was not a proud man. And so when we surprised him at the VFW that day with the medals that he had earned, he was stunned. Part of him seemed to be surprised that people had remembered his service to our Nation in its crucible of liberty, and the other part of him was deeply, deeply concerned that he was being singled out for what he and so many other fine young Americans had done to preserve the freedoms we now hold.

That was the man that we honor today. That is the man whose example I believe we should ever cherish and ever emulate.

THE OCCUPATION OF IRAQ AND THE ATTACK ON CIVIL LIBERTIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, when the President invaded Iraq in 2003, the American people were warned that Iraq's weapons of mass destruction posed a great threat to peace. We were told that launching a preemptive war would not make life harder for the Iraqi people nor compromise the security of the international community. And we were promised that the quick war to liberate Iraq would come at no cost to America's prestige abroad.

Five years later, it is painfully clear how very wrong the administration was and how dearly we are still paying for its mistakes. The administration launched a war of choice based on half truths, broken promises, and delusions of a swift and easy victory, but the most shameful of the administration's claims was that we were fighting abroad to protect our freedoms at home.

The President argued that sending our Nation's brave servicemen and -women into an unwinnable occupation was the only way we would safeguard our civil liberties. Since then, by repeatedly invoking the possibility of threats to our national security right here at home and abroad, the administration has justified its unprecedented attack on our constitutionally protected freedoms.

Mr. Speaker, we can no longer allow these attacks to go unchallenged. After authorizing the National Security Agency to openly violate Federal laws by eavesdropping on Americans, the administration successfully worked to legalize warrantless spying on innocent Americans. After consistently disregarding laws designed to promote public access to information, the administration expanded laws that authorized the government to withhold information from Congress and the American people.

After championing the virtues of democratic rule of law, the President has openly condoned torture, denied habeas corpus to prisoners held in Guantanamo Bay, and fought every single attempt to hold members and friends of his administration accountable for their actions.

This abuse of power at the expense of the rights and freedoms of the American people, often in the name of protecting these very same rights and freedoms, is a shocking betrayal of the will of the American people.

Last month, after the House passed legislation ensuring that every contractor in Iraq would be accountable under American criminal law, the administration granted immunity to Blackwater Security employees who were involved in a Baghdad shooting that left 17 civilians dead.

This administration will never take responsibility for their actions. It will never end the occupation of Iraq. Instead, the attack on our civil liberties will be the only mission they will have accomplished.

Mr. Speaker, it is Congress' responsibility to stand up to this President. We must end the administration's war of choice. We must restore the checks and balances that have been eroded under this President. We must fight for peace and the protection of civil liberties. We must fully fund the safe and orderly withdrawal of all American troops and contractors.

Mr. Speaker, we must give Iraq back to the Iraqi people and America back its integrity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to refrain from engaging in personalities toward the President.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY of Connecticut addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FREE ENTERPRISE CAPITALISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, it's a privilege to be recognized to address you and the House of Representatives and the people of the country who listen in on these types of discussions.

As I listened in on the gentlelady's remarks on the global war on terror, particularly in Iraq, and I hear the words ''war of choice,'' I actually expect that the historians will write it differently. And you can never write history from a contemporary perspective. That has to be done a generation or so down the line so you can see how things actually unfold.

When I look back at the time when this country was attacked, we've been attacked any number of times for the 18 previous years; but September 11, 2001, is a date that we will always remember. And as the President made his decisions, as he rose up and really took on a leadership mantle here, he was the Commander in Chief, but he stepped up to leadership on that day and on the days subsequent to September 11, and he had to make some tough decisions. One of them was to engage in combat in Afghanistan.

He ordered troops within a little more than 30 days into battle. And everyone said you can't be successful in Afghanistan; no one in history has been successful in Afghanistan. And, in fact, history is replete with the examples of the outside military operations that have gone into Afghanistan and failed. I can't tell you from this point, Mr. Speaker, whether history will write that Afghanistan is a resounding success, but the contemporary analysis at this point is that it is a resounding success.

As I listen to the gentlelady talk about a war of choice, I would submit that the President had no choice. He had no choice. We had been attacked. Remember, all the planes were grounded. We didn't know if there were more in the air, if they were coming to more places. The one that went to the ground in Pennsylvania may well have been targeted to the White House or this very Capitol Building that we are in.

And all the intelligence in the world concurred on one thing, that Saddam Hussein had weapons of mass destruction in significant quantities. And the gentlelady that would submit otherwise would have been one of the first to raise an objection if the President would have ordered troops into battle in Iraq without proper protection from chemical weapons, for example. No one believed otherwise, not Hillary Clinton, not the United Nations, not the Israelis, not the French, not the Russians, not the CIA, and not George Tenet.

So to take us back through this, there was a time and a moment in history where decisions had to be made within that context, within the context of what did we know at the time, what did we believe at the time, and what were the consequences and what were the alternatives.

Now, the alternative that the President had to be considering, and I don't believe that he has ever spoken about this publicly, and I'm not implying that he has spoken to me about it privately, but the alternative that the President had to consider was, if I do not take action, then what? What will be the response of the American people if we are attacked again and I sit on my hands, like happened in the aftermath of the attack on the USS Cole or the U.S. embassies in Africa or the circumstances within Mogadishu when we retreated and gave up that piece of ground and sent a message to the terrorists that we didn't have the resolve? What would have been the consequence?

What if the United States had been attacked again, not on September 11, 2001, but maybe September 11, 2003, and we hadn't taken action? What if those resources had come out of, and, in fact, some of the resources were coming out of Iraq that were targeted against us, what if America had lives that had been lost in significant numbers? What then would the gentlelady say? What then would the critics to the President say?

They would say he didn't take action when he should have. They would say he should have gone into Iraq. But he had to deal with the information he knew when he knew it. And the decision that was made, as historians will evaluate, I believe, will be that the President didn't really have a choice. And this Congress endorsed that decision with a vote here on the floor of Congress in the House of Representatives and in the Senate that was the authorization to use military force.

So we need to stand behind our decisions here as well as stand behind the Commander in Chief. And I would submit that the advocacy for an immediate pullout of Iraq, that's actually a tired, threadbare argument today. It's been a threadbare argument for a long time, but it was illuminated pretty well when General Petraeus came to this Congress in those days, September 12, 13 or 14 of September, when he delivered his report to the House of Representatives and the following day delivered his report to the United States Senate.

And, Mr. Speaker, as we saw the things that transpired in Iraq at the beginning of the surge, and I recall being there last Thanksgiving and trying to go into al Anbar province, trying to get into places like Ramadi and Fallujah, and I couldn't go because it was too dangerous, the stability was not there, the marines had written off Anbar province. The map was colored all red. The map of the tribal zones that actually are the local government in Iraq was colored all red, red being the color that denotes al Qaeda; al Qaeda being in control of and having the dominant influence in those tribal zones in Anbar province. So I couldn't go into Anbar, couldn't go to Fallujah, couldn't go to Ramadi, couldn't go to a number of those other communities.

That was last Thanksgiving. However, the last part of July this year I did go. I went into Ramadi and walked the streets of Ramadi. That's where they had the 5K run here I think just yesterday or maybe the day before. Hundreds and hundreds, in fact, thousands of people in the street out there doing a recreational 5K run, something that you would only see people running in Iraq if they're running from an explosion or a bullet or towards where that bullet or explosion detonated. But today, there is recreational running going on over there in a place like Ramadi, where it has been the center of death. And those tribal zones in al Anbar province that were all colored red now on the map are all colored green, supportive of U.S. coalition and Iraqi defense forces.

And I would point out that the liberation, the freeing, the driving of al Qaeda out of Ramadi was done with 85 percent Iraqi defense forces, 15 percent U.S. coalition forces. The Iraqis are more than fighting side by side. They're leading in this battle in many of the places over there in Iraq. And you have seen, also, American casualties down to the lowest levels we've had in over a year. And you're seeing Iraqi civilian casualties down to a level that is less than half of what it was a year ago.

Now, none of these are good circumstances for permanent conditions, but this is a good direction and a good trend. And the agreement that was reached in Anbar province where the sheiks came around on our side and said we're going to throw our lot with you, we're going to drive out al Qaeda, what they really said was, We want to kill al Qaeda with you. It wasn't some politically correct statement like, We would like to join with you to try to improve the stability or security here in our region. They said, We want to kill al Qaeda with you.

And they actually have a reconciliation plan. Some of those young men over there have been taking money from al Qaeda and setting roadside bombs, detonating roadside bombs or attacking Americans, U.S. coalition troops or Iraqis. They've been paid for; they've been mercenaries for al Qaeda. And some of them are there because they philosophically think it's the right thing to do, too. But the reconciliation plan is this, if you have attacked our side and you want to come forward and make a confession, if you're not standing there with blood on your hands and we can work this thing out, then you make a public declaration as a former al Qaeda supporter that you're going to support the Iraqi defense force, the Government of Iraq, U.S. coalition forces, and fight on our side.

□ 1545

If you make that pledge, and by the way, it is a public pledge and your name goes up on a bulletin board, then they take you back in. So it is possible to switch sides. It is possible to come over. And many are coming over to our side. You have to be wondering, Mr. Speaker, then, what are the consequences for one who doesn't keep their word to fight against al Qaeda, to stand on the side of the Iraqi people, the side of U.S. Coalition Forces? I asked that question over there in the briefing. They answered, the penalty is death. They are serious. This is serious business. This is life and death for thousands of people. It is also life and death for a number of nations.

That is a crucible in the world right now where if this place is allowed to melt down, if we pulled out of there, as the gentlewoman recommended, did a pullout of this conflict that is going on, then you look at the void that would be created. Nature abhors a vacuum. Power abhors a vacuum. The struggle there has been a power struggle. Yes, there are different competing philosophies that have lined up in different political spheres. At one time I could list you off about seven different power centers within Iraq that are competing for power. But we don't. We have the Shias and the Sunnis. We have the Badr brigades, and we have Moqtada al-Sadr's JAM brigade, and some that are just plain criminals. And you have the former Baathists, and again the Shias and Sunnis of different stripes, the different allegiances that come out of all of that, they were all competing for power. That is sorting itself out now.

As this power struggle works its way through, as the sheiks line up and decide they are going to cast their lot with the Iraqi nation, the Iraqi Government and the Iraqi people, as well as the U.S. coalition forces, they lined this up. They have done this same kind of thing in Taji in the north. They have done this in the south in Baghdad, and made their agreements where the map of that country today is far more green with very little red in it where al Qaeda has an influence. Some of those places where they have an influence is there because they just simply, the influence is there because al Qaeda has been driven out of some of the other regions and they had to go somewhere, didn't leave the country.

There is reason for optimism. And there always should be cautious optimism when it comes to war. But the other side has reason for pessimism. They have reason to believe that they have been driven out of al-Anbar province. And they have been driven out of many areas of Iraq. The country is safer today than it was a year ago. Much of the country isn't as dangerous as we are lead to believe that it is. I listened to the gentleman from California, Mr. HUNTER's remarks earlier about some State Department personnel who decided they don't want to go to Iraq because it is too dangerous. Yes, there is danger there, but our military is facing that every day. And they are re-upping in greater numbers than ever imagined. That is why we can keep our recruitment up, because they believe in the mission.

As DUNCAN HUNTER said, when you go to Bethesda or Walter Reed or Landstuhl in Germany and visit our brave wounded there, those that have maybe lost a limb, those that are in a long recovery process, those that may have had a pretty large chunk of shrapnel taken out of them, they want to get back with their unit. They want to finish their mission. Some have gone back with a prosthetic in place of a limb. That is real, true courage and patriotism. These are the people that say, I am a volunteer. I volunteered for this branch of the military at this time. I volunteered for this mission or at least I knew there was a high likelihood I would be deployed to this mission. I want to complete my mission because it is important. It is important for the freedom and the safety of the American people. It is important for freedom in the world. It is important for the dynamics that are taking place in that part of the world today where they realize that if the Iranians are allowed to continue their proxy war against the United States and flow their power over into Iraq, that would fill in the vacuum if we would do as the gentlewoman recommended and immediately pull out. The Iranians would sit astraddle of 42.6 percent of the world's export oil supply. That is not just the valve on the oil; that is the valve on the world's economy. They could control our economy by deciding what comes in and out of the Straits of Hormuz.

We understand that. That was an issue back in 1979 when the U.S. fleet was making sure the straits were kept open. So I want to emphasize that this direction of this battlefield of Iraq, which is a battlefield in the global war on terror, is going in a good direction. If we were to turn our back on all that sacrifice today, I don't know how I would look in the eye of the family members who have lost a son or a daughter over there who tell me, It is different now. The soil in Iraq is sanctified by the blood of my son; that being a son of a gentleman from California whose first name is John, whose last name I have forgotten. He said, You can't pull out now. That soil is sanctified by his blood.

I will stand with them. They are volunteers. The President had to make a decision. He made that decision. This Congress made the same decision, and we ought to have the courage of our convictions and stick by our decision instead of seeking to undermine that effort.

So, Mr. Speaker, I think that addresses the issue of the previous speaker. I have a couple other subject matters that I wanted to bring up here in the time that I have. One of them is that this Congress is busily overspending again. It has been a constant for a long time. There is something endemic within the electoral process that there are people that believe they need to purchase votes with taxpayer dollars. So they want the programs for their district.

Well, I think the measure of these programs should be measured on a higher standard than what they do for political gain. I think when you look at the earmark system that is here and the larger dollars that go to people that have the seniority, they are on the Appropriations Committee, Republicans or Democrats, you can chart that out and see where the money goes. It goes to the people that are sitting in a position here to broker it into their districts. Now, I have argued many times that there isn't a single constituent in their district that deserves any more representation than the constituents in my district. We each represent 600-some thousand people. I am not quite ready to go the path that we distribute earmarks equally to all population bases in the country. I think they need to be evaluated. I think they need to have sunlight on them. I think the American people have to have an opportunity to look at the spending that goes on in this Congress and evaluate it on a line item by line item basis.

When I first came to the Congress 5 years ago, one of the first big bills to come to me to make a decision on was the 3,600-page omnibus spending bill. I don't know how tall 3,600 pages are, but I imagine it is up there pretty high. We tried to get that information to find out what was in it because we naively thought we were going to analyze the information that was in that bill and the spending that was in that 3,600-page omnibus spending bill. So it finally became available to download it off the Internet. And we began downloading it off, I imagine it was a secure connection over in my office over here in Longworth. As we downloaded it a page at a time, the 3,600th page, the last page became available 20 minutes before the bill was brought up for a final vote on the floor of this Congress. Twenty minutes to evaluate 3,600 pages. Now, that is a daunting task, Mr. Speaker. In fact, it is an impossibility. If I had one person assigned to each page that had a degree in law that could analyze it, I still couldn't get this sorted through and get the response back in 20 minutes. I know there were others who had a head start on this ahead of me. Sometimes you have to take that leap of faith. But the functionality of 20 minutes to analyze a piece of legislation is not the way to do business. And that 20 minutes to analyze what is in it, think, Mr. Speaker, how difficult it is to go through 3,600 pages and find out what is not in it. A far more difficult thing.

Yet, here we in this Congress have worked for a long time to grant the President a line item veto. So the

President can look at 3,600 pages of appropriations that is hundreds of billions of dollars and go down through that with his ink pen and mark a line through there and say, I don't like this one, I don't like this one, I don't like this one. Now, I think it is appropriate for a President to have that power. The court doesn't necessarily agree with that. I do. And yet to put that responsibility on the President and not demand it for this Congress I think is ducking a duty and responsibility that we have as Members of Congress.

Who in the public, Mr. Speaker, would believe that Congress is just simply powerless to bring up line item votes on the appropriations that we spend in here that, who would understand the fact that the rules were set up in such a way that we don't vote up or down each line item in there. We don't vote up or down each earmark that is in the legislation. We package that up and push it along and essentially vote on it en bloc. Yes, I know those appropriations bills come to the floor under an open rule, at least they generally start under an open rule. But if you turn around once and blink twice, there is a unanimous consent agreement, and then it gets packaged up and it goes under a unanimous consent rule that prohibits the Members from bringing amendments to the legislation that is in front of us, let alone to a line item strike. So, I believe that we should be accountable and responsible for every line in every piece of legislation, whether it is policy or whether it is appropriations.

But on the appropriations, this Congress should have its own line item veto. With that in mind, I have dug through the rules, I have looked at the statutes, and I can figure a way that we can, in very simple language, that we can have a line item veto that is imposed upon this Congress so we have to accept the responsibility that we are charged with constitutionally.

It works like this. It is pretty simple. It is once every quarter, once every 3 months, under an open rule, there would be a bill allowed in order on the floor, a shell bill, if you will, Mr. Speaker, that was under an open rule that would allow any Member to come to the floor and offer an amendment to strike out spending. This is spending that would have already arrived at the President's desk, gotten his signature on it, but spending that hadn't yet been spent. So the appropriations that are in the chute, so to speak, that hadn't been turned out into the expense arena would be the appropriations that we would have a shot at, once a quarter, once every 3 months.

So let's just play this through the mind's eye, Mr. Speaker. Let's say it is the first day of the quarter and the leaders, neither one of them come to the floor to offer the bill that would be the line item cut act bill, which, by the way, that is the name of my bill, the Cut Act, the cut unnecessary tab bill, and any Member can stand up and say, Mr. Speaker, I have a bill at the desk, and it is in order under the rule. And then the result would be Members would come pouring to the floor with their amendments. One of them would be the bridge to nowhere. One of them would probably be the cowgirl hall of fame, and I get off into some of these things that I don't want to say into the CONGRESSIONAL RECORD, but they are there. They are line items we have appropriated, some of the earmarks we have appropriated that are downright embarrassing. And those line items would be brought to this floor one bill at a time, or maybe in packages, and we can vote them up or down. We can have a recorded vote on every single line item in an appropriations bill. We could have a recorded vote on every earmark. That would mean that every Member of Congress would be responsible for everything that is in the legislation. We can no longer go home and say, I know I voted for that silly thing but I had to because I needed to have this piece of appropriations that was essential to your district. That money that is going to be spent in your backyard was in the same bill, so I had to vote for the cowgirl's hall of fame or a bridge to nowhere.

Now, this structure of these rules doesn't allow for responsible appropriation. The Cut Act provides for responsible appropriations and it reaches out to the cyberspace modern technological world that we have, because it reaches out and recognizes that we have bloggers out there. We have people that now have instant Internet access to the legislation that we pass, the appropriation bills that we have. I trust the American people to be drilling down into these line items and bringing out those line items that are overspending, that are outrageously blowing the budget, and be able to make an issue of them, carry those issues to us. And we can write them in the form of amendments and bring them to the floor once a quarter and do an act of the Cut Act so we can strike those line items out and be responsible for every single line item in the budget.

I think that does a lot more for the responsibility of this Congress, a lot more to control out-of-control spending. I think it does a lot more for us to step up to our constitutional duties and all the discussions that we have had about how we might define earmarks, because everybody has a different definition of earmarks. But when you put it out here on the floor for a vote, it is ''yes'' or it is ''no.'' It is a green light or it is a red light, Mr. Speaker. And there is no equivocating on it, unless you want to vote ''present,'' which doesn't work so well in an appropriation bill.

□ 1600

I have introduced the CUT Act. The bill number is H. Res. 776, the Cut the Unnecessary Tab resolution. It's something that has, at least right now, the support of, in the beginning, 33 Members of Congress. There will be more. I trust they are going to stand up. We are going to ask at some point the Speaker to endorse the kind of a program that will make every Member of Congress responsible for every single line item in the entire appropriations process.

By the way, as I look at this appropriations process, Mr. Speaker, I will submit that we have got to move this system along. Yes, we have passed some appropriation bills here in the House, and we have moved that along pretty well. They are stuck over in the Senate. As I heard from the President last week, there hasn't been a time in history that Congress has delayed so long in getting the appropriations bills to the President's desk. Not one appropriations bill has yet arrived at the President's desk for this fiscal year.

This Congress gaveled in, as I recall, the third day of January 2007. Not one bill has made it from the House, through the Senate, back through conference committee for final passage, and to the White House, to the President's desk for signature. Not one. Not one appropriations bill. There have been a number of others that have.

This puts us in a situation where there is an impending train wreck. This impending train wreck is this: the longer it goes, the closer we get to running out of funds to keep this government running, the closer it comes to the day we will see another 3,600-page omnibus spending bill stacked up in the Senate, stacked up and brought over here and dropped on our desk, well, sent to us by Internet, and be asked to vote again up or down on something we can't measure the contents of.

Again, the political games begin, because that 3,600-page bill that I saw the last time, and it may be bigger or smaller than that, is like a great big accordion. It can have anything in it. Sometimes the staff in the middle of the night puts language in the bill that no Member directed. It's just there. They are just confident that the Member they work for thinks it's a good idea. We don't have a way of knowing.

It comes to the floor; we get a few minutes to debate it, not very many minutes to evaluate it. Even if we did, there's not time to debate all the components of a piece of legislation like that. That is why we have a subcommittee process, the full committee process, the floor debate. That is why we have a bicameral legislature, so it can go over to the Senate and they can do the same thing, the subcommittee, the full committee, the committee, the floor action, and then bring it together in a conference committee. While all this is going on, the public is supposed to be looking at this. We need to ask you for your help out there in America so you can point your fingers back at us.

Mr. Speaker, I point this out because there are 300 million people in America, and it's a huge budget, and the

budget approaches $3 trillion. It's more than the people that we have here in Congress can drag our fine-tooth comb through and do as good a job as we can do when we elicit the help of the American people.

So that is where I want to go with this. I want to pass the CUT Act, I want to pass H. Res. 776, I want to see a bill, a shell bill come to the floor of the House of Representatives, and then I want to see the Members come down with their amendments and say, I don't like this spending. This is outrageous. We don't need it. I want to put it up for a stand-alone vote, ask for a recorded vote on it.

After awhile, we will have a list of those egregious line items, earmarks and then just plain overspending that aren't earmarks that can be gleaned out of the bill. We will be responsible for everything. That is the kind of Congress we need to have, that is the kind of Congress we need to become, that is the kind of Congress that was envisioned by our Founders, the kind of Congress I believe we were, and the kind of Congress I believe we need to be again. That, Mr. Speaker, is my statement tonight on fiscal responsibility.

There's another piece of subject matter that I wanted to take up before the body and that is this renewable energy issue, the energy issue altogether, and I should broaden this picture out. We have worked the last few years to try to provide more refineries. We have tried to drill offshore in the Outer Continental Shelf where there are 406 trillion cubic feet of natural gas. Ninety percent of the cost of fertilizer is the natural gas that is feedstock for the nitrogen; 90 percent of the cost. Yet we make it harder instead of easier for natural gas to become available here in the United States. It comes off the market, not on the market.

We are watching the liquefied natural gas plants being built in places like Venezuela so they can ship their natural gas to us across the Caribbean, here in the United States, sailing right over the top of huge natural gas reserves that we are not able to drill into. We are watching the liquefied natural gas come across from the Middle East with the same kind of a thing.

There are tremendous reserves offshore in the United States, and it's very difficult to find a place to drill that doesn't have some kind of a regulation that prohibits it. That is the struggle that has gone on in this Congress for a number of years, drilling the Outer Continental Shelf. I believe we ought to drill there for natural gas, and I believe we should drill there for crude oil as well. Those are our resources.

Some will say, Well, wouldn't you want to conserve those resources? Why would we use them all up? One thing is that as the cost goes up, the exploration and the cost to bring this to the market becomes more viable economically. So oil that might have been out of reach, gas that might have been out of reach for the dollars one can get out of it is not out of reach today. We are always discovering more and more.

Additionally, even if it were a zero sum game, even if there was a limited number of oil and gas underneath the territory of the United States, even if that were limited, we also believe that we will get to the point where we replace these energy sources, and we are moving in that direction.

So we should keep this Nation as competitive as possible. That means use the resources that we have and reduce and get to that day when we can end dependency on Middle Eastern oil. That means drilling ANWAR, drilling the Outer Continental Shelf. That sounds probably, Mr. Speaker, that I am just for drilling. The real answer is this: it's a lot bigger picture and a lot more difficult a puzzle. The answer is we have so many BTUs out there today in the market. Let's say this is the energy pie. The answer is we have to grow the size of the energy pie. Not this many overall BTUs in the market for all kinds of energy, but this many. When you think about the energy pie, the size of the slices can be defined with so much for gas, so much for diesel out of crude oil, so much for propane, so much for natural gas, and this all adds to the overall BTUs. Some of it is nuclear, some of it is hydroelectric, some is solar, some is wind, some is coal. You add up all these pieces of this energy pie.

There's another slice of that pie that is also a component of the overall 360-degree pie and that's the conservation component. We need all of those components to solve the problem in this country, this problem of economic energy. Energy affects everything we have, everything we are. If you buy a cup of coffee, it takes so much fuel to get that coffee harvested, transported here to the United States, processed, delivered, marketed. You can put a little gas in the car to go to the store and drive back home. There's an energy component to everything we buy. Therefore, when costs of energy are high, it also raises the cost of everything that we have.

For our Nation to be competitive, we need economic goods and services. They need to be competitive with the rest of the world. We can do that if our energy prices are low and they are comparatively low and competitively low. I submit we grow the size of the energy pie and we put more BTUs on the market, we provide more of our own crude oil that we can drill for in places like ANWAR and in places offshore, like the Outer Continental Shelf.

Then, in addition to that, we open up more of our ethanol production, more of our biodiesel production, the corn-based ethanol, the cellulosic ethanol, the biodiesel that comes from soybeans and other kinds of plant oil and animal fats. We put that altogether. And expansion of the wind generation of electricity is also significant. The more BTUs we put on the market, the more supply there is. And we know this is supply and demand. Being a function of supply and demand, it will either drive down the price of overall energy, or it will slow the growth in the increase in the overall energy.

I expect that there is going to be some other discussion about the availability of crude oil and ethanol, and I will submit that there are some components here that are important facts for the public to understand, Mr. Speaker.

As I look at the reports that have come out of places like Cornell and UC Berkeley, and you see numbers down there that say that it takes something like seven times the energy to produce a gallon of ethanol than you get out of it in BTUs, we have had some people that are scientists that seem to be on some kind of endowment to try to undermine the efficiency of the ethanol argument. I have been in the middle of this ethanol debate for a long, long time; and I would suggest it goes back 25 or maybe 30 years. I would argue that if there is a BTU deficit, it would have collapsed on its own by now.

But there are numbers out there that are not based on science. They are simply numbers that are produced by people that oppose renewable fuels ethanol. This is the kind of data that has been in the Wall Street Journal and New York Times of late. I don't know what their motive is, but the arguments look to me like they are contrived arguments. Here are some facts that I just had delivered to me, and it works out like this:

A gallon of ethanol is 76,100 BTUs, and a gallon of E–10 is 111,836 BTUs. The gallons of diesel fuel and biodiesel are comparable. But if you are going to get one BTU out of ethanol, it takes .67 BTUs to produce it. If you are going to get one BTU out of crude oil for gasoline, it takes 1.3 BTUs to produce it. So in these numbers, it takes more energy to crack the equivalent BTUs of a gallon of gasoline out of a barrel of crude oil once it arrives at the refinery than it does to produce the same BTUs in ethanol once the bushel of corn arrives at the ethanol plant.

The numbers that have been produced otherwise by the folks in places like Berkeley, I was on Iowa State's campus here some months ago and talking to an undergraduate student who began to quote those numbers from Berkeley to me. She is going to school at Iowa State.

I said, Why did you go to Berkeley to get your data on ethanol? She said, That was the report I read. That is the one I studied. I said, You are right here at Iowa State University. We are the number one State producing ethanol in America. The data you are looking for is right here under your nose. Is anyone teaching you critical thinking here on this campus?

Apparently not.

So another piece is the 2006 LDP and CCP, the countercyclical payments, for corn were $6.8 billion. That will be the

other argument, that the dollars that go into the farm program and the dollars that go into the ethanol subsidy are this huge cost to taxpayers. That is the Wall Street Journal's position.

If you look at the real numbers, if you accept the idea that we have a farm program and it has been here since FDR, and I don't know if I would have voted for that if I had been here since FDR, but it is here, and if it has been here this long, it is unlikely it is going to go anywhere.

So if we accept the idea that there is a farm program, and we look at how the countercyclical payments and the loan deficiency payments actually function, in that if you have high markets there is less demand for subsidy, in fact, it has taken out all the demand for those subsidies because we have had high demand for those grains. And this is just using the corn calculation, not the increase in our commodities that have been there in record prices for soybeans and for wheat and some of the other commodities that have been increased in their value because there has been more demand for corn acres and because now we have more corn acres and we raised the largest corn crop we have ever had, 13.3 billion bushels of corn.

Those payments, though, for 2006 were $6.8 billion. Then the blenders credit is a component that we put in place so we could attract the capital to build the infrastructure in order to be able to produce the gallons of ethanol that we can use to blend our ethanol into our gasoline, at a 10 percent blend, for those folks that don't see that every day.

The blenders credit is 51 cents a gallon. When you calculate that across the gallons that were sold this year, that comes to about $3 billion. When you do the math on that, the $6.8 billion in subsidies and the $3 billion in blenders credit, we have gone from $6.8 billion in subsidies on the loan deficiency payment and the countercyclical payment down to zero. That is $6.8 in savings. We spent $3 billion on the blenders credit so that we put an incentive in place to build the ethanol production facilities. That is a net savings of $3.8 billion just in the last year.

Now, I will admit that number doesn't extrapolate back across 2005 as well as it does 2006 or 2004 or 2003 or on back, but we are building an infrastructure and investing in that infrastructure; and we are building a capability to replace Middle Eastern oil, to some degree, with ethanol.

□ 1615

I carry this equation out, 13.3 billion bushels of corn this year, we will easily be at 15 billion bushels of corn. Our target was by 2012, we will make it before then. This year tells us we will make it before then.

With 15 billion bushels of corn and if we only used a third of that corn to produce ethanol at 3 gallons a bushel, and we are right at that threshold, 2.9-something, so that is producing 15 billion gallons of ethanol. And we are burning today about 142 billion gallons of gasoline.

You can see we get to the point where we reach the 10 percent blend across this country. Actually, we are up to that threshold in a lot of places today, but we can't distribute well enough to be able to distribute the ethanol that we are producing within a 10 percent limit. We need to increase the limit. But 10 percent of the gasoline is about what we can produce with the corn that we can produce in this country. That is why the push to go to cellulosic.

I can submit here we can reach the 15 billion bushels. With a third of that, we can produce 15 billion gallons of ethanol. With that, we can replace approximately 10 percent of the gasoline we are currently burning in this country. We can go up with that, but if we open this up with cellulosic, as came out in the President's State of the Union address, I believe the most recent one, then we can arrive at a substantial portion of this energy pie that is renewable fuels ethanol.

And we add to that the biodiesel that comes from our soybeans and the animal fats and oil from other plants, and we have taken a segment, this energy pie, and a slice of that, and we set aside and say this will be renewable fuels ethanol, this will be renewable fuels biodiesel, and some more energy will be wind. And we build a lot of infrastructure for that. Wind energy works well. From my yard where I live in rural Kiron, I can step outside the hedgerow and look out to the horizon and I can see 17 wind chargers from my yard. They are surreal and they are environmentally friendly. Yes, it takes a tax credit, but we are building infrastructure to replace some of our energy production with renewables such as wind.

Another point raised is that producing ethanol takes too much water. Whatever the number was in the most recent publication, whether the Wall Street Journal or New York Times, it was a number that took my breath away. The order of magnitude of its, let me say, lack of indexing into my experience, we build a lot of ethanol plants in my district.

There may have been a day or there may be a day this fall when the Fifth Congressional District of Iowa is the number one in ethanol production for congressional districts in America. We are number one in biodiesel production. We rank in the top, at least in the top four, in wind generation of electricity. And I am very confident that the Fifth Congressional District of Iowa is the number one renewable energy district in America.

I believe I will be able to put the numbers together to demonstrate that we will be the first congressional district to power all of the energy needs for every home in the district all on renewables. I think we are there now. I just don't have the numbers quite together to say that definitively. But I think we are there now.

But the consumption of water to produce the ethanol, that number was outrageous in multiples of hundreds of gallons. So I went back to our people who are actually producing the ethanol, the ones who have to get the Department of Natural Resources' permit and meet the EPA standards and know how many gallons they are discharging and how much water they are pumping out of their wells in the ground to utilize production of ethanol.

Their numbers come out to be this: To produce a gallon of ethanol takes 2.8 gallons of water. To produce a gallon of gasoline out of a barrel of crude oil, and of course there is more than one gallon that comes out of there, but per gallon is 8 gallons of water.

So if you want to measure against the consumption of water to produce gasoline from crude oil compared to the number of gallons of water to produce ethanol out of corn, then you are looking at 8 gallons of water to 1 gallon of gasoline compared to 2.8 gallons of water to 1 gallon of ethanol.

By the way, we are reusing water. We are using gray water from the sanitaries out of some of our communities. And in particular, there is a new plant coming online at Shenandoah, Iowa, Green Plains, that will be using gray water from that community. We are conserving water, and it takes less water than it takes to produce the gasoline.

So even though there are arguments up and down on this, but the 51 percent blender's credit is the incentive to attract private investment capital. If we should lose even one penny of that blender's credit, what we will lose are millions and probably billions of dollars of private capital that is currently attracted into the production of ethanol, the building of ethanol production facilities.

When capital is no longer attracted, the momentum of this industry would be stalled and we would be sitting here with ethanol plants out in the plains within the heart of the corn belt, but not built out to the limits of the corn belt.

We would be sitting here also with biodiesel plants in the heart of the soybean belt but not out to the limits of the soybean belt, and we would have given up on renewable energies as even a partial substitute for Middle Eastern oil.

When I give you the math and lay out these costs in this fashion, I am not calculating in the cost of the military that it takes to be able to do what we can to provide some stability in the Middle East. But I will remind you, Mr. Speaker, that if the instability we have seen in places like Afghanistan were found in places like Saudi Arabia, you would see not the highest price for crude oil like we see today at $96 a barrel, the highest price we have ever seen, you would see it perhaps double

from there. You would see it north of $150 a barrel if the instability we have seen in places like Afghanistan, if there was that kind of instability in Saudi Arabia.

Because there is a kind of stability, because that supply hasn't been severely threatened, that is why we have taken an interest in that part of the world.

I will submit to every extent we can find an economic way to bring BTUs on the market that are our sources of energy, we should do that. Yes, there has to be a return on capital investment, and it needs to be reasonable and offset the interest. And to get things started and develop a technology, sometimes we have to have a blender's credit of 51 cents. Sometimes we have to have a 54-cent tariff on Brazilian ethanol coming into the United States.

They would like to have us loan them about $8 billion so they can double their ethanol production in Brazil and take off that 54-cent tariff so they can produce ethanol in Brazil and ship it here in the United States, but we would find ourselves dependent on Brazilian ethanol production when we have the crops, we have the climate, the know-how and the distribution system to do that here.

So the facts go back to, and I just would reiterate, this ethanol production and biodiesel production has saved the taxpayers billions of dollars in the last year. We were spending $6.8 billion on crop subsidies on the farm program that goes back to FDR in the 1930s. That number for the LDPs and the counter-cyclical payments has gone essentially, I will say virtually, in the language used today, to zero. And the cost of the 51-cent blender's credit has been about $3 billion. That is a $3.8 billion savings off the farm bill because we have a renewable fuels program here.

And to the extent that we are moving towards a 10 percent blend across the Nation with our ethanol, and we will be to that functional, that is 10 percent less that is coming out of the Middle East. That frees up that much more of our freedoms to make these decisions.

The assault on renewable energy that is coming from some of those business places, I would like to see them answer some of these points that I have made. I don't believe that their positions are grounded with the information that comes from the folks that are actually producing the ethanol.

And there have been significant discussions about how quickly one gets a return on investment off ethanol plants. I will say there have been some very good returns that have taken place in the last 2, 3, 4 years. But that cash flow doesn't project out like that any more, Mr. Speaker. Even though we have seen some return on investments that one could measure in just a few short years, most calculate out to be longer than that, and it is harder to attract the capital, not easier, even though oil is at $96 and gas has gone over $3. The dynamics of this and the economics of this change significantly.

So I strongly support the blender's credit. I support keeping the tariff in place on Brazilian ethanol. I believe we need to build the infrastructure here in the United States and kick the ethanol production up to maxing out on the corn crop that we have and developing the enzymes and the technologies so we can produce ethanol out of the cellulosic. That will be a far more difficult task than producing the ethanol, because to handle grain, we have the infrastructure. We have the combines and the drying systems, the wagons and the trucks so we can take that grain out of the field and deliver it and store it and do so efficiently. Not so easily with the cellulosic.

We don't yet know what kind of crop is going to be the most efficient, how we might harvest, how we might store it or how we might transport it. But most of that cellulosic is in a form, whether it is corn or whether it is hay or whether it is switchgrass, sunflower stalks, whatever it is, there is a lot of air in cellulose which means it is large volumes and low tonnage. And low tonnage means there is a lot of freight involved in trying to get that product to a processing location. That would tell me we would have, if the cellulosic develops as it is envisioned, we will have more plants located in closer areas than you will see with ethanol because we won't be able to afford to truck that cellulosic as far as we can the corn or the soybean oil that goes into the biodiesel.

We will get there on energy, Mr. Speaker, but I want to reiterate, I believe we need to grow the size of the energy pie. We need to take that overall 360-degree picture of all of components of our energy, the ethanol and biodiesel and wind and nuclear and hydroelectric and clean-burning coal and all of the other components that we have, gasoline, propane, natural gas, solar, each one of those has a certain percentage of the overall.

Then another slice of that pie is energy conservation. That is insulation. That is high-mileage vehicles. All of these things need to be brought forward, and we can get where we need to go with energy. We cannot do that if this Congress is determined to raise the cost of energy.

And I will submit that any piece of legislation that has been brought to the floor of this Congress in the 2007 calendar year has all raised the cost of energy, not driven the cost of energy down. It has made the circumstances less stable, not more stable. It has made the investors step back and say, ''I don't think I want to invest'' rather than ''I can't wait to get invested in this because I believe I can get a return on my profit.''

Mr. Speaker, let's face it, free enterprise capitalism has done more for the well-being of humanity than all of the missionaries who went to Africa. God bless them for going, and we need more missionaries to go to Africa. We need them to go everywhere. We need missionaries in this country. But free enterprise capitalism has provided the infrastructure. It has built the Golden Gate Bridge. It has built the interstates. It has built the military industrial complex. And it has developed our educational system. It has developed our pharmaceuticals and our medical services in this country and in many places around the world.

And if you point to something that is an improvement of the quality of life, I will point to a profit motive in there that has developed the ideas, the creativity, the inventions, that have brought about this improved standard of living that we have.

And if we think that because a company has made some money because they have invested capital and provided good inventions and infrastructure, they need a return on that investment. And for this Congress to decide somebody made some money and then they want to come back and do a windfall profits tax after the fact, one of those retroactive deals, one of those things that says, well, I really didn't mean it to, let's just say Exxon, for example, Chevron for another one, the leases that were reneged here off in the gulf coast when no one was going to be there holding the oil company's hands if they drilled dry holes.

□ 1630

I never heard NANCY PELOSI say, well, some company got a dry hole that cost a few million dollars; I think we ought to take some of that load off of them and send them a check from the taxpayers. They don't believe in that, but they believe in taking some of that money away when it's duly earned.

The risk capital that's out there is what drives the lower cost of energy that we have today that we wouldn't have if it weren't for that.

So we need to set up an honest business structure; and when we have leaseholdings, we need to sign those leases and say that's it, we've cut our deal. If you make 10 times the money we thought you were going to make, you also made 10 times the money your competition thought you were going to make or they would have bid against you and taken that over and raised the price.

I've spent my life in the contracting business, not much of it drilling oil, and not any oil came out of the hole I did get involved in. But I've bid a lot of projects as low bidder, and I recall having the owners come to me and say, you're making money on this job. Happens more than once, Mr. Speaker, but not once has anybody come to me and said, I see you're losing your shirt on this job, can we give you a little more money that will help you out? Never happens, but that's the philosophy that comes from that side of the aisle.

We see somebody making a little bit of money, let's take it away. Well, if I'm on the board of directors of a company that has Congress changing the

deal, I'm going to take some of that capital, and I'm going to invest it in another kind of a business where Congress isn't as likely to change the deal.

So when you raise the taxation after the fact and you change the leases and force them to be renegotiated, there will be less exploration dollars going in, which means we'll find less gas and less oil. There will be less on the market, and supply and demand still works in this country. If you have a little bit and a lot of people want it, it will be a high price; and a whole lot of something that not many people want, it'll be a low price. That's the case we have today with the energy prices.

This still is a global market, too. This $96 oil is out there, and that's the price, not because we set it at that. That's what competition sets the price of oil at. We need more of it on the market. We need more drilling. We need more transportation.

By the way, we need to build those pipelines down from Alberta where they have the tar sands. We have good neighbors to the north with more oil than they know what to do with up there, and they're happy to sell it to us. I'm happy to pipeline it down here and refine it in the United States and refine it up in the neighborhood where I live and distribute that to the rest of the country. That will hold the prices down, Mr. Speaker.

So the points that I came to this floor to make are two big ones. One is producing a gallon of BTUs out of ethanol, out of the equivalent to a gallon of gas, takes less energy than it does to crack a gallon of gas out of a barrel of crude oil. Let's just say that we set a barrel of crude oil up at the refinery in Texas and put your $96 price on that, by the way. That's what this barrel is worth in the open market, and you set a bushel of corn outside the ethanol plant in, let me say, Marcus, Iowa.

And what's it going to cost to get me a gallon's worth of BTUs? Let me see, a gallon of gasoline is 108,500 BTUs. What's it going to take to get 108,500 BTUs out of this barrel of crude oil, and how many BTUs is that? 1.3 times the amount you get out of it. Thirty percent more BTUs to crack it out than you get out of that gallon of gas, and it takes .67 for every BTU to take that gallon of ethanol that's going to be produced out of that bushel of corn that's sitting outside the plant at Marcus, Iowa.

So when you look at the difference, it can be argued that, yes, it takes energy to turn corn into ethanol, but it can't be argued that it doesn't take energy to turn crude oil into gasoline. And the facts come down to it takes less energy to produce the ethanol BTU equivalent than it does to produce the gasoline BTU equivalent, side by side, bushel of corn sitting at the gate of the ethanol plant in Little Sioux Corn Processors outside of Marcus, Iowa, versus the refinery down in Texas.

And what it really comes back to is we have to have energy put together and a kind of form that we can use it. We have to be able to transport it, we have to be able to handle it, we have to be able to convert it into heat or kinetic energy. And you can do that with a liquid. Ethanol is a liquid. Gasoline is a liquid. You can do it with a gas.

And I will submit that we have found a way to be able to produce billions of gallons of ethanol, and those numbers are going up; and if they ever level off and stop because this Congress made a turn against the renewable fuels industry, that would be a tragedy for our environment. It would be a tragedy for our economy, and it would cost the United States taxpayers if they were going to continue with the current deal that they have, with the farmers and the producers here in the United States, the numbers that I've given you, the $6.8 billion last year versus the zero dollars this year, compared to $3 billion in subsidy. Net savings on the two is $3.8 billion.

And with that, Mr. Speaker, thanks for recognizing me. I appreciate this privilege and honor.

SINGING THE BLUES

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, radio stations pay a set contract amount for recording label companies to play their songs. Part of that money goes to the writer of the songs for each time the song is aired. But the performers get a set fee from the record label company, no matter how many times their songs are played on the radio.

Now the performers want the Federal Government to charge radio stations a performance fee each time the song is played. That money would go to the performer. In other words, tax radio stations to subsidize the performers because, God bless them, they just don't make enough money.

The Federal Government has no business interfering in the free market and subsidizing performers at taxpayers' expense. The music artists and their agents should work out a better contract with their recording companies.

The proposal to subsidize recording artists would require the cost to be passed on to the consumers by higher advertising fees. Plus, the whole concept smacks in the face of freedom of the airwaves.

The Federal Government needs to stay out of the radio control business, even if performers are just ''Singing the Blues.''

And that's just the way it is.

THE FIRST AMENDMENT RIGHT TO SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Thomas Jefferson once stated, ''A democracy cannot be both ignorant and free.'' Our Founding Fathers shared that attitude. They knew that if American citizens failed to share information and were unable to speak freely, they would be worse off than they had been as subjects under Britain's King George III.

Our Founding Fathers were former colonists under a tyranny that controlled information and freedom of expression. King George III suppressed free speech, especially speech critical of the Crown or the government.

As the Founding Fathers debated what the new Nation of America should look like and stand for, they were determined free speech would be a basic right for all of us.

After the States ratified the Constitution, our Founding Fathers set out to enact a declaration of rights. They knew that this was essential for our country. That declaration of rights later became the Bill of Rights, which includes the first 10 amendments.

The Bill of Rights, Mr. Speaker, limits government control over us. The government does not have any rights. Government has power. It has the power we give it when we give up our rights that are listed in the Bill of Rights. This is an important concept that unfortunately many Americans fail to understand.

And the first amendment is first because it's the most important. The first amendment states in part: Congress shall make no law abridging the freedom of speech.

Without the first amendment of free speech, freedom of the press, religion and assembly, the rest of the amendments are meaningless. The purpose of the first amendment is to permit free and open discussion about important public affairs. This is exactly what was forbidden under King George, so it makes sense that this was most important to our Founders.

The Founding Fathers intended free speech to include criticism of the government and advocacy of unpopular ideas that are distasteful or even against public policy or even controversial issues. Freedom of speech allows individuals to express themselves without interference of the government.

For over 200 years, the first amendment has endured without substantial alterations or limitations. This is a testament to the first amendment's importance. There are a few instances, however, in our history where the first amendment has been set aside, including a few instances of government censorship, such as sedition acts and wartime censorship.

The most volatile and controversial types of speech are political speech and religious speech. That's why they should be protected the most, because they are so controversial.

Congress would do well to stay out of the speech control business, especially trying to control the open and free discussion of America's two controversial and passionate pastimes, which are politics and religion. And besides, the

Constitution forbids a speech police by Congress.

George Washington said it very well when he said, ''If the freedom of speech is taken away, then dumb and silent we may be, led like sheep to the slaughter.''

And, finally, Voltaire, who lived right at the time that our revolution began, he said, ''I disapprove of what you say but I will defend to the death your right to say it.''

It's important and incumbent upon Congress that we make sure that we have open, free and even volatile, if necessary, discussion of America's issues, which are politics and religion, because that is the type of country we are, and that is what our Constitution and the first amendment stand for.

And that's just the way it is.

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, today oil's about $93 a barrel. It was higher than that a couple of days ago. If you look at CNBC, they're still scrolling it in red which means it's kind of out of previous limits.

There are two bills before the Congress, and I want to mention those before we start. These would be pretty good bills if we were offering them 25 years ago, but this is not 25 years ago. And I would submit that these bills are woefully inadequate to address the challenges that we have today. Let me just mention briefly what's in these bills, and I will note and I hope you will agree after we've spent these few minutes together that these bills do little more than nibble at the margins of the problem.

Our children, our grandchildren looking back on today will wonder how could we ever have thought that these bills would address the enormous challenge that we face today in energy.

H.R. 3221, the House-approved omnibus energy bill, which they say promotes efficiency and renewable energy, it includes a controversial renewable portfolio standard and a net tax increase, but it excludes increases in CAFE standards, the standards that we set for how many miles per gallon you're going to get from your car or your pick-up truck, and it also excludes mandated volume increases in biofuels.

Now, the Senate bill does quite the opposite. It increases CAFE standards and a mandated volume increase in biofuels, but excludes a renewable portfolio standard and the tax provisions.

Now, President Bush wisely has indicated that he's going to veto either one of these bills, or a combination of these bills that might come out of conference.

I note these two bills before we begin our discussion because I hope you will agree with me when we have finished our discussion that they might have been pretty good bills to start down the road that we should have been traveling for 25 years, but they're woefully inadequate to meet the challenges of today's world.

Here we have a chart which I think kind of says it very well. Here is the fellow standing by the very shrunken gas pump here because our supplies are down. He has a huge SUV beside him. He asks, ''Just why is gas so expensive?'' Gas is expensive because the demand is exceeding the supply. As a matter of fact, the world production of oil has now held constant for about 30 months, but the world's demand for oil has been steadily going up. So if you look back over the last 30 months, the price of oil has been doing exactly what you would suspect the price of oil has been doing. It's been going up because the supply has been constant and the demand has been going up.

Mr. Speaker, it was absolutely inevitable that today or some day like today near this date in history that we would be here talking about $95 oil.

□ 1645

If you listen to the experts out there, they are telling you that they expect, in the next few days, that it will go through $100 per barrel.

The next chart is one that kind of puts this in perspective. Let's just refer to the upper chart. The upper chart looks back through only about a little less than 400 years. But if we extended this on to the left here about another 7,000 years, we would have gone through all of the recorded history of man, and it would look just like it looks here. In this scale, the amount of energy that we were using in 1630 and 1650 is hardly wider than a line, so it's hard to distinguish the baseline here from the energy that we were producing.

Then the Industrial Revolution started, and it started with the steam engine and that sort of thing and wood, of course. That's the brown line there. Then you see that we found coal and, boy, we produced a lot more energy with coal, so the Industrial Revolution roared on. It was stuttering when we discovered oil. Boy, then did it take off. Just look at that curve and how sharp that curve is.

If we had another curve here on population increase in the world, it would mirror this, follow this pretty exactly. For thousands of years, through 8,000 years of recorded history up until fairly recent history, the population of the world was somewhere between half a billion and 1 billion people. Now that population has exploded until there are nearly 7 billion people in the world. By the way, nearly 2.5 billion of them are in India and China.

Notice one other thing about this curve. Look what happened back in the 1970s. The oil price spike hikes of the 1970s, where oil was less, even with inflation correction oil was less than it is today, it still resulted in a world-wide recession with sufficient demand destruction that the production of energy decreased for several years. Now we are back on a big upswing slope again.

The next chart has some data that was used by 30 of our prominent Americans, Boyden Gray and Woolsey and McFarland and 27 others, among them a number of Four-Star Admirals and Generals, retired, and they wrote a letter to the President, and this was several years ago. They said, now, Mr. President, the fact that we have only 2 percent of the known reserves of oil in the world and we consume 25 percent of the world's oil and import just about two-thirds of what we use is a totally unacceptable national security risk. We really have to do something about that.

Two other data points here which are of interest, one is that although we have only 2 percent of the world's oil reserves, we produce 8 percent of the world's oil. Now, you don't have to be very far along in arithmetic in grade school to understand that if that's what's happening that we are now exploiting our oil reserves four times faster than the rest of the world.

So if there comes a time when the well will run dry, you would expect that our wells would run dry before the average well in the rest of the world, because we are pumping our oil four times faster.

Note, also, this says 5 percent of the world's population, we are a bit less than that. We are one person out of 22 in the world, and we have a fourth of all the good things in the world. The subject for another discussion is why. What's so special about the United States that this one person out of 22 is so fortunate that we have a fourth of all the good things in the world?

The next chart is a really interesting one. This chart shows what the world will look like if the size of the country was relative to the amount of oil that it had. Now, the colors here indicate how much energy you are using and the size indicates how much energy you have.

What this shows is that the countries which have the least energy are using the most energy.

But notice that Saudi Arabia here totally dominates the world. About 22 percent, almost a fourth of all the known reserves of oil in the world are in Saudi Arabia. There is Iraq and little Kuwait. Saddam Hussein thought that looked like a corner province in Iraq, and, indeed, if you look in the map, it is tiny compared to Iraq, but it has just about as much oil as Iraq.

Iran, notice how big Iran is there.

Look over here at the United States. We are dwarfed. We have only 2 percent of the world's supply of oil. The people we get most of our oil from are Canada and Mexico. Gee, they aren't very big either. Look at Venezuela, Hugo Chavez, huge, would swallow up the United States several times with its oil reserves.

Something I would really like you to note is the size of China and India. Between the two of them, they don't have as much oil as the United States, and they have about 2.5 billion people between the two of them.

Now, as a result of this disparity between how much oil they have and how big their population is, the next chart will show us what China has been led to do. This is a map of the world which shows where a number of people have staked their claim, that is, own oil reserves. Notice in how many parts of the world the symbol for China appears.

This chart is a little old, and at the time we started using this chart, China was dickering to buy Unocal, an oil company in our country. Well, a lot of people thought that was just awful. I didn't think the sky would fall if they did that, because the reality is in today's world it doesn't really matter who owns the oil. We own an absolute trifling amount of oil in the world.

The fellow who owns the oil and the fellow who comes with the dollars, and if, by the way, if the currency ever changes from dollars to Euros, that will be a tough day for our country, but the person who has the dollars gets the oil. So you might ask why is China buying up all this oil.

I asked the State Department that question, and they told me it's because they don't understand the economic realities. They don't really understand that it doesn't matter who owns the oil, that the person who has the dollars buys the oil. My response was, gee, it's a little hard for me to believe that a country of 1.3 billion people, which is growing for the last quarter, I saw data, 11.4 percent, we never grew at anything like that. Japan in its heyday didn't grow anything like that. A country growing 11.4 percent that doesn't understand economics is hard for me to believe.

You may note at the same time they are buying up this oil they are aggressively building a blue water navy. They don't have one. Blue water navy is one that goes out in the deepest waters. We are the only one in the world the Chinese are competing with.

Could it be that they envision a time when there won't be enough oil to go around, and since they own it, they are going to say to the rest of the world, gee, guys, I am sorry, there is not enough oil to go around, and we have 1.3 billion people and so we are going to use it. To make that stick, they are going to need a really big navy to protect their sea lanes. Only the future will tell.

I led a codel of nine people to China talking about energy. It was over last New Year's. I spent last New Year's Eve, as a matter of fact, in Shanghai. They began their discussion of energy there by talking about post oil. Wow. They get it, and I wonder why very few people in our country get it.

They have a five-point program. The first step in their program is the first step in any rational program to address the challenge we face, and that is conservation. The second and third points in their program was get as much of it as you can from your own country and diversify as much as you can.

The fourth one may surprise you, because they pled for protection of the environment. They are the biggest polluters in the world, and they know that. They are kind of pleading for help, because, gee, we have got 1.3 billion people, 900 million of those in rural areas that are clamoring for the benefits that accrued through industrialization. We have got to really do something about that, and help us to be more efficient.

But the fifth point in their five-point program was a really interesting one. They are pleading for international cooperation.

As they plead for international cooperation, which they hope they get, I doubt that they will, but they have a backup, they are going to buy the oil so that if we don't get international cooperation, at least they have a go-it-alone reasonable probability of doing well in the future.

The next chart shows how we got here, and this tells you why I mentioned the 25 years. It's actually 27 years.

In 1956, a Shell Oil geologist by the name of M. King Hubbert, and if you haven't heard his name before, you will hear it, and I think that the speech he gave 50 years ago last year, I think it was the 8th day of March, to a group of oil executives and engineers and scientists and so forth in San Antonio, Texas. When the United States was king of oil, producing more oil, exporting more oil, I think, than any other country, M. King Hubbert told that group that in just 14 years, by 1970, we were going to reach our maximum oil production. No matter what we did after that time, it was going to go down.

Shell Oil Company asked him, please don't give that speech. You are going to make a fool of yourself and us. He became something of a pariah for a number of years and was relegated to the near-lunatic fringe.

But right on schedule, as this chart shows, in 1970 we peaked in oil production. He predicted that here in 1956, and in 1970 we peaked in oil production.

His prediction was only for the lower 48. We got a bunch of oil in Prudhoe Bay in Alaska and a lot of oil in the Gulf of Mexico, where, by the way, we have drilled more oil wells than in all of Saudi Arabia, four times as many as in all of Saudi Arabia.

It has been downhill ever since 1970 except for a little blip produced by the enormous amount of oil that we got from Prudhoe Bay. I have been there. I have seen that pipeline where it begins, a 4-foot pipeline.

For a number of years a fourth of our total domestic production went through that. Despite that enormous find, it's still down, down, down, and today we are producing half the oil that we produced in 1970.

Remember several years ago those fabled oil discoveries in the Gulf of Mexico which were supposed to secure our future? There it is. That's what it did. Pretty trivial, wasn't it.

The next chart shows an attempt of one of the major think tanks in our country on energy to debunk M. King Hubbert. This us the Cambridge Energy Research Associates, and they present this data, which they say proves that M. King Hubbert didn't know what he was talking about.

Now, if you were a person who dealt with numbers, a statistician, you might see some relevance in that argument. But for the average citizen, this is what you see in the chart.

The yellow symbols here are the predictions of M. King Hubbert. The green is the actual lower 48 production.

Now, he said that it would follow this curve, but it actually followed that curve. Cambridge Energy Research Associates said, gee, isn't that awful, he really missed it, didn't he. I think for the average person looking at that, I am a kind of a layman here in this area, but I am a scientist and I have had courses in statistics, that looks pretty darn close to me. I think he kind of got it, didn't he.

The actual total production, when you add the Gulf of Mexico and Alaska, these red symbols here, and if you add the next chart, if you only had one chart to talk about energy, this would be the one, because this tells you so much.

If ever a picture is worth 1,000 words, this one is. This shows the discoveries of oil. We were discovering lots of it very early, the 1940s, 1950s, huge, huge amounts in the 1960s and 1970s. At just the time when M. King Hubbert predicted we would reach our maximum oil production, 1970, here, we just previously had found enormous amounts of oil.

During those 14 years, 1956 here to 1970, we had found more oil than we ever found before and ever found after that. No wonder, gee, they thought this guy must be an idiot.

But right on schedule we peaked in 1970. By the way, just a little explanation of how he was able to do that. He had observed that each oil field followed a pretty constant kind of curve. The oil was easier and easier to pump until you pumped about half of the oil.

Then you reach the maximum production, it's reasonable. The last half would be harder to get, so it came out slower and slower. It kind of followed a bell curve. He rationalized if he knew how many oil fields there were and what was in there, he could have all the little bell curves, and you would get a big bell curve that would tell us when we were going to reach the peak. He said that was going to be 1970. Right on schedule it happened. He also said that we were going to reach peak oil, the maximum production of oil in the world about now.

□ 1700

Now, the question I've been asking for 30-some times I've been on the floor

here talking about this, over the last couple of years is, if M. King Hubbert was right about the United States, why shouldn't he be right about the world? And why shouldn't we have been paying some attention to this?

I was interested in this subject probably 40 years ago. I knew that oil couldn't be forever. I mean, you know, the Earth isn't made out of oil; it's not going to last forever. At that time I had no idea how long it would be before we had to start being concerned about oil. Was it next year, 10 years, 100 years, 1,000 years? But I knew at some time we would need to be concerned about oil. Apparently, that time has come.

Well, the solid black line here indicates our consumption of oil. It also represents our production of oil, because there's no big stockpile of oil somewhere unused, so what we produce is what we use. So it's either the consumption curve or the production curve.

If we were to put a smooth curve over these discoveries, and there we have little bars for each year, it's obvious that what you've done is to add up all of the discoveries year by year. So the area under that curve, for the person who doesn't understand what integration is, the area under that curve represents the total amount of oil we've found; so much this year and this year and this year. And the area under the curve adds them all up.

Now, the area under this black curve here is going to indicate how much oil we use. Now, it's really obvious that you can't use oil that you haven't found. So the area under the consumption curve is going to have to be the same thing as the area under the discovery curve.

But look at what's been happening to discovery since, what, before 1970. It's been down, down, down, down, down, down. The lightly shaded part of this graph to the right is just a guess as to what's going to happen in the future, but an absolute certainty is that you're not going to pump oil that you haven't found.

Now, ever since the 1980s here, we have been pumping more oil than we've found, so this area here now has consumed reserves that we found in the past. So we have all this amount of reserves that we can use in the future. That represents the area under this curve.

They're predicting here that we will have ever less and less discovery. It won't be that nice smooth curve. It will be up and down. But on the average, that's what it should be because that's what it's been.

And by the way, for the past 20 years or so we have had incredibly improved techniques for finding oil. So for those of who tell you not to worry, it's out there, where? We've been scouring the world for the last 20 years with computer modeling and 3–D seismic, and our discovery has been down, down, down. And these people are wisely projecting that's probably what it's going to do for the future.

There's another chart here, and this is another chart from CERA, Cambridge Energy Research Associates. And they are predicting that we're going to find two and three times as much more oil as all the recoverable reserves that we now know are there. And even if that is true, it moves the peak out only a relatively few years. This is the curve, if we don't find any more than that previous chart showed.

Most of the experts in the world believe that the total amount of oil that we have pumped and will pump is somewhere in the category of 2 trillion barrels. We've pumped about a trillion, we have about another trillion to pump, more or less. So the peak, if that is so, is imminent, isn't it?

If we find 2.93 total, wow, that's another trillion barrels of oil. It pushes out only that far. And they say we're going to add some unconventional oil. That we will. And so they, and this was in an article that was debunking peak oil, and this was a major chart in that article and, by golly, it shows a peak. They say it will be an undulating plateau. I agree. I don't agree that it's going to be out there another 50 years, but I agree that it's going to be an undulating plateau.

The next chart is an interesting little exercise. And this is from EIA, our Energy Information Agency, which, by the way, does a really good job of tracking the use of energy. And it has done a pretty poor job of projecting how much energy we're going to find, because this was their projection. These are the discoveries of oil.

Remember that previous bar chart? These are the big spikes, the discoveries of oil. And they, really misinterpreting some data from USGS, predicted three different possible paths here. There was an F for frequency in the USGS data, and somehow that got translated to P for probability when it came to this chart. I have no idea how you'd do that, and I have had a course in statistics, so I understand a little about that.

But they said that the 50 percent probability was the mean and that that is the most probable thing that would happen. Therefore, the discoveries of oil were going to go up.

This is the 95 percent probability. If it's truly a probability, obviously, if you're 95 percent more certain than 50 percent, and this is the 5 percent; by the way, there should be another green line here and another blue line here because it's a little bit like the path of the hurricane. It's pretty tight today, but where it's going to be a week from now you're less certain, so it kind of fans out. So that's what these 50 percent and 5 percent represent.

But notice where the actual data points have been. The actual data point have, as one might suspect, followed the 95 percent probability because 95 percent probable is more probable than 50 percent probable.

The next chart is a chart from a report and I'm going to mention in just a moment four major studies that have been done, and I have a number of quotes from those. Because what I'm saying today is based on not just my perception of what's going on, but the reality as indicated in these four different studies.

This is EIA projections. And if we found as much more oil as all the known reserves of oil today, that is going from roughly the 2 trillion to 3 trillion barrels of oil. That will push the peak out only from here to 2016.

And this shows another interesting thing. If we get really good at enhanced oil recovery, and we drill a lot of wells and we suck it out faster, we might move the peak over to 2037. Then you fall off a cliff; because you can't pump what's not there.

Now, enhanced oil recovery will get a little more, but it may get it a lot faster. There will be some additional oil pumped from enhanced oil recovery, but it will not be a huge amount.

Now, I want to go through a number of quotes from five different sources actually. One of those is a very famous speech given by Hyman Rickover, the father of our nuclear submarine. He gave this speech 50 years ago, the 14th day of this May, in St. Paul, Minnesota, to a group of physicians. He was incredibly prophetic in that speech. There's a link on our Web site to that that you can simple do a Google search for Rickover and energy, and this speech will pop up. I will tell you, it is the most interesting speech that I have ever read. You'll be fascinated by it.

Just a quote from this speech: ''Whether this golden age,'' and boy is this a golden age, and he notes in this speech, by the way, that the amount of energy that we have available to us represents a huge amount of people working for us. The energy in a single barrel of oil represents the work of 12 people working all year.

When I first saw that, I said, it can't be. But then I thought of how far that gallon of gasoline or diesel, by the way, still cheaper than water in the grocery store, how far that takes my Prius, I drive a Prius, takes my Prius nearly 50 miles. How long would it take me to pull my Prius 5 miles? I could do it. If it was on the level, I might strain and do it very slowly. If it was uphill, I'd have to have you come along to do it. But how long would it take me to pull my Prius 50 miles? An incredible amount of energy. This is indeed a golden age, this age of oil.

He noted that every housewife 50 years ago had available to her the work equivalent of 34, I think he said, faithful household servants. I think it was 700 manpower efforts push your airplane through the sky, and 100,000 the train down the track and so forth.

''Whether this golden age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population.

Possession of surplus energy is, of course, a requisite for any kind of civilization, for man possesses merely the energy of his own muscles. He must expend all his strength, mental and physical, to obtain the bare necessities of life. A reduction of per capita energy consumption has always in the past led to a decline in civilization and a reversion to a more primitive way of life.''

The next quote is another one from Hyman Rickover: ''High energy consumption has always been a requisite of political power. The tendency is for political power to be concentrated in an ever smaller number of countries. Ultimately, the nation which controls the largest energy resource will become dominant. That control today is represented by having the necessary dollars to purchase it. Tomorrow it may be indicated by who, in fact, owns the oil fields. If we give thought to the problem of energy resources, we act wisely and in time to conserve what we have and prepare well for necessary future changes. We will ensure this dominant position for our own country.''

I would submit that we have done none of this. We have not acted wisely. We have not anticipated today. And it was absolutely inevitable that there would come a day when the supply of energy would be inadequate to meet the demands for energy, which is why it's roughly now 93, $95 a barrel.

There have been four studies paid for by our government. And much to my chagrin, they have pretty much ignored what all four of these studies have said. One of those was a study done for the Army by the Corps of Engineers.

Now, these were published just September of 2005, just a couple of years ago. There's another quote from him in just a minute. It's really interesting. Jean La Harerre made an assessment of the USGS report, that's the report we were looking at just previously that said we were going to find as much more oil as all the oil that we now knew existed which is recoverable in the world. And this was what Jean La Harrere, he's a French expert in this area, said: The USGS estimate implies a fivefold increase in discovery rate and reserve addition, for which no evidence is presented. Such an improvement in performance is, in fact, utterly implausible, given the great technological achievements of the industry over the past 20 years, I mentioned those, computer modeling and 3–D seismic, the worldwide search and the deliberate effort to find the largest remaining prospects.

The next chart is another quote from the Corps of Engineers: Oil is the most important form of energy in the world today.

By the way, all four of these reports said the same thing in slightly different words, that peaking of oil is either present or imminent. By peaking, we mean we've reached the maximum of production to produce it. Try as hard as we will, it will not increase after that, but just go down, down, down. It's being doing that in our country since 1970; that's in spite of the fact that we have drilled more oil wells in our country than all the rest of the world put together.

Putting a dozen straws in the soda will not result in more soda, will it? It's a limited amount. There is a limited amount.

Historically, no energy resource equals oil's intrinsic qualities of extractability, transportability, versatility, and cost. The qualities that enabled oil to take over from coal as the front line energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then.

The next chart is from the first report that came out. This is the ''Hirsch Report'' that came out a few months earlier than the Corps of Engineers report. And they made some really startling statements there. World production to conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of competent forecasters project peaking within a decade.

□ 1715

I have a chart in a few moments which will show you those and when they predicted it.

''Prediction of the peaking is extremely difficult.'' It is indeed. And you will only know that it's peaked historically looking back to see that, in fact, it peaked. And the production of oil, as I mentioned, has been constant for the last 30 months. As a matter of fact, conventional oil production has fallen off, but the total production is constant because we've been producing some unconventional oil. Heavy sours, sour oil is oil that has a lot of sulfur in it and you need to get rid of that. And the Alberta, Canada tar sands that we will talk about in a few moments.

''Oil peaking presents a unique challenge,'' they say. ''The world has never faced a problem like this. There is no precedent in history to prepare us for what will happen. Without massive mitigation more than a decade before the fact, if oil has now peaked,'' which it looks like it has, they said, we should have started a decade ago, and if we didn't, there are going to be meaningful consequences is what they are saying.

The next chart is a really interesting statement by our Secretary of State, Condoleezza Rice: ''We do have to do something about the energy problem.'' Thank you. We should have been doing something about it for the last 27 years. I say 27 years because by 1980, we knew absolutely that M. King Hubbert was right that the United States had peaked in 1970. It takes about that long to be really certain that peaking has occurred, but I think we knew it, absolutely knew it.

''We do have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is—I will use the word 'warping'—diplomacy around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply.''

It was bad then. In April of last year, oil was nowhere near $95 a barrel then.

The next quote is another quote from the Hirsch Report. This is a big report done by SAIC, Science Applications International Corporation, a very prestigious international engineering scientific organization. They say that the economic, social, and political costs will be unprecedented. ''There is nothing in history to prepare us for the economic, social, and political cost of the peaking of oil.'' And that is not me saying that. This is a report from a major study done by a very reputable scientific engineering organization paid for by our government, by our Department of Energy. Have you heard the Department of Energy talking about this? You might ask them why not?

The next chart, this was 50 years ago: ''I suggest that this is a good time to think soberly about our responsibilities to our descendants, those who will ring out the fossil fuel age. We might give a break to these youngsters by cutting fuel and metal consumption so as to provide a safer margin for the necessary adjustments which eventually must be made in a world without fossil fuels.''

I think I noted earlier that when you talk to the Chinese about energy, they talk about post-oil. The age of oil is now about 150 years old. That's out of 8,000 years of recorded history. In another 150 years, we will be through the age of oil. There will, for all practical purposes, be no more gas, oil, or coal. What will our world look like? By the way, this is exhilarating for me. There is no exhilaration like the exhilaration of meeting and overcoming a big challenge, and this is a huge challenge. So this will be very invigorating.

The next chart is another one from the Corps of Engineers: ''In general, all nonrenewable resources follow a natural supply curve. Production increases rapidly, slows, reaches a peak, and then declines.'' They are just validating what M. King Hubbert said more than 50 years ago.

''The major question for petroleum is not whether production will peak but when.'' Of course it will peak. It is inevitable.

You know, our descendents will look back on us and ask themselves how could they have done that. What we really should have done when we found this incredible wealth under the ground was to stop to ask ourselves what can we do with this to provide the most good for the most people for the longest time. That obviously is not what we did, with no more responsibility than the kid who found the cookie jar or the hog who found the feed room

door open. We have just been pigging out. And, incredibly, with all the evidence that we are probably at or nearly at peak oil, we want to continue doing that.

They keep asking me will I vote to drill in ANWR. No, I will not. I have 10 kids, 16 grandkids, 2 great-grandkids. We, without my votes, are going to leave them the largest intergenerational debt transfer in the history of the world. Wouldn't it be nice if I left them a little energy?

By the way, I will vote to drill there when they convince me they are going to use all the energy they get from ANWR and offshore to invest in renewables, because we have a huge challenge in developing enough renewables.

The next chart, this is an interesting one. In September 2005, ''The current price of oil is in the $45 to $57 per barrel range and is expected to stay in that range for several years.'' It is now twice that, more than twice of $45. Now, this is a very thoughtful group of people that did this study, but they missed it, didn't they?

''The supply of oil is increasingly inadequate to meet the demand. Oil prices may go significantly higher.'' Indeed they have. ''And some have predicted prices ranging up to $180 a barrel in a few years. Who knows?'' We assume we will be at $100 a barrel. How long will it take to get to this $180 a barrel?

The next chart is an interesting chart. And what this shows is a number of authorities, and we can get you this list, all these A to U, nearly an alphabet of them, and when they have predicted peaking will occur. Now, some of them are really uncertain. It could be now or any time in the next hundred years. But most of them believe that it will occur very soon or there is a probability it will occur very soon. So there is wide, wide concurrence in the scientific world out there that the peaking of oil is either present or imminent. And these four major government studies, I don't have quotes here from a study done by the National Petroleum Council. They have reached essentially the same conclusions. And another one was done by the Government Accountability Office. And all four of these said essentially the same thing: Peaking is either present or imminent with potentially devastating consequences.

The next chart is just a little schematic that shows the peaking curve. By the way, you can obviously compress the abscissa and expand the ordinate and make that a very sharp curve, or you can spread it out, as we've done here, and make it a gradual curve. The significant thing is that yellow area there represents 35 years. You see, at only a 2 percent increase in use, it doubles in 35 years. It is four times bigger in 70 years. It is eight times bigger in 105 years, and it is 16 times bigger in 140 years. Well, no wonder a namesake of mine, and I wish I was his relative, who really is a bright guy, Albert Bartlett, says that the biggest failure of industrialized society is to understand the exponential function. Albert Einstein in responding to what will we find after nuclear energy, he said that the most powerful force in the universe is the power of compound interest. And that's what we see.

The next chart, and this is a really interesting one, shows on the ordinate here how happy you are with your state in life, your sense of well-being. What it shows on the abscissa here is how much energy we use. Guess where we are. We use more energy than anybody else in the world, and we're pretty happy about things. But notice that, I think, 20-some countries who use less energy than we, some of them less than half as much, feel better about their quality of life than we feel about ours. I put this slide up here to show you that we can use a whole lot less energy and still live well, still be very satisfied with our life.

The next one, and we need to come and start one of these 60 minutes we have together and just focus on this chart, because this is the future and this is where we are going. We will, of necessity, ultimately transition from fossil fuels to renewables. When the fossil fuels are gone, and one day they will be, the only argument is not whether but when. And when they are gone, we will have transitioned either smoothly because we chose the route or a really bumpy ride because we didn't plan ahead.

There are some finite resources that we can use. The finite resources include the tar sands, and previously you heard some discussion of the tar sands. They are now producing a million barrels a day. That's a lot, isn't it? But the world consumes 84 million barrels a day. We consume 21 million barrels a day. So they are producing a little bit more than 1 percent of the oil that the world uses, and they know that what they are doing is not sustainable. They will run out of water. They will run out of energy because they are now using stranded natural gas. Stranded gas is gas that is somewhere where there aren't very many people, and since it is hard to ship, they say it's stranded, and it's cheaper. So they are using stranded natural gas there in this process. What they do is have a big shovel that lifts 100 tons at a time. They dump it in a truck that hauls 400 tons, and they haul it to a big cooker where they cook it so that it is really stiff. All the volatiles will come out of that because it's near the surface, and they cook that until the oil flows, and then they add some solvents to it so it will flow at normal temperatures. And if you think of the thing they are now mining as a vein, that vein shortly ducks under an overlay so that they are going to have to develop it in situ, and they have no idea how they are going to develop it in situ. So the Canadians will tell you that what they are doing is not sustainable. They might for a bit ramp up and produce a little more, but ultimately it is certainly not sustainable.

By the way, there is a huge, huge amount of potential energy in the tar sands. One and a half times as much energy there as all the known reserves of oil in the world. It is incredibly large. But let me note to you that there is an incredible amount of energy in the tides. So just because it is there doesn't mean it is in your gas tank, and just like the tides, which are very difficult to harness, this has proved difficult to harness.

What's even more difficult to harness are the oil shales. And we have more in our West, roughly 1½ trillion barrels of oil. The world has only about 1 trillion recoverable barrels of oil in all the world. So we have one and a half times as much as all recoverable oil in the world. Then why not rest easy? Because it is enormously difficult to exploit. The Shell Oil Company was the last company that conducted a major experiment there, and they aren't certain that it is economically supportable to develop this. We put a lot of money in that in the 1970s after the Arab oil embargo, and we still are a little closer to exploitation of these shales than we were then.

Then there's coal. You've heard that we have 500 years of coal. That is just flat out not true. A more correct statement until we knew better was that we had 250 years of coal. But that's at current use rates. The National Academy of Sciences has reevaluated the data. This is not me saying it. This is the National Academy of Sciences, the most prestigious scientific organization perhaps in the world. And they have said that they have not looked at this data since 1970. That's a long time ago. In relooking at the data, they say there is probably 100 years there. But let's look at what happens if there are 250 years there. At a 2 percent growth rate, remember we talked about the 35 years it doubles, at 70 it is four times, 16 times bigger in 140 years? That now shrinks to 85 years. And if you convert some of this, if you use some of the energy to convert it to a gas or a liquid, it now shrinks to 50 years. And it is inevitable that you will share it with the world. Let me explain. If we are using liquids produced from coal, we are not buying oil; so that means that oil is available to India and China, isn't it? Energy liquid fuels are fungible. So it is inevitable we will have to share it with the world because if we are not buying the oil, someone else will. That 50 years then shrinks to 12½ years. And, by the way, if the real amount, as the National Academy says, is 100 years, then that shrinks to about 5 years. So we have 5 years of coal at 2 percent growth to be converted to a gas or a liquid and share it, as we must, with the world.

So for those who tell you rest easy, we have got this huge amount of coal, not to worry, 250 years, that's at current use rates, and they just do not understand what happens with exponential growth.

Now, back to the chart we were looking at.

□ 1730

This really should be a separate category because nuclear is, if it's the right kind of nuclear, totally sustainable.

There are three ways we can get nuclear energy. One is from the light water reactor. All of the electrical energy in the world, I think, is produced from light water reactors. France produces about 75 percent of their energy; we, 19 or 20 percent of our electricity.

But fissure uranium is limited in the world. There is not enough to meet all future demands. But then we can go to breeder reactors. The breeder reactors do as the name implies, they produce more fuel than they use. So that is kind of a forever thing. With that, you buy some huge problems in transporting and enrichment. And you are hauling around weapons grade material, and then you're having to store away the end product for maybe a quarter of a million years. So although we have the potential for a lot of energy from breeder reactors, that comes with some big problems that we need to address.

Then there is nuclear fusion. We have a great fusion reactor; it's called the sun. And it, by the way, is the source of almost all of our present energy and past energy. All of the fossil fuels are there because the sun was shining a long time ago to make the plants and microbes and so forth grow. Well, we put about $250 million a year into nuclear fusion. I suspect we are a little closer now than we were 15 years ago when I came to the Congress. By the way, I happily vote for that $250 million because it's the only thing that gets us home free, if we can find fusion.

If you think you're going to solve your personal economic problems by winning the lottery, you're probably content that we're going to solve our energy problems by developing fusion. I think the odds are roughly the same. But because it is so incredibly important, because it gets us home free, I happily vote for the roughly $250 million we spend there.

Then the renewables, solar and wind. I want to spend some time talking about these.

I'm pretty sanguine about our future for electricity. We can produce a lot of electricity by nuclear; France produces about 75 percent of theirs. There are huge potentials from solar and wind. More solar energy falls on the Earth each day than we use all year long. It may be in less time than that that it falls on the Earth; it's an incredible amount of energy. The big problem, of course, is harnessing that energy. It is, by the way, the sun that makes the wind blow. The wind blows because there is differential heating, and so it makes the wind to blow. So all of this is kind of solar energy; wind, kind of secondhand solar energy.

The problem with solar and wind is the sun doesn't shine all the time, and the wind doesn't blow all the time. But we have a pretty constant demand for energy, so you've got to store it. And this is a huge challenge. And if you're talking about running your car on batteries, then you have to think, but, do we have the raw materials necessary for making enough batteries to run all the millions of cars in the world with batteries? I think we could produce enough electricity to do that. I'm not at all sure that there is enough raw materials out there to make the batteries necessary for these cars.

Then there is geothermal. I'm not talking about the heat pump that you tie to groundwater or ground temperature, which really, by the way, is what you ought to do. If you think about your heat pump, in the summer it's an air conditioner. It has to warm the outside air. It may be 100 outside, no matter. The heat pump has to increase the air, that temperature, in order to decrease the temperature in your house.

And in the winter time, what is it trying to do? When it's 10 degrees outside, the heat pump has to make it even colder outside so it can make you warmer inside. The 56 degrees, which is what it is here, looks awfully cool in the summer time, doesn't it? And awfully warm in the winter time. As a little boy, I was confused about how the spring house we had on our farm could be so warm in the winter time and so cool in the summer time. Of course when I went to school, I kind of figured that thing out.

Ocean energy. I mentioned an incredible amount of energy in the ocean, but harnessing that energy is a difficult thing. The waves and the tides represent, by the way, the tides are produced by the movement of the Moon, of course. That's an exception to energy produced in the past or now from the sun.

But the challenge there is that because this is so spread out, it's so difficult to harness. A good axiom is that energy, to be effective, must be concentrated. And, boy, is it concentrated in gas and oil and coal, just an incredible amount of energy there. Both the quantity and the quality of that energy is superior to anything that we can produce to take its place.

Now, agricultural resources, and this is an area, let me flip to the next chart. Let's look at corn.

Earlier this evening you heard quite a discussion of ethanol and its potential. And I don't want to quote ROSCOE BARTLETT here; I want to quote the National Academy of Sciences here. They did a study, and they concluded, and this was an article that appeared, I think, was it The Washington Post, and they said that if we took all of our corn for ethanol and discounted it for the fossil fuel input, which they said was 80 percent, by the way, some people think that we use more energy producing corn than we get out of the ethanol from corn; but even if it's 80 percent, and that's a realistic number, I think, if we used all of our corn for ethanol, no tortillas, no fattening of pigs and chickens from corn, used it all for ethanol, it would displace only 2.4 percent of our gasoline.

Now, if you just start with the corn and ignore the energy it took to produce the corn, then you get a whole different figure. So you need to be careful when people are talking to you about energy from ethanol. You know, the sun gratuitously produced that energy that put the oil in the ground; it doesn't gratuitously grow our corn.

We put huge amounts of fertilizer, this lower pie chart shows that nearly half the energy that goes into producing corn, and not one person in 50 outside of the farmer knows this, almost half the energy that goes into producing corn comes from the natural gas from which we make the nitrogen fertilizer. Nature does this, by the way. You may notice that your lawn is never as green watering it as it is after a thunderstorm; we used to call it ''poor man's fertilizer.'' The nitrogen in the air is converted by the lightning into a forum which is carried down into the ground. That's fertilizer by the rain.

This is their data. The National Academy of Science said if we use all of our corn for ethanol and discount it for fossil fuel, a little silly, something to burn the fossil fuels in another forum, which is corrosive, you can't put it in our pipes. You have to add it pretty much at the last minute because we don't have the infrastructure to move ethanol around. They wisely noted that if you tuned up your car and put air in the tires, you would save as much oil as using all of our corn to produce ethanol.

They then noted if we use all of our soybeans for diesel fuel, soy diesel, all of it, no soybeans exported to China, which was, a few years ago, our largest dollar export, by the way, because tofu, bean curd, as they call it, is the energy staple of the Orient, none of that, if we used all of our soybeans for soy diesel, it would displace 2.9 percent of our diesel.

Now, there are, I think, 70 million acres of corn, 60 million acres of soybeans planted on our best soil, pampered with fertilizers and pesticides and insecticides. And we would get, if we used it all for energy, 2.4 percent of gasoline and 2.9 percent of our diesel would be displaced.

Now, how much energy should we expect to get from weeds and switch grass and trees? I don't know. But I suspect that it's going to be difficult, sustainably, to get huge amounts of energy there because today's weeds and so forth are growing in large measure because last year's weeds died and are rotting and fertilizing them.

When you take the growth away from the rain forest, which looks like an incredibly wealthy environment in terms of nutrients, you leave laterite soils that will hardly grow anything because most all of the nutrients were in the plants that were growing.

The Department of Agriculture came to me and they were hyping cellulosic

ethanol. And I asked them, Are our topsoils increasing in quantity and quality? And the answer is no. Then I said, Pray tell, how are we going to get these enormous amounts of energy? Because topsoil is topsoil. Because of humus, humus is the material from plants that grew yesterday and are rotting today. It holds nutrients; it holds water. For every bushel of corn we grow in Iowa, three bushels of topsoil go down the Mississippi River. In spite of our best practices, it used to be many bushels, by the way. In spite of our best practices, three bushels still go down the river.

We will certainly get something. What if we got four times as much, which is unlikely, from our wasteland and woods and so forth, as we can get from all of our corn and all of our soybeans? That would be roughly 20 percent. Exploiting. Now, this would not be sustainable. You might, for a few years, mine the topsoil and take off this biomass, but by and by you will pay for that because you will no longer have the same quality or quantity of topsoil.

The next chart has a little pie chart on it, which is really interesting. We're a little bit like the couple whose grandparents have died and left them a big inheritance and they have now established a lifestyle where 85 percent of the money they spend comes from their grandparents' inheritance and only 15 percent from their paycheck. And, by golly, the grandparents' inheritance is going to run out before they retire. So obviously they've got to restructure their lives; they have to make more or spend less, or some combination of that. That's where we are as far as energy is concerned. Eighty-five percent of our energy comes from natural gas, petroleum and coal. A bit more than half of the remainder comes from nuclear power.

And here are the true renewables over here. This is an old chart, several years old.

I appreciate the opportunity to address the House. And we will return shortly to talk more about these very important subjects.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, OCTOBER 31, 2007, AT PAGE H12301

SEC. 307. OFFSETS.

(a) TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''115 percent'' and inserting ''127.50 percent''.

(b) CUSTOMS USER FEES.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''October 21, 2014'' and inserting ''February 17, 2015''.

TITLE IV—WORKFORCE INVESTMENT IMPROVEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Workforce Investment Improvement Act of 2007''.

SEC. 402. REFERENCES.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.).

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, OCTOBER 31, 2007, AT PAGE H12382

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 24, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 327, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 1284, to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 3233, to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the ''Laurence C. and Grace M. Jones Post Office Building''.

Lorraine C. Miller, Clerk of the House also reports that on October 30, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. HOYER) for today and through December 14 on account of medical reasons.

Mr. MCNULTY (at the request of Mr. HOYER) for today after 2:30 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. HUNTER) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, November 8.

Mr. POE, for 5 minutes, November 8.

Mr. HULSHOF, for 5 minutes, November 5.

Mr. GINGREY, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

H.R. 2779. An act to recognize the Navy UTD–SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, November 5, 2007, at 12:30 p.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second and third quarters of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MICHELLE BARLOW, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 5 AND OCT. 9, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michelle Barlow	10/5	10/7	Qatar		458.00		(3)				458.00
	10/7	10/8	Jordan		279.00		(3)				279.00
	10/8	10/9	Germany		223.00		(3)				223.00
Committee total											960.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHELLE BARLOW, Oct. 23, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRAQ, KUWAIT, PAKISTAN, AFGHANISTAN, AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 11 AND SEPT. 17, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John A. Boehner	9/12	9/13	Iraq				(3)				
Hon. Peter Hoekstra	9/12	9/13	Iraq				(3)				
Hon. Tom Latham	9/12	9/13	Iraq				(3)				
Hon. Devin Nunes	9/12	9/13	Iraq				(3)				
Hon. Patrick J. Tiberi	9/12	9/13	Iraq				(3)				
Hon. Charles A. Wilson	9/12	9/13	Iraq				(3)				
Jennifer Stewart	9/12	9/13	Iraq				(3)				
Brian Kennedy	9/12	9/13	Iraq				(3)				
Hon. John A. Boehner	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. Peter Hoekstra	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. Tom Latham	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. Devin Nunes	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. Patrick J. Tiberi	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. Charles A. Wilson	9/13	9/14	Kuwait		458.00		(3)				458.00
Jennifer Stewart	9/13	9/14	Kuwait		458.00		(3)				458.00
Brian Kennedy	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. John A. Boehner	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. Peter Hoekstra	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. Tom Latham	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. Devin Nunes	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. Patrick J. Tiberi	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. Charles A. Wilson	9/14	9/15	Pakistan		339.00		(3)				339.00
Jennifer Stewart	9/14	9/15	Pakistan		339.00		(3)				339.00
Brian Kennedy	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. John A. Boehner	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. Peter Hoekstra	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. Tom Latham	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. Devin Nunes	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. Patrick J. Tiberi	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. Charles A. Wilson	9/15	9/16	Afghanistan		75.00		(3)				75.00
Jennifer Stewart	9/15	9/16	Afghanistan		75.00		(3)				75.00
Brian Kennedy	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. John A. Boehner	9/16	9/17	Spain		279.00		(3)				279.00
Hon. Peter Hoekstra	9/16	9/17	Spain		279.00		(3)				279.00
Hon. Tom Latham	9/16	9/17	Spain		279.00		(3)				279.00
Hon. Devin Nunes	9/16	9/17	Spain		279.00		(3)				279.00
Hon. Patrick J. Tiberi	9/16	9/17	Spain		279.00		(3)				279.00
Hon. Charles A. Wilson	9/16	9/17	Spain		279.00		(3)				279.00
Jennifer Stewart	9/16	9/17	Spain		279.00		(3)				279.00
Brian Kennedy	9/16	9/17	Spain		279.00		(3)				279.00
Committee total											9,208.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN A. BOEHNER, Chairman, Oct. 17, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DENMARK, SWEDEN AND IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 12 AND SEPT. 17, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Larson	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Ray LaHood	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Tim Holden	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Bill Pascrell	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Wm. Lacy Clay	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Tim Ryan	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Linda Sanchez	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Wilson Livingood	9/12	9/13	Denmark		497.00		(3)				497.00
Dr. John F. Eisold	9/12	9/13	Denmark		497.00		(3)				497.00
Dr. Kay King	9/12	9/13	Denmark		497.00		(3)				497.00
George Shevlin	9/12	9/13	Denmark		497.00		(3)				497.00
Amy O'Donnell	9/12	9/13	Denmark		497.00		(3)				497.00
Linda Christiana	9/12	9/13	Denmark		497.00		(3)				497.00
Brian Mahar	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. John Larson	9/13	9/15	Sweden		1,312.00		(3)				1,312.00
Hon. Ray LaHood	9/13	9/15	Sweden		1,312.00		(3)				1,312.00
Hon. Tim Holden	9/13	9/15	Sweden		1,312.00		(3)				1,312.00
Hon. Bill Pascrell	9/13	9/15	Sweden		1,312.00		(3)				1,312.00
Hon. Wm. Lacy Clay	9/13	9/15	Sweden		1,250.00		(3)				1,250.00
Hon. Tim Ryan	9/13	9/15	Sweden		1,250.00		(3)				1,250.00
Hon. Linda Sanchez	9/13	9/15	Sweden		1,250.00		(3) 3,052.00				4,302.00
Hon. Wilson Livingood	9/13	9/15	Sweden		1,205.00		(3)				1,205.00
Dr. John F. Eisold	9/13	9/15	Sweden		1,205.00		(3)				1,205.00
Dr. Kay King	9/13	9/15	Sweden		1,205.00		(3)				1,205.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DENMARK, SWEDEN AND IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 12 AND SEPT. 17, 2007—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
George Shevlin	9/13	9/15	Sweden		1,205.00		(3)				1,205.00
Amy O'Donnell	9/13	9/15	Sweden		1,205.00		(3)				1,205.00
Linda Christiana	9/13	9/15	Sweden		1,205.00		(3)				1,295.00
Brian Mahar	9/13	9/15	Sweden		1,205.00		(3)				1,205.00
Hon. John Larson	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Ray LaHood	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Tim Holden	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Bill Pascrell	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Wm. Lacy Clay	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Tim Ryan	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Wilson Livingood	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Dr. John F. Eisold	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
George Shevlin	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Amy O'Donnell	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Linda Christiana	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Brian Mahar	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Committee total											51,337.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN B. LARSON, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE MILLER, Chairman, Oct. 22, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Donna Christensen	8/07	8/10	Palau		396.00		9,324.78				9,720.78
Hon. Madeleine Bordallo	8/07	8/10	Palau		396.00		9,324.78				9,720.78
Anthony Babauto	8/07	8/10	Palau		396.00		7,171.78				7,567.78
Brian Modeste	8/07	8/10	Palau		396.00		9,324.78				9,720.78
Richard Stanton	8/07	8/10	Palau		396.00		9,318.42				9,714.42
Allison Cowan	8/07	8/10	Palau		396.00		9,324.78				9,720.78
Steve Feldgus	8/07	8/10	Palau		396.00		9,324.78				9,720.78
Hon. Doug Lamborn	8/13	8/13	Israel to Kuwait				607.37				607.37
Tony Babauta	9/29	10/2	Palau		450.00		7,234.56				7,684.56
Richard Stanton	9/29	10/2	Palau		450.00		6,630.20				7,080.20
Committee total					3,672.00		77,586.23				81,258.23

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NICK J. RAHALL II, Chairman, Oct. 17, 2007.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3962. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Export Certification for Wood Packaging Material [Docket No. APHIS-2006-0122] (RIN: 0579-AC43) received October 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3963. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Fresh Market Sweet Corn Crop Insurance Provisions (RIN: 0563-AC02) received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3964. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3965. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7995] received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3966. A letter from the Assistant to the Board, Department of the Treasury, transmitting the Department's final rule — Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transaction Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC94) received October 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3967. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-02, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services; to the Committee on Foreign Affairs.

3968. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-07, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

3969. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Air Force's proposed extension of a lease of defense articles to the Government of the Netherlands (Transmittal No. 06-07); to the Committee on Foreign Affairs.

3970. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-11, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services; to the Committee on Foreign Affairs.

3971. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's intention to impose new foreign policy-based export controls on certain persons in Burma listed in or designated pursuant to Executive Order 13310 of July 28, 2003 and the Executive Order titled Blocking Property and Prohibiting Certain Transactions Related to Burma of October 18, 2007; to the Committee on Foreign Affairs.

3972. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of firearms to the Government of Georgia (Transmittal No. DDTC 075-07); to the Committee on Foreign Affairs.

3973. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Australia (Transmittal No. DDTC 031-07); to the Committee on Foreign Affairs.

3974. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Iraq (Transmittal No. DDTC 104-07); to the Committee on Foreign Affairs.

3975. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the re-export of defense articles and services to the Government of Afghanistan (Transmittal No. DDTC 107-07); to the Committee on Foreign Affairs.

3976. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Hague Convention on Intercountry Adoption; Intercountry Adoption Act of 2000; Consular Officer Procedures in Convention Cases (RIN: 1400-AC40) received October 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3977. A letter from the Deputy Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report concerning efforts made by the United Nation and the UN Specialized Agencies to employ an adequate number of Americans during 2006, pursuant to Public Law 102-38, section 181; to the Committee on Foreign Affairs.

3978. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement,'' together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

3979. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Global Terrorism Sanctions Regulations; Terrorism Sanctions Regulations; Foreign Terrorist Organizations Sanctions Regulations — received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3980. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

3981. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Transfers of Assets or Stock Following a Reorganization [TD 9361] (RIN: 1545-BD56) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3982. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.602: Tax forms and instructions. (Also Part I, 1, 23, 24, 25A, 25B, 32, 42, 59, 62, 63, 68, 132, 135, 137, 146, 148, 151, 170, 179, 213, 219, 220, 221, 408A, 512, 513, 685, 877, 911, 2032A, 2503, 2523, 4161, 6033, 6039F, 6323, 6334, 6601, 7430, 7702B; 1.148-3, 1.148-5) (Rev. Proc. 2007-66) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3983. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Memorandum for Commissioner. Small Business/Self-Employed Division LMSB Industry and Field Specialists Directors Director, International Compliance, Strategy and Policy—received October 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3984. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Security under 6166 Elections, Notice 2007-90 — received October 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3985. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2008 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2007-87] received October 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 2857. A bill to reauthorize and reform the national service laws; with an amendment (Rept. 110–420). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARROW:

H.R. 4039. A bill to amend the Internal Revenue Code of 1986 to increase, expand the availability of, and repeal the sunset with respect to, the dependent care tax credit; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. STEARNS, Mr. DINGELL, Mr. BARTON of Texas, Mr. TOWNS, Mr. WHITFIELD, Mr. GORDON, Mr. BURGESS, Mr. STUPAK, Mr. WYNN, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mrs. CAPPS, Ms. HARMAN, Mr. ALLEN, Ms. SOLIS, Mr. GONZALEZ, Mr. INSLEE, Ms. BALDWIN, Mr. ROSS, Mr. MATHESON, Mr. BARROW, Mr. HILL, Mr. EMANUEL, Mr. CLYBURN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. CARDOZA, Mr. CLAY, Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. ELLISON, Mrs. GILLIBRAND, Mr. AL GREEN of Texas, Mr. HALL of New York, Mr. HODES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Mr. LARSON of Connecticut, Ms. JACKSON-LEE of Texas, Mr. LIPINSKI, Mrs. MCCARTHY of New York, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Mr. SESTAK, Mr. THOMPSON of Mississippi, and Ms. WOOLSEY):

H.R. 4040. A bill to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission; to the Committee on Energy and Commerce.

By Mr. BLUNT (for himself, Mr. COOPER, Mr. ADERHOLT, Mr. AKIN, Mrs. BLACKBURN, Mr. DAVID DAVIS of Tennessee, Mr. LINCOLN DAVIS of Tennessee, Mr. DUNCAN, Mr. EVERETT, Mr. GORDON, Mr. PAUL, Mr. POE, Mr. SMITH of Texas, Mr. TANNER, and Mr. WAMP):

H.R. 4041. A bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes; to the Committee on the Judiciary.

By Mr. MCNERNEY (for himself, Mr. SPACE, and Mr. PAUL):

H.R. 4042. A bill to amend the Internal Revenue Code of 1986 to reduce the estate tax for periods before its termination in 2010 by increasing the unified credit, lowering the maximum estate tax rate, restoring the exclusion for family-owned business interests, excluding the value of the decedent's principal residence, and for other purposes; to the Committee on Ways and Means.

By Mr. WATT (for himself, Mr. GARY G. MILLER of California, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. CLEAVER, Mr. CAPUANO, Mrs. MCCARTHY of New York, Ms. CARSON, Mr. MEEKS of New York, Mr. CLAY, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, and Mr. ELLISON):

H.R. 4043. A bill to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and expand minority depository institutions, and for other purposes; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Mr. ROHRABACHER, Mr. ABERCROMBIE, Mr. BLUMENAUER, Mr. BUTTERFIELD, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. COSTELLO, Mr. DUNCAN, Mr. EHLERS, Mr. FARR, Mr. FATTAH, Ms. FOXX, Mr. GILCHREST, Mr. GORDON, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HONDA, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JONES of North Carolina, Mr. KUCINICH, Mr. MCGOVERN, Mr. MICHAUD, Mr. RUSH, Ms. SHEA-PORTER, and Mr. TIERNEY):

H.R. 4044. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; to the Committee on the Judiciary.

By Mr. ALTMIRE (for himself and Mr. DAVIS of Illinois):

H.R. 4045. A bill to award competitive grants to minority serving institutions to establish centers of excellence for teacher education; to the Committee on Education and Labor.

By Mr. ALTMIRE (for himself and Mrs. MCMORRIS RODGERS):

H.R. 4046. A bill to amend the Higher Education Act of 1965 to require the Department of Education to accept certifications of permanent and total disability by the Department of Veterans Affairs for the purpose of student loan discharge; to the Committee on Education and Labor.

By Ms. WOOLSEY (for herself, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. PAYNE, Mr. ANDREWS, Mrs. MCCARTHY of New York, Mr. KUCINICH, Mr. BISHOP of New York, Mr. HARE, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. MARKEY, Mr. TIERNEY, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 4047. A bill to streamline the administration of whistleblower protections for private sector employees; to the Committee on Education and Labor.

By Ms. ZOE LOFGREN of California (for herself, Mr. TAYLOR, and Mr. MELANCON):

H.R. 4048. A bill to establish the Gulf Coast Recovery Authority to administer a Gulf Coast Civic Works Project to provide job-training opportunities and increase employment to aid in the recovery of the Gulf Coast region; to the Committee on Education and Labor.

By Mrs. MALONEY of New York (for herself, Mr. BACHUS, Mr. FRANK of Massachusetts, and Mrs. BIGGERT):

H.R. 4049. A bill to amend section 5318 of title 31, United States Code, to eliminate regulatory burdens imposed on insured depository institutions and money services businesses and enhance the availability of transaction accounts at depository institutions for such business, and for other purposes; to the Committee on Financial Services.

By Ms. GIFFORDS (for herself and Mr. LATOURETTE):

H.R. 4050. A bill to require the Administrator of the Federal Emergency Management Agency to issue guidance providing a process for consideration of the flood protections afforded by certain structures for purposes of the national flood insurance program; to the Committee on Financial Services.

By Ms. WATERS (for herself and Mr. HINOJOSA):

H.R. 4051. A bill to authorize appropriations for assistance for the National Urban League, the Raza Development Fund, the Housing Partnership Network, and the National Community Renaissance Program, and for other purposes; to the Committee on Financial Services.

By Mr. ABERCROMBIE (for himself, Mrs. BOYDA of Kansas, Ms. BORDALLO, Mr. CLAY, Mr. FILNER, Mr. GORDON, Mr. HINCHEY, and Mr. JEFFERSON):

H.R. 4052. A bill to amend title 38, United States Code, to revise the eligibility criteria for presumption of service-connection of certain diseases and disabilities for veterans exposed to ionizing radiation during military service, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. BERKLEY (for herself, Ms. CORRINE BROWN of Florida, Mr. DELAHUNT, Mr. FILNER, Ms. WATSON, Mrs. NAPOLITANO, Mr. FALEOMAVAEGA, Mr. HALL of New York, Mr. HARE, Mr. BACA, Mr. MCNERNEY, and Mr. KAGEN):

H.R. 4053. A bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CROWLEY (for himself, Mr. RAMSTAD, Mr. RYAN of Ohio, Mr. KIRK, Mr. SCHIFF, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mrs. LOWEY, Mr. WAXMAN, Ms. SLAUGHTER, Ms. CLARKE, Mrs. MCCARTHY of New York, Mrs. BOYDA of Kansas, Mr. MEEKS of New York, Mrs. MALONEY of New York, Mrs. TAUSCHER, Mr. GARY G. MILLER of California, Mr. MOORE of Kansas, Mr. NADLER, Ms. CASTOR, Mr. ALLEN, Mr. CARNAHAN, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. FILNER, Mr. BERMAN, Mr. CLAY, Mr. PATRICK MURPHY of Pennsylvania, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. LANTOS, Mr. SIRES, Ms. NORTON, Ms. BERKLEY, Mr. MCNULTY, Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Ms. DEGETTE, Mr. MORAN of Virginia, Mr. MITCHELL, Ms. DELAURO, Ms. SUTTON, Mr. GRIJALVA, Ms. HIRONO, Ms. HOOLEY, Ms. MATSUI, Mr. HONDA, Mr. HINCHEY, Mr. BOUCHER, Mr. FARR, Mr. CLEAVER, Ms. LORETTA SANCHEZ of California, Mr. COURTNEY, Mr. MCGOVERN, Mr. PASCRELL, Mr. ISRAEL, Ms. BALDWIN, Mr. ACKERMAN, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Ms. MOORE of Wisconsin, Mr. DENT, Mr. OLVER, Ms. LEE, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Mr. WYNN, Mr. INSLEE, Mr. PAYNE, Ms. GIFFORDS, Mr. SMITH of Washington, Mr. WU, Mr. BRALEY of Iowa, Mr. KENNEDY, Mr. TOWNS, Mr. LOEBSACK, Ms. SOLIS, Ms. SCHWARTZ, Ms. ROYBAL-ALLARD, Mr. SHAYS, Mr. COHEN, Mr. ELLISON, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. HALL of New York, Mr. BISHOP of New York, Mr. DEFAZIO, Mr. WALZ of Minnesota, Mr. JEFFERSON, Ms. ZOE LOFGREN of California, Mr. WEXLER, Mr. JACKSON of Illinois, Mr. KIND, Mr. YARMUTH, Mr. ROTHMAN, Mr. MILLER of North Carolina, Mr. HASTINGS of Florida, Mr. WELCH of Vermont, Mr. KAGEN, Mr. KLEIN of Florida, Mr. FATTAH, Mr. GENE GREEN of Texas, and Mr. STARK):

H.R. 4054. A bill to amend title XIX of the Social Security Act to restore and protect access to Medicaid discount drug prices for university-based and safety-net clinics; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself and Ms. SCHWARTZ):

H.R. 4055. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of screening tests for human papillomavirus (HPV); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH (for himself, Mrs. MALONEY of New York, and Mr. HOLDEN):

H.R. 4056. A bill to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty; to the Committee on the Judiciary.

By Mr. GRAVES (for himself, Mr. CLAY, Mr. AKIN, Mr. PUTNAM, Mr. ETHERIDGE, Mr. RADANOVICH, and Mr. MCINTYRE):

H.R. 4057. A bill to amend the Internal Revenue Code of 1986 to extend and expand the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 4058. A bill to grant to a State with an unemployment rate that is equal to or greater than 125 percent of the national unemployment rate authority to transfer funds among programs made available to such State by title 23, United States Code, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. INSLEE (for himself and Mr. BLUMENAUER):

H.R. 4059. A bill to promote electric transmission construction in rural areas with significant renewable energy potential, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. RUSH, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Mr. OLVER, Ms. NORTON, Mr. FARR, Mr. GUTIERREZ, Mr. KAGEN, Ms. KAPTUR, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. STARK, Mr. HINCHEY, Mrs. JONES of Ohio, Ms. LEE, Mr. MICHAUD, Mr. PAYNE, Mr. RANGEL, Mr. SERRANO, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Mr. RYAN of Ohio, Mr. HOLT, Ms. HIRONO, Mr. NADLER, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. COSTELLO, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. TOWNS, and Ms. BALDWIN):

H.R. 4060. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself, Mr. CAMP of Michigan, Mr. CROWLEY, and Mr. LEWIS of Kentucky):

H.R. 4061. A bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes; to the Committee on Ways and Means.

By Mr. MATHESON (for himself, Ms. BERKLEY, Mr. BISHOP of Utah, and Mr. CANNON):

H.R. 4062. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel from the spent nuclear fuel pools of the operators into spent nuclear fuel dry casks at independent spent fuel storage installations of the operators that are licensed by the Nuclear Regulatory Commission, to convey to the Secretary of Energy title to all such transferred spent nuclear fuel, to provide for the transfer to the Secretary of the independent spent fuel storage installation operating responsibility of each plant together with the license granted by the Commission for the installation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAYNE (for himself, Mr. SCOTT of Virginia, Ms. NORTON, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. RUSH, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. ELLISON, Ms. KILPATRICK, Mr. GRIJALVA, Mr. NADLER, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Ms. MOORE of Wisconsin, Mr. DAVIS of Illinois, and Mr. BISHOP of Georgia):

H.R. 4063. A bill to authorize grants for programs that provide support services to exonerees; to the Committee on the Judiciary.

By Mr. PERLMUTTER (for himself and Mr. POMEROY):

H.R. 4064. A bill to amend the Immigration and Nationality Act to permit the Secretary of State to waive certain requirements with respect to special immigrants described in section 101(a)(27)(D) of such Act who have performed service for the United States abroad under extraordinary conditions; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. BILBRAY, Mr. DREIER, Mr. FEENEY, Mr. GALLEGLY, Mr. GOODLATTE, Mr. DANIEL E. LUNGREN of California, Mrs. MYRICK, Mr. PORTER, and Mr. COBLE):

H.R. 4065. A bill to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH of Vermont (for himself and Mr. ANDREWS):

H.R. 4066. A bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes; to the Committee on Agriculture.

By Ms. WOOLSEY (for herself, Mr. ALTMIRE, Mr. LOEBSACK, and Mr. HARE):

H.R. 4067. A bill to provide grants to colleges to improve remedial education (including English language instruction), to customize remediation to student career goals, and to help students move rapidly from remediation into for-credit occupation program courses and through program completion; to the Committee on Education and Labor.

By Mr. PERLMUTTER (for himself, Ms. DEGETTE, and Mr. SALAZAR):

H. Con. Res. 245. Concurrent resolution commending the National Renewable Energy Laboratory for its work of promoting energy efficiency for 30; to the Committee on Science and Technology.

By Mr. RAHALL:

H. Res. 788. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mrs. BACHMANN (for herself, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. BIGGERT, Mr. BILBRAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mrs. BOYDA of Kansas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. BUCHANAN, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CARDOZA, Mr. CLYBURN, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mr. DONNELLY, Mr. ELLISON, Mr. ENGLISH of Pennsylvania, Mr. FEENEY, Mr. FERGUSON, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Ms. GRANGER, Mr. HASTERT, Mr. HELLER, Mr. HOEKSTRA, Mr. HULSHOF, Mr. JACKSON of Illinois, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mr. LAMBORN, Mr. LANGEVIN, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. MARCHANT, Mr. MCCOTTER, Mr. PEARCE, Mr. PITTS, Mr. POE, Mr. PRICE of Georgia, Mr. MACK, Mr. MCCAUL of Texas, Mrs. MCMORRIS RODGERS, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Mr. SHADEGG, Mr. SHULER, Mr. SMITH of Nebraska, Mr. TAYLOR, and Mr. WAMP):

H. Res. 789. A resolution honoring public child welfare agencies, nonprofit organizations and private entities providing services for foster children; to the Committee on Education and Labor.

By Mr. BAIRD (for himself, Mr. DICKS, Mr. HASTINGS of Washington, Mr. INSLEE, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. REICHERT, Mrs. MCMORRIS RODGERS, and Mr. SMITH of Washington):

H. Res. 790. A resolution commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. WEXLER, and Ms. CASTOR):

H. Res. 791. A resolution expressing the sense of the House of Representatives in support of Federal and State funded home and community-based services for individuals with disabilities of any age, especially the elderly; to the Committee on Energy and Commerce.

By Mr. PAYNE (for himself, Mr. WOLF, Mr. CAPUANO, and Mr. TANCREDO):

H. Res. 792. A resolution honoring the dedication and hard work of Professor Eric Reeves on behalf of the people of Sudan; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII,

210. The SPEAKER presented a memorial of the Legislature of the State of California, relative to a Resolution urging the Congress of the United States to stand firm against the pressure and allow the vote of House Resolution 106 to proceed; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FEENEY:

H.R. 4068. A bill for the relief of Richelle Starnes; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 4069. A bill for the relief of Rrustem Neza; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 4070. A bill for the relief of Rrustem Neza; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. FRELINGHUYSEN and Mr. PETERSON of Pennsylvania.

H.R. 380: Mr. WU.

H.R. 383: Mr. ELLSWORTH.

H.R. 463: Mr. WALZ of Minnesota and Mr. ISRAEL.

H.R. 549: Mr. CANTOR and Mr. BRADY of Texas.

H.R. 594: Mr. BISHOP of New York and Mr. DELAHUNT.

H.R. 618: Mr. FORTENBERRY.

H.R. 627: Mr. HOLT.

H.R. 821: Mr. GORDON of Tennessee, Mr. AL GREEN of Texas, and Mr. ALLEN.

H.R. 840: Mr. BERMAN and Mr. MURTHA.

H.R. 871: Mr. ENGLISH of Pennsylvania and Mrs. CHRISTENSEN.

H.R. 881: Mr. LATHAM.

H.R. 939: Mr. GILCHREST.

H.R. 997: Mr. GARRETT of New Jersey.

H.R. 1017: Mr. YARMUTH, Ms. MCCOLLUM of Minnesota, and Mr. MCGOVERN.

H.R. 1070: Mr. AL GREEN of Texas.

H.R. 1174: Mr. WELDON of Florida.

H.R. 1188: Mrs. NAPOLITANO.

H.R. 1222: Mr. GONZALEZ.

H.R. 1283: Mr. KING of New York and Mr. ELLSWORTH.

H.R. 1376: Mr. MICHAUD and Mr. UDALL of New Mexico.

H.R. 1419: Ms. FALLIN.

H.R. 1422: Mr. MOORE of Kansas, Mr. PRICE of North Carolina, and Mr. PICKERING.

H.R. 1436: Mr. DONNELLY.

H.R. 1440: Mr. BRADY of Pennsylvania.

H.R. 1497: Mr. HOLT.

H.R. 1514: Mr. TIBERI.

H.R. 1589: Mr. NUNES.

H.R. 1610: Mr. HAYES and Mrs. TAUSCHER.

H.R. 1691: Mr. BERMAN.

H.R. 1781: Mr. SOUDER, Mr. RUPPERSBERGER, Mr. GORDON of Tennessee, and Ms. CARSON.

H.R. 1783: Ms. SOLIS.

H.R. 1845: Mr. MCHUGH and Mr. NADLER.

H.R. 1937: Mrs. EMERSON.

H.R. 2016: Mr. FILNER.

H.R. 2064: Mr. HOLT, MR. DOGGETT, Mr. HINOJOSA, and Mr. MCNERNEY.

H.R. 2070: Mr. ALLEN.

H.R. 2140: Mr. SCOTT of Virginia and Mr. JOHNSON of Georgia.

H.R. 2234: Mrs. NAPOLITANO and Mrs. MCCARTHY of New York.

H.R. 2265: Mr. REICHERT.

H.R. 2266: Mr. SHULER.

H.R. 2385: Mr. WEXLER.

H.R. 2405: Mr. MORAN of Virginia.

H.R. 2464: Mr. FERGUSON, Mr. DOYLE, and Mr. ROSS.

H.R. 2510: Mr. BROWN of South Carolina.

H.R. 2584: Mr. MCCOTTER.

H.R. 2610: Mr. ISRAEL.

H.R. 2634: Mr. BRALEY of Iowa, Mr. FRANK of Massachusetts, and Mr. GERLACH.

H.R. 2668: Mr. FERGUSON.

H.R. 2695: Mr. MORAN of Virginia and Mr. SHULER.

H.R. 2702: Mr. MAHONEY of Florida.

H.R. 2727. Mr. GOODLATTE.

H.R. 2818: Mr. ROTHMAN.

H.R. 2846: Mr. HOLT.

H.R. 2857: Mr. SHAYS, Ms. SHEA-PORTER, Mr. BISHOP of New York, Ms. HIRONO, Mr. COURTNEY, Mr. KUCINICH, Ms. LINDA T. SÁNCHEZ of California, Mr. JEFFERSON, Mr. MEEKS of New York, Mr. PRICE of North Carolina, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. MCNULTY, and Mr. LOEBSACK.

H.R. 2880: Mr. CHABOT.

H.R. 2894: Mr. COBLE and Mr. REYES.

H.R. 2942: Mr. TIM MURPHY of Pennsylvania and Mr. OLVER.

H.R. 2943: Mr. SHULER, Mr. RAHALL, and Ms. CASTOR.

H.R. 2946: Mr. GORDON. of Tennessee

H.R. 2951: Mr. WYNN, Mr. HIGGINS, and Mr. CHANDLER.

H.R. 3036: Mr. MCNERNEY.

H.R. 3057: Mr. LYNCH, Mr. CANTOR, and Mr. KANJORSKI.

H.R. 3061: Ms. BALDWIN.

H.R. 3140: Mr. TERRY.

H.R. 3179: Mr. BRADY of Pennsylvania and Mr. FILNER.

H.R. 3192: Mr. LIPINSKI.

H.R. 3196: Mr. MCHUGH, Ms. SLAUGHTER, Mr. NADLER, Ms. VELÁZQUEZ, MR. BISHOP of New York, Mr. RANGEL, and Ms. CLARKE.

H.R. 3204: Mr. GRIJALVA and Mr. HINCHEY.

H.R. 3251: Mr. ENGLISH of Pennsylvania and Mr. GENE GREEN of Texas.

H.R. 3289: Mr. ALLEN.
H.R. 3327: Mr. PATRICK MURPHY of Pennsylvania, Ms. LEE, and Mr. NEAL of Massachusetts.
H.R. 3348: Mr. RENZI, Mr. MCHENRY, Mr. GOODE, Mrs. MUSGRAVE, Mr. SHADEGG, Mr. ROSKAM, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. DAVID DAVIS of Tennessee, Mr. FEENEY, Mr. AKIN, Mr. JORDAN of Ohio, Mr. KLINE of Minnesota, Mrs. BLACKBURN, Mr. DANIEL E. LUNGREN of California, and Mr. KINGSTON.
H.R. 3429: Ms. SUTTON and Mr. KENNEDY.
H.R. 3461: Mr. ROTHMAN.
H.R. 3531: Mr. GORDON. of Tennessee
H.R. 3533: Mr. VAN HOLLEN, Mr. KILDEE, Mr. TIERNEY, Ms. NORTON, Mr. MURTHA, Ms. KILPATRICK, and Mr. LINCOLN DAVIS of Tennessee.
H.R. 3559: Mr. SALI and Mr. BARRETT of South Carolina.
H.R. 3616: Mr. ENGLISH of Pennsylvania.
H.R. 3637: Mrs. MALONEY of New York and Mr. HOLT.
H.R. 3645: Mrs. NAPOLITANO.
H.R. 3654: Mr. BOEHNER.
H.R. 3663: Ms. MCCOLLUM of Minnesota, Mrs. MALONEY of New York, and Mr. BERMAN.
H.R. 3689: Mr. GEORGE MILLER of California and Mr. MARKEY.
H.R. 3706: Mr. GONZALEZ.
H.R. 3707: Mr. GONZALEZ.
H.R. 3711: Mrs. CAPPS.
H.R. 3718: Mr. HONDA and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3733: Ms. NORTON.
H.R. 3737: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3769: Mrs. TAUSCHER, Mr. PALLONE, Mr. PETERSON of Minnesota, Mrs. MUSGRAVE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DICKS, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. HALL of New York, and Mr. ROSS.
H.R. 3797: Mr. HOLT, Mr. GERLACH, and Ms. WATSON.
H.R. 3802: Mr. BRALEY of Iowa.
H.R. 3807: Mr. MCINTYRE.
H.R. 3812: Mr. FARR.
H.R. 3815: Ms. CLARKE.
H.R. 3816: Mr. CLAY.
H.R. 3817: Mr. SALAZAR and Mr. PAUL.
H.R. 3818: Mr. ROSKAM, Mr. ROGERS of Alabama, Mr. SIMPSON, and Mr. HALL of Texas.
H.R. 3837: Ms. MOORE of Wisconsin.
H.R. 3846: Ms. HIRONO and Mr. TIERNEY.
H.R. 3857: Mrs. MUSGRAVE, Mr. DANIEL E. LUNGREN of California, and Mrs. MYRICK.
H.R. 3865: Mr. ENGLISH of Pennsylvania and Mr. WALBERG.
H.R. 3882: Mr. MCNERNEY, Mr. SOUDER, Mr. BUCHANAN, Mrs. NAPOLITANO, and Mr. DOYLE.
H.R. 3887: Ms. HOOLEY.
H.R. 3897: Mr. GERLACH.
H.R. 3908: Mr. FORBES.
H.R. 3914: Mr. STUPAK.
H.R. 3918: Mr. ELLISON.
H.R. 3919: Mr. BARTON of Texas, Mr. UPTON, and Mr. STUPAK.
H.R. 3938: Ms. SHEA-PORTER and Mr. FILNER.
H.R. 3958: Mr. PRICE of Georgia, Mrs. MUSGRAVE, Mr. MARCHANT, Mr. GINGREY, Mr. LAMBORN, Mr. JORDAN, Mr. KUHL of New York, Mr. BROWN of South Carolina, Mr. POE, Mr. BILBRAY, Mr. AKIN, and Mr. HASTERT.
H.R. 3960: Mr. RENZI and Mr. GRIJALVA.
H.R. 3965: Ms. CLARKE.
H.R. 3987: Mr. SHERMAN.
H.R. 3989: Mrs. GILLIBRAND.
H.R. 4017: Mr. DOOLITTLE.
H.R. 4020: Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. LAMPSON, Mr. JOHNSON of Georgia, Mr. PAYNE, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. CUELLAR, Mr. FATTAH, Mr. CUMMINGS, and Ms. BERKLEY.
H.R. 4029: Mr. KAGEN, Mr. ARCURI, and Mr. PATRICK MURPHY of Pennsylvania.
H.J. Res. 6: Mr. PITTS.
H.J. Res. 53: Mr. DUNCAN.
H.J. Res. 54: Mr. ALEXANDER, Ms. BERKLEY, Mr. COLE of Oklahoma, Mr. ELLSWORTH, Mr. INGLIS of South Carolina, Mr. KELLER of Florida, Mr. ORTIZ, Mr. ROSKAM, Mr. SHIMKUS, and Mr. LATHAM.
H. Con. Res. 211: Mr. SMITH of Washington, Mr. ORTIZ, Mr. ALEXANDER, and Mr. CASTLE.
H. Con. Res. 215: Mr. GORDON of Tennessee, Mr. ALTMIRE, and Ms. MOORE of Wisconsin.
H. Con. Res. 235: Mr. SALI.
H. Con. Res. 238: Ms. SUTTON.
H. Con. Res. 239: Mr. CONYERS and Mrs. MILLER of Michigan.
H. Res. 71: Mr. HONDA.
H. Res. 163: Ms. HIRONO and Mr. HOLT.
H. Res. 251: Mr. BOSWELL.
H. Res. 365: Ms. LINDA T. SÁNCHEZ of California, Ms. LEE, Mr. SHERMAN, Ms. MATSUI, Mr. BACA, Mrs. DAVIS of California, Mr. EHLERS, Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mr. RADANOVICH, Mr. MCKEON, Mr. COSTA, and Mr. BECERRA.
H. Res. 411: Mr. BOSWELL.
H. Res. 556: Mr. MARIO DIAZ-BALART of Florida, Mr. COBLE, and Mr. BURTON of Indiana.
H. Res. 618: Mr. BUTTERFIELD.
H. Res. 735: Mrs. MALONEY of New York, Ms. SUTTON, and Mr. WALSH of New York.
H. Res. 743: Mr. KIRK and Mr. GARRETT of New Jersey.
H. Res. 758: Ms. ROS-LEHTINEN, Mr. FRANKS of Arizona, Mr. KIRK, Mr. BURTON of Indiana, Mr. STEARNS, Mr. TERRY, and Mr. HENSARLING.
H. Res. 770: Mr. MCNERNEY.
H. Res. 777: Mr. LATOURETTE.
H. Res. 783: Mr. ENGLISH of Pennsylvania, Mr. LINCOLN DAVIS of Tennessee, Mr. BILBRAY, Mrs. JONES of Ohio, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, Mr. PLATTS, Mr. BURTON of Indiana, Mr. RODRIGUEZ, Mr. RADANOVICH, Mr. LUCAS, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. ROGERS of Michigan, Mr. CARTER, Mr. TIBERI, Mr. ROSKAM, Mrs. BONO, Mr. ROYCE, Mr. MAHONEY of Florida, Mr. MCHENRY, Mr. SENSENBRENNER, Mrs. DRAKE, and Mr. KUHL of New York.
H. Res. 785: Mr. YOUNG of Alaska, Ms. LINDA T. SÁNCHEZ of California, Mr. CULBERSON, Mr. SPRATT, Mr. LARSON of Connecticut, Mrs. DAVIS of California, Mr. RAHALL, Mr. MOLLOHAN, Mr. ANDREWS, Mr. GUTIERREZ, Ms. SOLIS, Mr. HONDA, Mr. LINCOLN DAVIS of Tennessee, and Mr. ABERCROMBIE.
H. Res. 786: Ms. FOXX and Mr. SALI.
H. Res. 787: Ms. GIFFORDS, Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mr. HOLDEN, Mr. SCOTT of Virginia, and Mr. CUMMINGS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3547: Mr. COHEN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 3 by Mr. PENCE on House Resolution 694; Jon C. Porter, Brian P. Bilbray, Steve Buyer, Jim Ramstad, Steven C. LaTourette, Charles W. ''Chip'' Pickering, Ray LaHood, and Christopher H. Smith.