

spreading disease. Our rivers and estuaries are facing raw and untreated sewage.

Our beaches, of course, have obviously faced significant erosion, thus adding and complicating the problem of future damage, as this area alone in the last 3 years has unfortunately seen five hurricanes.

This is a disaster of truly gargantuan proportions. The quick response by State and Federal emergency agencies has been tremendous. Once we know the full extent of the damage which we are even now assessing, it will be imperative that our fellow colleagues join us here in the U.S. Congress together to pass an emergency relief bill to address the devastation to our fellow American citizens, and especially those who have suffered such dire consequences in North Carolina.

We need help. I reach out to my colleagues from across the Nation. I rushed out of here last Wednesday as the hurricane was getting ready to strike. As I went home and saw again the devastation that our area and our homeland has faced in North Carolina, we are asking for help.

We are grateful for those who have responded personally with time and treasure and talent, for the help that we have seen come across the country, from electrical power workers to rescue workers to those in military positions to those who have given of their own food, and sent water to people who do not even have clean water to drink, much less to bathe in. This is a disaster that has affected everyone.

We ask for help, we ask for common sense, and we ask for encouragement to help those who have suffered so much.

THE MINING INDUSTRY IS SUFFERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, America's mining industry is suffering. The obvious culprits are predictable in a market economy. They include rising costs, declining profits, and increasing competition. However, there is one more obstruction that is not predictable, surmountable, or logical. That is, the United States Department of the Interior.

Even though mining is a basic national economic activity supplying strategic metal and minerals essential to agriculture, construction, and manufacturing, it may be dealt a fatal blow by the agenda of a hostile Washington bureaucracy. Instead of moving to bolster the mining industry, the Department of the Interior is hastening mining's demise.

Several recent opinions by the Department of the Interior's Solicitor herald a new era of bureaucratic bul-

lying by unelected, unaccountable Federal administrators.

The first, unilateral, untouchable decision by Solicitor Leshy reinterprets the 1916 Organic Act, allowing the National Park Service to block mining activity if it can prove waters flowing into the park will be impacted. This will have the immediate effect of ending all prospecting for lead in southwest Missouri, which accounts for 85 percent of all U.S. lead production.

The second, more far-reaching and devastating Solicitor opinion reinterprets the Magna Carta mining law, the 1872 Mining Act. In this instance, the Solicitor reversed over 125 years of history and precedent with the stroke of a pen, declaring the 1872 Mining Law restricts the number of 5-acre millsites to one per lode claim. Previously, the 1872 law allowed as many five-acre millsites as necessary for the safe and practical operation of a mine. If left unchanged, this opinion will effectively end mine operation and public land exploration nationwide.

Although the decision is currently blocked by legislative action, there is no guarantee that our prohibition will remain in place.

Unfortunately, Mr. Speaker, matters get worse. The Bureau of Land Management, BLM, another Interior Department agency, has issued new hardrock mining regulations, in direct violation of congressional intent.

The BLM was directed by Congress to postpone new directives until a report by the National Academy of Sciences was issued regarding the need to revise 43 CFR, subpart 3809, concerning hardrock mining operations. Of course, the BLM pushed forward, lacking demonstrable need, with proposed regulations that will go into effect November 1 of this year.

Incorporating flawed science and flouting the will of Congress, these regulations may end any chance for mining to exist in America.

While Congress is considering a stay on this blatant power grab, we should take a moment to consider the commonsense recommendations the General Assembly of the State of Colorado has expressed in Colorado's House Joint Resolution 99-1023, sponsored by State Representative Carl Miller and State Senators Ken Chlouber and Doug Lamborn.

I submit for the RECORD the official position of the State of Colorado regarding BLM's proposed revisions to hardrock mining regulations.

Furthermore, I urge my colleagues to act favorably upon the instruction offered by the great State of Colorado.

House Joint Resolution 99-1023 is as follows:

HOUSE JOINT RESOLUTION 99-1023

Whereas, The mining industry is vital to the economy of Colorado, with direct and indirect contributions to the state's economy that exceed \$7.7 billion annually; and

Whereas, Hardrock miners are the highest paid industrial workers in Colorado, earning average annual wages of approximately \$60,000; and

Whereas, The producers of gold, silver, lead, zinc, molybdenum, gypsum, and other minerals located under the general mining laws provide a source of high paying jobs in rural areas of Colorado whose economies are highly dependent upon resource extraction; and

Whereas, Lower mineral commodity prices and other economic factors continue to challenge this industry making it important that state and local governments fashion regulatory programs that are cost effective and yet sufficient to regulate the environmental impacts of hardrock mining activities on public and private lands; and

Whereas, The "Federal Land Policy and Management Act of 1976" requires that mineral activities on federal lands protect the environment and prohibits any mining activity that would result in unnecessary and undue degradation of these areas; and

Whereas, The Bureau of Land Management within the United States Department of the Interior implements the mandate of federal law through regulations codified at 43 C.F.R. subpart 3809, and these laws and regulations are among the many laws that require mineral producers to protect air, water, cultural, historic, fish, wildlife, and other resources; and

Whereas, The division of minerals and geology in the Colorado department of natural resources, though a cooperative agreement with the Bureau of Land Management, is the lead agency responsible for regulating mining activity on both public and private lands; and

Whereas, Colorado effectively regulates mining operations pursuant to the "Colorado Mined Land Reclamation Act", part 1 of article 32 of title 34, Colorado Revised Statutes, that sets forth very comprehensive permitting, bonding, environmental management, monitoring, and reclamation requirements for hardrock mining activities on both public and private lands; and

Whereas, The Colorado General Assembly strengthened this law in 1993 requiring that mining operators using certain toxic chemicals in mineral extraction meet more stringent standards before receiving authorization to mine; and

Whereas, The United States Department of the Interior, through the Bureau of Land Management, has announced its intention to propose revisions to 43 C.F.R. subpart 3809, that would preempt, conflict with, and duplicate the very effective state program now in place, and replace, it with a plenary federal program that may well lessen the environmental protections available under state law; and

Whereas, In 1998 the United States Congress enacted legislation directing the National Academy of Sciences to perform a study of the adequacy of state and federal laws governing hardrock mining on public lands and submit its findings and recommendations before the Department of the Interior's Bureau of Land Management may finalize changes to regulations under 43 C.F.R. 3809; and

Whereas, Notwithstanding the express mandate of Congress, the Bureau of Land Management proposed revisions to the regulations promulgated under 43 C.F.R. subpart 3809, in February, 1999, before the National Academy of Sciences has concluded, much less submitted, its study and recommendations, and the Bureau of Land Management

has failed to consider the National Academy of Sciences' findings or process in fashioning the various regulatory revisions currently awaiting public comment; and

Whereas, Any changes to the regulations promulgated under 43 C.F.R. subpart 3809 must be based upon sound science and compelling policy reasons, and must take into account the findings and recommendations of the National Academy of Sciences' study before the Bureau of Land Management submits its proposal for public comment, yet the comment period on the proposed rules is set to expire on May 10, 1999, before the National Academy of Sciences completes its study of existing laws; now, therefore,

Be it Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

1. That the General Assembly calls upon the United States Department of the Interior and the Bureau of Land Management to withdraw the current proposal to amend the federal regulations, 43 C.F.R. subpart 3809 and published at 64 F.R. 6422 on February 9, 1999, governing hardrock mining activity.

2. That the General Assembly calls upon the Bureau of Land Management to await completion of the study currently underway by the National Academy of Sciences of the adequacy of hardrock mining regulations, which must be completed prior to July 31, 1999, and that the Bureau of Land Management refrain from publishing any further changes to the existing rules before it has fully considered the results of the study.

3. That the General Assembly calls upon the Bureau of Land Management, if it decides that further revisions to 43 C.F.R. subpart 3809 are necessary, to fully explain in the preamble to the new regulations how it fashioned its proposals in response to the anticipated findings and conclusions of the National Academy of Sciences' study and give the public at least 90 days to comment on the proposed changes.

4. That the General Assembly opposes changes to 43 C.F.R. subpart 3809 that would preempt the existing Colorado regulatory program or that would duplicate permitting and other requirements.

5. That the General Assembly calls upon the United States Department of the Interior to consider that the mining industry is one of the most heavily regulated industries in the United States and that unreasonable delays in obtaining permits are a significant disincentive to the location of new mines or expansion of existing mines in the United States.

6. That the General Assembly opposes the concept developed as a result of 43 C.F.R. subpart 3809 of using the "Most Appropriate Technology and Practices" which allows the Bureau of Land Management to dictate what type of equipment and technologies are employed by mining operators. Using the "Most Appropriate Technology and Practices" would replace the existing regulatory scheme that requires mining operators to meet performance standards, but allows the individual operators to decide how the individual operator will meet environmental standards.

7. That the General Assembly calls upon the Bureau of Land Management to consider the economic impact on mining and the communities dependent upon mining in Colorado and other states.

8. That the Bureau of Land Management specifically consider the conclusions in the Fraser Report that found that Colorado and many other states were ranked low in invest-

ment attractiveness due, in part, to the burden that government regulation imposes on the industry. Colorado received a score of only 24 out of a possible 100 in the Fraser Report.

9. That the General Assembly calls upon the Congress of the United States to impose a moratorium on any appropriations for the continuation or completion of the current rulemaking until the Department of the Interior withdraws the current rulemaking and agrees to fully consider the findings and recommendations of the National Academy of Sciences' study.

Be it further resolved, That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the President of the United States, the Vice-president of the United States, the Secretary of the United States Department of the Interior, the Director of the Bureau of Land Management, and each member of the Colorado Congressional delegation.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to call attention to a devastating storm that hit eastern North Carolina just in the last few days. People in North Carolina urgently need the help of this Congress to respond to one of the worst disasters to hit our State in recent memory.

Hurricane Floyd devastated much of eastern North Carolina from I-95 east, and some even west of it. Much of it was in my district, but some was in four other congressional districts in eastern North Carolina.

Tonight people are in shelters. Their homes are under water. For some of those people, they have lost everything that they own. Some of them are living on the edge. Others have lost their crops, all their crops for this year.

I have had the occasion to visit farms. I went into homes today, I went into one home of a lady where everything she had was on the street. She was inside her house seated in a lawn chair. That was all she had left. She had lost everything she had.

I went to a businessman who had worked all of his life, today. He had five feet of water from a stream that was not in the flood plain. He had paid his taxes all of his life, and tonight he has lost everything, but he was there cleaning out his business.

It is time for this Congress to face up to our obligations. We have helped people around the world. We have helped others in America. We now call on this Congress to help the people in North Carolina and along the Eastern Seaboard who have suffered one of the worst disasters in recent years.

Some parts of our State had as much as 20 inches of water. Tonight that water is still rising in eastern North Carolina. Some Members may have seen on national TV the carcasses of

dead animals floating, and homes under water. It is not over. As many as 1 million poultry may be dead and floating, and they are saying now there may be 100,000 or more hogs.

Some of the finest prime farmland in America is in eastern North Carolina. There happens to be a large portion in my district, and a large portion in the district of the gentleman from North Carolina (Mrs. CLAYTON), the gentleman from North Carolina (Mr. MCINTYRE) who spoke a few moments ago, and the gentleman from North Carolina (Mr. JONES).

Just yesterday we had the opportunity to travel over eastern North Carolina with the President and a number of his cabinet members, the gentleman from North Carolina (Mr. PRICE), the gentlewoman from North Carolina (Mrs. CLAYTON), and others. We saw the utter destruction and the anguish on people's faces. Yet, they still have hope. They are waiting for us to act.

The latest numbers I have show that we have over 40 people that are now known dead. Yesterday we heard, as the gentlewoman will remember, in one of the conversations that people went out in the boat checking houses and heard a knock on the roof. They cut a hole in the roof of a house and rescued 11 people and saved their lives. We may find many others who are dead.

That is unfortunate, but the loss in agricultural commodities and to the farm life of our farmers is extensive.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. ETHERIDGE. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, it was a source of encouragement to our State for the President to come to North Carolina yesterday, as the gentleman has said, and to have Secretary Rodney Slater there from the Department of Transportation, to have our small business administrator, Ms. Alvarez, with us; to have, from the Department of Agriculture, the chief of the National Resources Service, Pearlle Reed.

The President brought a message of hope and of solidarity, pointing out that we are all in this together. This is the kind of disaster that makes us realize we are all one community.

As the gentleman said, the agricultural aspect of this is particularly devastating. The U.S. Department of Agriculture there on the scene in North Carolina has come up with some preliminary figures, now well over \$1 billion in damage estimates. That includes everything from housing to community facilities to watershed protection efforts to emergency conservation programs and crop disaster assistance. It comes to \$1.19 billion, the estimates from North Carolina at this moment. And of course the water has not even receded yet.