

Prize, a prestigious award given to the most talented young British artists, and whose pieces have sold for tens of thousands of dollars. Whatever you may think of the subject matter, this is a serious exhibition of work by serious artists, displayed in a respected museum.

Supporters of this resolution will claim that they believe in the right of these artists to show their work, but that American taxpayers should not have to pay for an exhibit like this. Well, let me point out very clearly, that the taxpayers are not paying for this exhibition. No federal money went to show this exhibit. Not a dime. The Brooklyn Museum receives federal money, but the money it receives goes directly to pay for educational initiatives and touring exhibitions. Do we want to cut off these worthy programs because we don't like one piece of art that the Museum has chosen to display? That would make no sense.

So this resolution is foolish in substance.

But this resolution is foolish, and I would say dangerous, in principle. What have we come to when the United States Congress is condemning an individual for exercising his right to free expression? I thought our book burning days were over. What's next? Will we be closing down our public libraries because they contain books that we don't like? I don't like every book in the library, but I'm glad they're there. Will we attack the libraries for having a copy of *Mein Kampf*, Hitler's autobiography, which offends people's sensibilities? Where does it end?

This exhibit is shocking. It's outrageous. Art has been called a lot worse since the beginning of time. But that's the point of art. It's meant to provoke debate and discussion. Good art makes us confront our own cultural norms. Does this exhibit fit my own artistic tastes? Maybe not. But will I defend the right of artists to express themselves and the right of the museum to bring various kinds of artistic expression to the public? You bet.

But, this is not about one exhibit. This is about whether you support free expression and creativity or not. If you support the first amendment, you find yourself fighting to the end to defend the rights of people you find offensive. We would set a very dangerous precedent here if we vote for this resolution. For the United States Congress to single out one museum and one artist as sacrilegious and then to hold the museum hostage to the tastes of the Gentlemen from New York as a condition of receiving federal funds is outrageous. Politicians should not be deciding what is art. We've debated in this House many times whether the federal government should be subsidizing art. I believe we should, and there are many who disagree. But if we do decide to subsidize art, as we have for over 35 years, we must do so without interfering in the content. If every arts institution must suddenly worry that their exhibitions will not satisfy the 435 art critics in the House of Representatives, it will create a chilling effect in the cultural world.

Frankly, I'm disappointed in my colleagues from New York who are supporting this resolution. New York is the capital of the art world, where we have a tradition of respecting the free expression of artists. If you don't like this exhibit, protest it, boycott the museum. Best of all, stay home and don't see it. But you don't need a Congressional Resolution to express personal outrage. It is improper and out-

rageous and it should be defeated. I urge my colleagues to vote against it.

Mr. PACKARD. Mr. Speaker, I would like to strongly urge my colleagues to support the sense of Congress resolution which prohibits Federal funding of the Brooklyn Museum of Art unless they discontinue the exhibit which features works of a sacrilegious nature. Thomas Jefferson once said, "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical".

Art is certainly in the eye of the beholder. It is not the role of Congress to determine what is art, but it is the role of Congress to determine what taxpayer money will fund. The First Amendment protects the government from silencing voices that we may not agree with, but it does not require us to subsidize them.

Mr. Speaker, again I urge my colleagues to join me in expressing a sense of Congress that while we support everyone's right to express themselves artistically, we are not obligated to support them financially.

Mr. DEMINT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from South Carolina (Mr. DEMINT) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 191, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibit featuring works of a sacrilegious nature."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. DEMINT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 191.

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

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30,

2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. MOLLOHAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2684, be instructed to agree with the higher funding levels recommended in the Senate amendment for the Department of Housing and Urban Development; for the Science, Aeronautics and Technology and Mission Support accounts of the National Aeronautics and Space Administration; and for the National Science Foundation.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. MOLLOHAN) will be recognized for 30 minutes, and the gentleman from New York (Mr. WALSH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. MOLLOHAN).

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

Mr. Speaker, my motion instructs the House conferees to agree to the Senate's funding levels in three areas: The overall budget for HUD; NASA's Science, Aeronautics, and Technology and Mission Support Accounts; and the overall budget for the National Science Foundation.

In each case, the Senate funding levels are higher than those for the House in this VA-HUD appropriations bill. I am moving to instruct conferees to adopt the higher numbers for these programs because these are all areas in which the House bill made excessive cuts. For HUD and NASA, the House-passed bill reduced appropriations substantially below the current year's level, as well as substantially below the request. For NSF, the House bill cut funding a bit below the fiscal year 1999 level and well below the President's request. In each case, the House-passed levels would do serious damage to important programs and are completely unwarranted at a time when the economy and the budget are in the best shape they have been for decades.

When we considered the VA-HUD bill on the floor this year, many Members, Republicans as well as Democrats, raised serious concerns about the cuts being made, especially in HUD, NASA, and the National Science Foundation. The managers of the bill, myself included, promised to do all we could to bring about more adequate funding for these accounts in conference. This motion represents a step toward that result. Its adoption by the House would strengthen our position in trying to assure at least minimally adequate funding for high priority items.

With respect to HUD, disregarding the various one-time offsets and rescissions that have no programmatic effect, the House-passed bill cuts appropriations \$935 million below the fiscal year 1999 level and about \$2 billion below the President's request. It cuts public housing programs \$515 million below the current year level and cuts total CDBG funding \$250 million below the current year. It provides no funding whatsoever to expand the number of families assisted through Section 8 housing vouchers in contrast to the \$283 million provided for that purpose in the current year, and it makes cuts in a number of other important programs as well.

The Senate's total for HUD is about \$1.1 billion above the House total, although it remains about \$1 billion below the President's request. The Senate provided \$50 million more than the House for homeless assistance, \$300 million more for Community Development Block Grants, and a bit more for public housing operating subsidies. On Section 8, the Senate level is about \$500 million above the House, although our first priority in Section 8 has to be taking care of existing contracts and vouchers, I hope that, within the Senate total, we would be able to find funds to provide at least some incremental vouchers.

There are still millions of low-income families unable to afford decent housing. Indeed, the current economic boom may be making the problem worse by driving up rents. We can afford the very modest increases in total HUD funding proposed by the Senate.

As for NASA, Mr. Speaker, the House bill makes deep cuts there as well. Total NASA funding in the House-passed bill is \$925 million, almost \$1 billion below the budget request and \$1 billion below fiscal year 1999. Some of the deepest cuts come in space science programs, such as the work on developing new technologies in the next generation of space-based observatories and planetary probes. Other deep cuts come in earth sciences programs, which use space-based observations and technologies to help better understand our own earth and make better use of the earth's resources.

The Senate-passed levels for NASA are at the budget request, thereby providing \$925 million more than the House bill. During the House floor debate, Member after Member, Democrats and Republicans alike, rose to express dismay about various cuts in NASA and to urge higher funding than provided in the House bill. Adopting this motion and instructing conferees to adopt the higher Senate number would take an important step toward restoring the funding for NASA that so many Members have advocated.

The final part of my motion to instruct deals with the funding level for the National Science Foundation. The House recommendation did not even bring total funding for the foundation up to the 1999 level, much less anything

approaching the budget request. The House bill level is \$34 million below last year and \$285 million below that request. The Senate bill provided a total funding level for the foundation of \$3.9 billion, identical to the budget estimate.

Let us face it, science and research is not cheap. It costs a lot of money to achieve and maintain world leadership in math, biology, information technology, and computer sciences, among other disciplines. But it may cost even more not to strive for this leadership. The information technology sector of our economy amounts to more than \$700 billion today. We cannot afford to let our dominant position in these fields slip due to short-sighted and misguided budget policies.

The administration's budget request for the National Science Foundation included \$146 million as a part of a six-agency, multi-year initiative called Information Technology for the 21st Century, or I.T.-Squared. The House-passed funding level included only \$35 million for the NSF, the lead agency in that effort. If we recede to the higher Senate level, we should be able to provide more for this critical program intended to keep this Nation on the cutting edge of developments in information processing.

Higher funding is necessary if we are to respond to the recommendations of the President's Information Technology Advisory Committee, which recently concluded that our long-term research on information technology has been dangerously inadequate. In the words of the director of the NSF, we are able and ready to do 21st century science and engineering, but we cannot do it on a 20th century budget.

Mr. Speaker, I urge approval of this motion to instruct.

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

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for his thoughts and comments on the bill. And I wish to again thank him for his help in moving the bill through the House.

As we now prepare for our conference with the Senate, we have made a lot of headway. And I would like to give credit to the staff, because the leadership has asked us to move expeditiously, and we are. And I think staff has us at a point now where we will be able to sit down with the Senate and begin and soon thereafter conclude the conference Wednesday morning.

So the instructions that the minority side has offered, I think, are constructive. I think they are helpful. When we had the debate in the House, we were far below the President's request and we were far below last year's enacted level in NASA, National Science Foundation, and in some areas of HUD. So as chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, I would see these as constructive.

We had a very difficult time in the House, because our allocation was

much lower than in the Senate. But leadership, I think wisely, has allowed us to go in to this conference at the Senate's spending level, which still keeps us below last year's enacted level, keeps us within the caps and our overall discretionary spending level. And so if we are wise and we work together, I think we can resolve these issues by meeting the priorities that were discussed.

And I think we will probably hear more on NASA, on HUD and National Science Foundation from other Members here.

□ 1700

But I quite honestly could not agree more with the gentleman from West Virginia (Mr. MOLLOHAN). The challenge is obviously getting everyone to agree on how much to increase spending in each of those areas, what the priorities are, without basically telling those Departments where the legislative branch wants to spend money. So I take the motion as constructive.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on this motion to instruct conferees for the VA-HUD & Independent Agencies Appropriations bill for Fiscal Year 2000. This bill fails because it does not provide adequate funding for housing needs and it once again targets NASA for a reduction in funding.

While the total included in the House bill for HUD looks like a substantial increase over the fiscal year 1999 appropriations level, dissenters to the House version can point to the reductions in HUD programs below the prior year's level that are spread throughout the bill.

The bill provides a total of \$26.1 billion for HUD programs and activities—\$2.0 billion (8 percent) more than fiscal year 1999 funding (under official budget scorekeeping standards), but \$2.0 billion (7 percent) less than requested by the President. On a programmatic level, however, (i.e., looking at the amount of budget authority actually provided for individual housing programs), the bill provides \$945 million less for HUD housing programs than was available in fiscal year 1999.

Compared to current funding, the bill increases funding for one major HUD program, subsidized Section 8 rental housing contracts (2 percent)—but decreases funding for public housing modernization (15 percent), revitalizing severely distressed public housing (8 percent), drug elimination grants (6 percent), lead paint hazard reduction (13 percent), housing for persons with AIDS (4 percent), the Community Development Block Grant program (6 percent), "Brownfields" redevelopment (20 percent), Fair Housing activities (6 percent), housing for the homeless (1 percent), and the HOME program (1 percent).

In addition this bill would take the dream of exploring space and crush it beneath the weight of political posturing. This bill would tell our children, "Forget about space. You will never reach it."

And our children's dreams are not the only casualties. Jobs are at stake. As a Representative for the City of Houston, I cannot stand by and watch my Houstonians lose their jobs because of these cuts. The Johnson Space Center in Houston provides work for over 15,000

people. The workforce consists of approximately 3,000 NASA Federal civil service employees. In addition to these employees are over 12,000 contractor employees.

NASA has predicted the effects of the cuts on the Johnson Space Center, and the picture is not pleasant. NASA predicts that an estimated 100 contractors would have to be laid off, contractors composed of many employees and workers; clinic operations would be reduced; and public affairs, particularly community outreach, would be drastically reduced. Also, NASA would likely institute a 21 day furlough to offset the effects of the cuts, and this furlough will place many families in dire straits. Also, the Johnson Space Center would have to eliminate its employee Safety and Total Health program.

The entire \$100 million reduction in the International Space Station would be attributed to the space center and would cause reductions in the Crew Return Vehicle program. This would result in a 1 to 2 year production slip and would require America to completely rely upon Russia for crew returns. This is a humiliating situation. We pride ourselves in being the world leader in space exploration, yet, what does it tell our international neighbors when we do not even have enough funding to bring our astronauts home?

The cuts would not only effect Houston; they would effect the rest of the country. NASA's Goddard Space Flight Center would need to cut over 2,500 jobs. Such layoffs would effect both Maryland and Virginia.

The \$100 million reduction in NASA's research and development would result in an immediate reduction in the workforce of 1,100 employees for fiscal year 2001. This would also require a hiring freeze, and NASA would not be able to maintain the necessary skills to implement future NASA missions.

Negative effects will also occur across our Nation. Clearly, States such as Texas, Florida, and Alabama will see substantial cuts to the workforce, but given today's widespread interstate commerce, it is easy to imagine that these costs to the NASA program will hit home throughout America. And NASA warns that the country may not see the total effects of this devastation to our country's future scientists and engineers for many years.

NASA contractors and employees represent both big and small businesses, and their very livelihood are at stake—especially those in small business. They can ill afford the flood of layoffs that would certainly result from this bill.

Dan Goldin, head of NASA, has already anticipated the devastating effects of the NASA cuts. He predicts a 3 week furlough for all NASA employees. This would create program interruptions and would result in greater costs. Ladies and gentlemen, we are falling, if not tumbling, down a slippery slope. This bill would reduce jobs for engineers and would increase NASA's costs, a result that will only result in more layoffs as costs exceed NASA's fiscal abilities.

We are at a dangerous crossroads. This bill gives our engineers and our science academics a vote of no confidence. It tells them that we will not reward Americans who spend their lifetimes studying and researching on behalf of space exploration. I urge my colleagues to join me in my effort to stop the bleeding.

Over the past 6 years, NASA has led the Federal Government in streamlining the Agency's budget and institution, resulting in ap-

proximately \$35 billion in budget savings relative to earlier outyear estimates. During the same period, NASA reinvented itself, reducing personnel by almost one-third, while continuing to increase productivity. The massive cuts recommended by the Committee would destroy the balance in the civil space program that has been achieved between science and human space flight in recent years.

In particular, the Committee's recommendation falls \$250 million short of NASA's request for its Human Space Flight department. This greatly concerns me because this budget item provides for human space flight activities, including the development of the international space station and the operation of the space shuttle.

I firmly believe that a viable, cost-effective International Space Station has been devised. We already have many of the space station's components in orbit. Already the space station is 77-feet long and weighs over 77,000 pounds. We have tangible results from the money we have spent on this program.

Just this past summer, we had a historic docking of the space shuttle Discovery with the International Space Station. The entire world rejoiced as Mission Commander Kent Rominger guided the Discovery as the shuttle connected with our international outpost for the first time. The shuttle crew attached a crane and transferred over two tons of supplies to the space station.

History has been made, yet, we seek to withdraw funding for the two vital components, the space station and the space shuttle, that made this moment possible. We cannot lose sight of the big picture. With another 45 space missions necessary to complete the space station, it would be a grave error of judgment to impede on the progress of this significant step toward further space exploration.

Given NASA's recognition of a need for increased funding for Shuttle safety upgrades, it is NASA's assessment that the impact of a \$150 million cut in shuttle funding would be a reduction in shuttle flight rate, specifically impacting ISS assembly. Slowing the progress of the ISS assembly would defer full research capabilities and would result in cost increases.

Both the International Space Station and the space shuttle have a long, glorious history of international relations. We can recall the images of our space shuttle docking with the Russian Mir space station. Our Nations have made such a connection nine times in recent years. This connection transcended scientific discovery: it signified the true end of the Cold War and represented an important step toward international harmony.

The International Space Station, designed and built by 16 nations from across the globe, also represents a great international endeavor. Astronauts have already delivered the American-made Unity chamber and have connected it to the Russian-built Zarya control module. Countless people from various countries have spent their time and efforts on the space station.

To under-fund this project is to turn our backs on our international neighbors. Space exploration and scientific discovery is universal, and it is imperative that we continue to move forward.

I also denounce the cuts made by the Appropriations Committee to NASA's science, aeronautics, and technology. This bill cuts funding for this program \$678 million below the 1999 level.

By cutting this portion of the NASA budget, we will be unable to develop new methodologies, better observing instruments, and improved techniques for translating raw data into useful end products. It also cancels our "Pathfinder" generation of earth probes.

Reducing funding for NASA's science, aeronautics, and technology hinders the work of our space sciences, our earth sciences, our academic programs, and many other vitally important programs. But under-funding this item by \$449 million, the Appropriations Committee will severely impede upon the progress of these NASA projects.

I ask my colleagues that represent the House of Representatives during conference to restore the \$924 million to the NASA budget and to provide adequate funding to the HUD portion of this appropriation.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of the Motion to Instruct Conferees to accept the other body's funding level for HUD, which provides more money for important housing and economic development programs than the House bill and is much closer to the President's request. There are 5.3 million people in this country who suffer worst case housing needs. In Chicago, nearly 35,000 people are on the waiting list for affordable public housing. This is not the time to cut much needed housing aid to people on fixed- and low-incomes.

But the House would cut HUD funding. My district, alone, would lose \$4.5 million in critical aid that the President requested in his HUD budget proposal. That's 386 jobs that would not be created and 256 homes that would not be built if we enact the House HUD budget. Across the country, the cuts would total 156,000 fewer homes and 97,000 fewer jobs. We can do better.

The other body provides \$500 million more for the Section 8 program, which provides rent subsidies for seniors, persons with disabilities and low-income families. It provides \$64 million more for housing for seniors and persons with disabilities and for Housing Opportunities for Persons With AIDS (HOPWA). There is \$300 million more the Community Development Block Grant Program, which local governments used to create jobs back home.

Considering the importance of housing to the American family and the desperate need for that housing, it is incumbent upon us to take whatever opportunities are available to increase HUD funding. The other body's VA-HUD bill presents that opportunity. I urge my colleagues to vote for the Motion to Instruct Conferees to accept the other body's HUD funding level.

Mr. MOLLOHAN. Mr. Speaker, we have no more requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, we have no further requests for time. I accept the motion of the gentleman to instruct conferees, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from West Virginia (Mr. MOLLOHAN).

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

Mr. MOLLOHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

# APPOINTMENT OF CONFEREES ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. DICKS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2466, be instructed: (1) to insist on disagreement with the provisions of Section 336 of the Senate amendment and insist on the provisions of Section 334 of the House bill; (2) to agree with the higher funding levels recommended in the Senate amendment for the National Endowment for the Arts and the National Endowment for the Humanities; and (3) to disagree with the provisions in the Senate amendment which will undermine efforts to protect and restore our cultural and natural resources.

The SPEAKER pro tempore. Under the rule, the gentleman from Washington (Mr. DICKS) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. REGULA) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. DICKS).

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

Mr. Speaker, the first part of my motion deals with the issues of the number of millsites allowed under the interpretation of the provisions of the Mining Law of 1872.

Members will recall that this matter has been a contentious issue twice this year, both on the 1999 emergency supplemental appropriations bill and on the 2000 Interior appropriations bill. Both the House and Senate versions of the Interior bill contain provisions relating to the permissible level for millsites for mining activities on Federal lands.

The House provision was included as a floor amendment offered by the gentleman from West Virginia (Mr. RAHALL) for himself and for the gentleman from Connecticut (Mr. SHAYS) and for the gentleman from Washington (Mr. INSLEE).

The amendment was adopted by a vote of 273-151. That amendment upheld the opinion of the Department of Interior that the correct interpretation of the 1872 Mining Law is that only one 5-acre millsite for mine and tailings is allowed for each claim or patent for mining activities on Federal land. The Senate provision is 180 degrees on the other side of the issue.

The Senate provision sets aside the Department of the Interior's legal ruling and directs that the Interior and Agriculture Departments cannot limit the number or size of areas for mine waste. Furthermore, their provision is not just applicable for fiscal year 2000. The language of the amendment applies for any fiscal year.

Mr. Speaker, the Senate provision has no place in the Interior appropriations bill. If the supporters of that provision want to amend the 1872 Mining Law, let them do it through the normal legislative process. The law allows mining operations on Federal land to proceed after payment of only \$2.50 to \$5 per acre. That may have made sense 125 years ago when the Nation was settling the West, but it certainly makes no sense today.

Practically the only provision yielding any environmental protection at all in the 1872 law is the provision that only one 5-acre millsite per claim is allowed. To weaken that provision may benefit the mining industry, but it is bad public policy and will almost certainly result in the veto of the Interior Appropriations act.

Unfortunately, during extended debate on this issue, some have resorted to ad hominem attacks on the Solicitor of the Department of Interior. Most often, such attacks are resorted to when the preponderance of evidence does not support the position of the persons making the attacks. And that is precisely the situation here.

While there may have been some confusion due to administrative guidance issued in the past, as courts have stated, administrative practice cannot supersede the plain words of the statute. And here is what the law says from, 30 U.S.C., 42, page 804 of the 1994 edition of the United States Code:

Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location made on or after May 10, 1872, of such nonadjacent land shall exceed five acres.

I urge my colleagues to do the right thing for the environment and for our publicly owned lands and reaffirm their support for the Rahall amendment.

The second part of the motion merely instructs the House conferees to agree with the slightly higher funding levels that the other body recommended for the National Endowment for the Arts and the Humanities. For each Endow-

ment, the Senate recommendation is \$5 million higher than the amount contained in the House bill. Both of these important organizations have received virtually flat funding for the past 4 years. And that flat funding level has been approximately 40 percent below the amounts provided prior to 1995.

Both organizations, but especially the National Endowment for the Arts, have substantially changed their operations and procedures in response to Congressional criticism. The message has been received, and it is time to move on. Both organizations have an impact far beyond just the level of funding provided. They both level their Federal funding with State, local, and private resources so that the impact of each appropriated dollar is magnified.

We have had the debate on the merits of these agencies time and time again during the past 5 years. Every time the House has been permitted to speak its will on the NEA and the NEH, the result has been supported. During consideration of this year's Interior bill on the House floor, an amendment to reduce the funding level for the National Endowment for the Arts by just \$2 million was defeated by a vote of 124-300.

I realize an amendment to increase NEA and NEH funding by \$10 million each was nearly defeated, but this was solely due to concern about the proposed offsets. The Senate was able to find additional funding for the Endowments without the objectionable offsets, and I believe the House conferees should go along with their recommendations.

The final part of this motion concerns the several new provisions added during Senate consideration of the bill that are generally regarded as assisting the special interest to the detriment of our public land. I will not itemize all the provisions. That has been done repeatedly by the administration, the press, and concerned individuals and groups. I believe if most of these provisions are included in a bill sent to the President, a veto will result and we will have to negotiate the measure again.

I urge my colleagues to avoid that unnecessary confrontation by stripping the anti-environmental provisions out of the bill in the conference.

I hope my colleagues will demonstrate their support for the environment and for the Endowments of the Arts and Humanities. Support the motion to instruct the Interior conferees.

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

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

Mr. Speaker, I would just briefly address a few of the points made by the gentleman from Washington (Mr. DICKS).

First of all, on the matter of amending the Mining Act of 1872, that is a policy change; and I think that correctly it should be done by the Congress in the normal legislative process. I do not believe that a Solicitor General should exercise a privilege of