

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 AGEN- CIES 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

amending a policy matter that has been adopted by the Congress. That would, to me, be bad public policy.

I think, obviously, something we need to address is the Mining Act. 1872 is a long time ago and many things have changed since then, but it should be done in an orderly way rather than to delegate legislative responsibility to the Solicitor General.

I might mention on the matter of the arts, since there has been a rather lively discussion prior to this on the Brooklyn Museum of Art, and that is that we maintain in this bill the Congressional reforms: 15 percent cap on the amount of funds any one State can receive; State grant programs and State set-asides are increased 40 percent of total grants; anti-obscenity requirements for grants, and this is supported by the Supreme Court decision in 1998, as was stated in the previous debate, puts six Members of Congress on the National Council on the Arts, three from the House, three from the Senate; reduce the presidentially appointed council to 14 from 26; prohibited grants to individuals except for literature fellowships or National Heritage fellowship or American Jazz Masters fellowship; prohibited subgranting of four full seasonal support grants; allows NEA and NEH to solicit and invest private funds to support the agencies; provided a grant priority for projects in underserved populations; provided a grant priority for education, understanding, and appreciation of the arts; and provided emphasis for grants to community music programs.

These changes were incorporated in prior Interior bills limiting the NEA. I think they worked extremely well, and that has been evident by the fact that we have not had some of the problems that were prevalent in the past. I think these conditions are an important element in congressional responsibility or congressional oversight, as my colleagues may choose to define it.

That is one of the issues, of course, in the Brooklyn Museum of Art, and that is what oversight does Government have on the way in which funds are expended. We have tried to do a responsible piece of work on this issue, and I think it has been a great help in keeping support for the NEA and the NEH, and particularly the NEA, in our bill.

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

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

Mr. Speaker, I do want to commend the chairman. I had the privilege of working with him a few years ago in drafting language that, as he suggested, was tested by the Supreme Court of the United States. That rule tried to emphasize quality in making these grant awards. Because, obviously, the National Endowment for the Arts and Humanities, neither one of them can fund every single grant application that comes in.

□ 1715

We worked on language that talked about funding those applications that

had the highest quality, that represented the finest in the arts. I believe that a lot of the success in recent years of both the Endowment for the Arts and Humanities is because we did give some guidance. I think the gentleman from Ohio deserves a great deal of credit for his leadership on this issue.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), the chairman of the Arts Caucus who has been a real leader on these issues.

Ms. SLAUGHTER. Mr. Speaker, first I want to commend the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) for their extraordinary work and how wonderful it is to work with both of them.

The first thing I want to say today is we have just had the resolution on the Brooklyn Museum of Art. I want to put everybody's minds at rest, there is no NEA money in that exhibition.

Mr. Speaker, I rise in support of the motion to instruct conferees on the fiscal year 2000 Interior appropriations bill. As most of my colleagues will attest, I have long stood at the well of this Chamber to advocate for the strongest level of support possible for the arts and humanities.

For the past 4 years, this body has passed up the opportunity to benefit millions of Americans by choosing to level-fund the National Endowment for the Arts and for the Humanities. Year after year, I have joined with other members in a bipartisan way, members of the Congressional Arts Caucus, to show our support for our Nation's cultural institutions, and to fight back against the political rhetoric and campaigns of misinformation that have long been used against these vital agencies.

So today I say with great enthusiasm that we are finally beginning to reap the benefits of these efforts. This motion to instruct provides badly needed relief to the NEA and the NEH by directing the conferees to accept the \$5 million funding increases that were responsibly added to this bill by the other body. These small increases will permit the NEA to broaden its reach to all Americans through its Challenge America initiative. It will give the Endowment the resources to undertake the job that we in Congress have asked of it, to make more grants to small and medium-sized communities that have not been the beneficiaries of Federal arts funding in the past. From the fields of rural America to the streets of our inner cities, the NEA has a plan to expose all Americans to the arts and this money would help them to do exactly that.

In addition, the NEH plays an equally important role in our society. It is at the forefront of efforts to improve and promote education in the humanities. NEH funding is well spent to ensure that teachers, restricted by scarce funding, are well-trained in history, civics, literature and social studies.

Through the use of computers, educational software and the Internet, the NEH is also using its Teaching with Technology initiative to bring the humanities to life in the information age.

Mr. Speaker, a majority of Americans and a majority of this House support the arts and humanities. In addition, these institutions are supported by such entities as the United States Conference of Mayors, the National Association of Counties, and by such corporations as CBS, Coca-Cola, Mobil, Westinghouse and Boeing, to name just a few. These organizations support the arts because they provide economic benefits to our communities. Last year, the \$98 million allocated to the NEA provided the leadership and backbone for a \$37 billion industry. For the price of one-hundredth of 1 percent of the Federal budget, we helped create a system that supports 1.3 million full-time jobs in States, cities, towns and villages across the country, providing \$3.4 billion back to the Federal Treasury in income taxes. I think that is a good investment.

As we head into a new millennium, these modest increases will allow the NEA and the NEH to spread the wonderful work that they do to every city, town and village in America. Federal support for the arts and humanities is an incredibly worthwhile investment and these increases would take a small but important step toward revitalizing two agencies that we have neglected for too many years.

I urge all of my colleagues to vote in favor of the motion to instruct.

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

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I want to thank the chairman of the committee for yielding me this time here to address some of these issues.

I am not sure whether we are here arguing about the mill site provision on the basis of science or emotion. I rise in strong opposition to the motion to instruct conferees because this amendment, this provision on the mill site is nothing but a rider which we constantly hear, it is a rider on an appropriations bill, it is legislating on an appropriations bill, and it is not necessary. Members start talking about the sound science, as I hear from the previous speakers who are in support of this motion, on the basis that it is needed to protect our land and protect our environment. I refer them directly to the publication which was just printed, in fact it was released September 29, 1999, from the National Research Council titled "Hard Rock Mining on Federal Lands." The number one issue in this 200-page report that was paid for and authorized to study this issue says that the existing array of Federal and State laws regulating mining in general are effective in protecting the environment.

There is no reason that we have to sit here and talk about restricting mill sites to protect the environment. I would agree with my colleague from Washington that the 1872 law says that it is a five-acre mill site. That is for one reason, because we permit and we stake out or locate mill sites in five-acre increments. But when we restrict this five acres to a 20-acre claim, it does not allow for the administration, the milling, as well as the overburden and tailings that come from a 20-acre mine. You cannot take 20 acres of overburden rock, move them off of 20 acres and stack them on five acres and put your administration there, put your mill site there, as well as the tailings that are off of this mine.

So I would suggest that this is really a poor interpretation of the current mining practices that have not been challenged even by this administration until this recent Solicitor General's opinion that was put in simply to stop the Crown Jewel mine in Washington State.

For the past practices of this industry, the administration through the Bureau of Land Management has permitted numerous mill site applications per mining claim, not restricting them to numbers but only to five acres in size and increment, so that you could get more than one 5-acre mill site per mining claim. This is necessary because of the current practices of mining. Unlike underground mining which is in my colleague's State of West Virginia here, most of the mining out West is done in open pit style mining where it takes a great deal of overburden, removes that off of the ore deposit and then mines the ore body. It takes a requirement of acreage larger than five acres to put an overburden that comes from a 20-acre mill site.

What we would be doing here in effect by passing this motion to instruct conferees and restricting them to a five-acre limitation would be to effectively and retroactively go back and shut down these mines. I think that is in the wrong direction that we would be taking this industry, and so I would suggest to my colleagues that we oppose this, because there is no real need for this provision.

We are able to go back through the permitting process, through all of the environmental agencies, through all of the agencies that oversee mining and actually look and review the requirements for more than a single five-acre mill site with some of these mines. And in doing that process, we have then protected the environment. We have looked at it from all angles. But to restrict them on an arbitrary basis that you only get five acres is totally unfounded in the science and is supported by this recent publication here that we have in our hands today.

Mr. Speaker, I want to thank the gentleman from Ohio for his leadership in this area. I do rise in opposition to this motion to instruct.

Mr. Speaker, I rise to oppose the Motion to Instruct Conferees on H.R. 2466, the FY 2000

Interior Appropriations Act. This motion will allow the Solicitor of the Department of the Interior to amend the existing mining law without congressional authorization.

In March of this year, the Solicitor at the Department of the Interior reinterpreted a longstanding provision of law and then relied on his new interpretation to stop a proposed gold mine in Washington State.

This proposed mine (Crown Jewel) had gone through a comprehensive environmental review by Federal and State regulators, which was upheld by a federal district court. They had met every environmental standard required and secured over 50 permits. The mine qualified for their Federal permit after spending \$80 million and waiting over 7 years. The local Bureau of Land Management and Forest Service officials informed the mine sponsors that they qualified for the permit and they should come to their office to receive it. It was then that the Solicitor in Washington D.C. intervened and used his novel interpretation of the law to reject the project.

This Motion is cleverly designed to codify this administrative reinterpretation. This interpretation has been implemented without any congressional oversight or rulemaking which would be open to public review and comment. This was a calculated effort to give broad discretion to the Solicitor to stop mining projects that met all environmental standards yet were still opposed by special interest groups. The Motion should be defeated and the Solicitor should be required to seek a congressional change to the law of enter a formal rulemaking giving the impacted parties an opportunity to comment on the change.

If allowed to stand, the Interior Department's ruling will render the Mining Law virtually meaningless and shut down all hard rock mining operations and projects representing thousands of jobs and billions of dollars of investment throughout the West.

This Motion would destroy the domestic mining industry and with the price of gold at a new 30-year low, the second largest industry in Nevada will cease to exist. Pay attention Congress, mining will no longer exist in Nevada.

If the Secretary or his solicitor has problems with the United States mining law then he should take these problems to Congress, to be debated in the light of day, before the American public. Laws are not made by unelected bureaucrats. Bureaucrats administer the laws Congress approves whether or not they agree with those laws. It is the duty of government in a democracy to deal honestly with its citizens and not to cheat them.

As the Wall Street Journal stated, "if the Solicitor's millsite opinion is allowed to stand, investment in the U.S. will be as risky as third world nations." The International Union of Operating Engineers opposed the Rahall amendment on the basis that if passed it will force the continued loss of high paying U.S. direct and indirect blue-collar jobs in every congressional district. The Constitution gives the people control over the laws that govern them by requiring that statutes be affirmed personally by legislators and a president elected by the people.

Majorities in the House and Senate must enact laws and constituents can refuse to reelect a legislator who has voted for a bad law. Many Americans no longer believe that they have a government by and for the people.

They see government unresponsive to their concerns, beyond their control and view regulators as a class apart, serving themselves in the complete guise of serving the public.

When regulators take it upon themselves to legislate through the regulatory process the people lose control over the laws that govern them. No defensible claim can be made that regulators possess superior knowledge of what constitutes the public good. Nor to take it upon themselves to create laws they want because of congressional gridlock—the value laden word for a decision not to make law. The so-called gridlock that the policy elites view as to unconscionable was and is no problem for people who believe in the separation of powers doctrine contained in the Constitution which holds that laws indeed should not be made unless the broad support exists to get those laws through the Article I process of the Constitution, i.e., "All legislative powers herein granted shall be vested in Congress."

Let us debate the merits of the proposal, do not destroy the lives of hundreds of thousands of miners just to appease special interest groups whose entire agenda is to rid our public lands of mining. If you have problems with mining on our public lands come and see me, together we can make positive changes but do not destroy the lives of my constituents today by supporting this Motion!

Without mining none of us would have been able to get to work today, we would not have a house over our heads—because without mining we have nothing. Give our mining families a chance to earn a living, to work to provide the very necessities that you require. Oppose the devastating riders in the Motion to Instruct Conferees and uphold your constitutional oath to your constituents.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from West Virginia (Mr. RAHALL) who was the author of this amendment to the Interior appropriations bill and who is an expert on this subject here in the House of Representatives.

Mr. RAHALL. Mr. Speaker, I thank the distinguished ranking minority member for yielding me the time and commend him for the motion that he has brought. I support all three points of his motion to instruct but would like to narrow my remarks to the mill site provisions portion of these instructions.

As has been referred to, Mr. Speaker, the House overwhelmingly in a bipartisan vote on July 14 adopted my amendment offered along with the gentleman from Washington (Mr. INSLEE) and the gentleman from Connecticut (Mr. SHAYS) to uphold the Interior Department's lawfully constructed position on the ratio of mill sites which may be located in association with mining claims on western Federal lands. This amendment was adopted 273-151, so a vote today in support of this motion to instruct would be consistent with the vote of last July 14.

This issue is about protecting the American taxpayers and the environment against abuses which occur under that Mining Law of 1872 under which there is overwhelming support for some type of reform. Simply put, if Members

voted "aye" on July 14, they vote "aye" today as well. As for the 151 Members who voted "no" at that time, perhaps they will see the light, have the opportunity to make amends, and today is the opportunity to do the right thing.

We have had debate on this issue during the course of many years. Since our last debate, however, on July 14, new information has come to light. Under a directive that was included in the supplemental appropriation enacted last May, the Interior Department has now completed a report on the number of pending plans of operation and patent applications, which under the Solicitor's opinion, contain a ratio of mill sites to mining claims in excess of legal requirements. The results of this report clearly illustrate that the Solicitor's opinion will not lead to the end of all hard rock mining on western Federal lands as some would have us believe.

In response to the gentleman from Nevada who just said that what we are doing by these instructions is retroactively going back and shutting down mines, that statement is certainly not substantiated by the facts of what I am about to present to the body. There are 338 pending plans of operations affecting BLM, National Forest System and National Park System lands. Three hundred thirty-eight pending plans of operations. Twenty-seven were found to include a ratio of mill sites to mining claims in excess of the legal requirement. Twenty-seven of those 338 would be affected by these instructions. That is only about 8 percent.

Pending patent applications that could be affected, here the Department found that of the 304 grandfathered patent applications, only 20, that is about 7 percent, are estimated to have excess mill sites. It is clear, then, that the vast majority of the hard rock mining industry in this respect has chosen to abide by the legal requirements of the law. The vast majority of the hard rock mining industry abides by the legal requirements of the law. So I find it difficult to believe that the Congress would now penalize this majority of law-abiding operations and award the contrary minority as they relate to the mill site to mining claim ratio by rejecting the Solicitor's opinion.

So let us go along with these instructions, with the vote we had last July 14, an "aye" vote to instruct the conferees to uphold the House position as well as the majority law-abiding portions of the hard rock mining industry.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Speaker, we have many times in this Congress seen committee chairs of authorizing committees complain about the fact that the Committee on Appropriations has added amendment

after amendment to appropriations bills which they feel are legislative amendments rather than appropriating amendments and therefore do not belong on appropriations bills.

Just last week we were treated to the concerns that one chairman of an authorizing committee had on two appropriations bills that were on the floor. Because of that, I find it ironic that in this case what we are trying to do today is to tell the other body that they should strip from the Interior and HUD appropriation bills a whole range of amendments that do not belong on the bill.

Three years ago on the HUD bill, we had a fight over 13 anti-environmental riders that were added to that bill, and it took three votes before we finally were able to strip those off. Now we have well over a dozen major anti-environmental riders added by the other body, if we take the administration's count, and well over that number if we take other outside observers' count.

□ 1730

In many instances the people who have been offering these amendments are authorizing committee chairs who cannot get those amendments added to authorizing legislation and so are now trying to use the appropriations bills as vehicles to accomplish their own ends.

So we see the spectacle of amendments being added to satisfy the mining industry, amendments being added to satisfy the logging industry, amendments are offered to satisfy the grazing interests, and we see amendments being offered to satisfy the oil industry.

The problem is that in each instance those amendments are against the public interests. They may be perfect, a perfect fit with private interests, but they are certainly the antithesis of what we would do if what we were doing is focusing on the public interests; and to me what the gentleman is simply suggesting is that enough is enough, we ought to instruct the conferees to eliminate these nonappropriation provisions. It seems to me, if we do that, we will be protecting the taxpayers' interests as well as the public interest; and once in a while just for the heck of it that is what we ought to be seen as doing.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. TANCREDI).

Mr. TANCREDI. Mr. Speaker, I rise today in opposition to the motion to instruct, specifically on the issues regarding the NEA and the NEH. I will not deal with the issue of mining and the policy issues, but the increase in funding for NEA and NEH. I rise because we just debated an issue similar to this, of course, just a few minutes ago, about a half hour ago I suppose.

And I rose on that occasion to support an amendment that would clearly identify the sense of the Congress about the expenditure of tax money on

an, I guess I will have to say, an art exhibit, although it is certainly hard to qualify it as such, in New York City, in Brooklyn. And the gentleman opposing us on that indicated that he really did not understand the gist of my point, so I am happy to once again stand up here and get a few more minutes, a bit longer time, to say what I want to say about this and explain my concern about it and do so a little slower because I have a little more time to do it. Maybe it will be better understood.

But the fact is that the problem we see both in Brooklyn, the problem with increasing money to the NEA, is endemic to this whole question of whether or not we should be asking taxpayers of the United States to fund any project of art because we are always going to have these kinds of debates because there will always be people who will push the kind of stuff that we are talking about in Brooklyn and will do other kinds of things in order to get the attention of either the Congress or any other appropriating body that is giving money to the arts in order to eliminate any sort of criteria whatsoever in the decision-making process as to what should be publicly funded, because they do not want it, they do not want that kind of restriction. So they are always going to be pushing the envelope and will always be here talking about whether or not it is appropriate.

My point is that I agree that I wish we were not here doing that because I wish we were not appropriating money for the arts, period. It is not the responsibility of the Government to determine what is and what is not art.

We can certainly, and there was a robust debate about what exactly is and is not art in Brooklyn, and I wish we were not here doing it; but as long as we are going to tax Americans for this purpose, as long as we are going to take money out of their pockets and distribute it to individuals, then we are going to be here determining what is what, what is and what is not art, what should be and what should not be funded. And that is why I certainly rise in opposition to any increase whatsoever in appropriations to the NEA, and I certainly would rise, if I had the opportunity, to strike all funding for it for this very reason. It always creates this kind of confrontation, and it should not. We should not be funding it.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. INSLEE) who has been a leading defender and protector of the environment in Washington State and throughout the country.

Mr. INSLEE. Mr. Speaker, I will speak in strong support of this motion, and I think this motion supports two values that we ought to hold, and the first is the value of respect, respect for the law, and the second value is respect for this House and our interests in protecting the public interests, not the special interests; but first, respect for the law.

We have got to understand that all this motion does is simply say that we are going to respect, we are going to follow, we are going to honor the pre-existing and existent law of the United States of America today. And I would like to refer my colleagues to 30 U.S.C., Section 42, in the language specifically previously adopted by Congress, not by some bureaucrat, not by some middle-level agency official. By the United States Congress the law specifically says that such patents and mining claims on nonadjacent land shall not exceed 5 acres, shall not exceed 5 acres. It is the law today, and we are not amending the law, we are preventing an amendment of law in the appropriations process.

Now it is beyond my imagination when the U.S. Congress says, If you're going to have a place to put your cyanide-laced rock on the public's land, you can only do it, but it won't exceed 5 acres, how folks can turn around and say, Well, sure, you can only do it 5 acres, but you can do it as many times as you want on 5 acres.

That does not wash. We should have respect for the law and pass this amendment.

But secondly, I think there is maybe a more important issue here, and that is respect for this House and this Houses's obligation to protect the general public interest.

As my colleagues know, it has been a sad fact that this other chamber, which we dearly respect, has sent us over anti-environmental riders after anti-environmental riders, and those riders protect the special interests, not the general public interest; and if we ask why there has been such an interest in some of our States in independent politics and reform-minded politics, it is because the other chamber has sent us sometimes fleas on the backs of some of these laws, and we have got to delouse some of these appropriation bills. We ought to start right here with this motion.

We should stand up for our vote and the 273 Members that stood up for the general interest and pass this motion.

Mr. DICKS. Mr. Speaker, I yield myself 15 seconds.

I want to compliment the gentleman from Washington (Mr. INSLEE) for following the Udall rule, that when all else fails, read the statute. The gentleman clearly has done that, and the statute is pretty clear; and I urge the other side to take a look at it at their leisure.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN), a member of our subcommittee, a valued member of our subcommittee.

Mr. MORAN of Virginia. I thank the gentleman from Washington, our very valued ranking member on our subcommittee, and I want to thank the chairman of our Subcommittee on Interior for his very fine work; and I am just up here to support this instruction because I know it is wholly consistent with what our chairman would want, as

would all the enlightened Members of this body. Sometimes the Senate gets away with things, and we just have to try to set them straight.

So I support this because not only would I like to see a little extra money for the National Endowment for the Arts and Humanities, but certainly we ought not allow mining operators to claim at taxpayer expense as much acreage as the operators deem necessary for these waste piles that pose significant environmental problems. So the gentleman from West Virginia (Mr. RAHALL) won that issue on a 273 to 151 vote; we certainly ought to stand firm on it.

But perhaps the most important thing that we could do in conference would be to prevent the Senate from adding any number, a host of anti-environmental riders that they slipped in. They slipped them in without public review, overriding existing environmental protections, limited tribal sovereignty, and imposed unjustified micro-management restrictions on agency activities.

To think that this bill permanently extends expiring grazing permits nationwide on Bureau of Land Management lands without the environmental review required by current law, it delays the forest plans until final planning regulation of the public, thus preventing new science and sustainable forest practices from being incorporated into expiring forest plans.

It has a limitation on tribal self-determination; there is a permanent prohibition on grizzly bear reintroduction on Federal lands in Idaho and Montana that overturns a recent Federal Circuit Court of Appeals decision requiring Federal land management agencies to conduct wildlife surveys before amending land management plans; there is a limitation on the receipt of fair market value for oil from Federal lands; it delays for the fourth time the publication of final rules to establish fair market value.

Mr. Speaker, that alone costs the taxpayers \$68 million, and the Senate just slips it in. There is a limitation on energy efficiency regulations in the Federal Government. These have been praised by everyone, and yet this Senate provision stops us from implementing that Federal energy efficiency regulation. There is delays for the Columbia Basin ecosystem plan, the Columbia River Gorge plan, mineral development in the Mark Twain National Forest that overrides Federal land managers' ability to act responsibly there.

There is a host of environmental riders. They are all anti-environmental riders. None of them should have been slipped in. We would not have allowed them on the House floor; we should not allow them in the conference.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACC), a very valued Member of this House.

Mr. BALDACC. Mr. Speaker, I thank the ranking member for yielding me

the time and his leadership on the committee, and in these efforts I request that we do vote yes on the Dicks motion to instruct the Interior conferees.

I would just like to take a moment to underline the importance of the arts and the humanities. There are a lot of parts of America and rural America and rural Maine that cannot afford some of the luxuries in major urban areas and throughout this country, and to have an organization like the National Endowment for the Arts and Humanities to be able to provide resources to rural communities so that he can have an advantage of the arts programs.

Arts education is shown to increase the SAT scores of young people by 50 to 60 points, and what people are finding out, that the arts are not just a side dish or an appetizer; but they are part of the main course and the main course of people throughout this country.

I would like to further underscore the importance of this instruction of conferees as it pertains to mining waste and on Federal lands and also in rejection of these anti-environmental riders that have been put forth.

We must approve this, must approve this now.

Mr. DICKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this motion, and I applaud the gentleman from Washington (Mr. DICKS) for offering it and for his successful efforts here in the House and then keeping the anti-environmental riders out of the House version of this bill.

I would like to speak about one specific rider that would prohibit the past in the Senate, that would prohibit the Department of Interior from implementing new rules to require oil companies to pay market price royalties to the American taxpayer on oil they drill on publicly owned Federal lands. Now they keep two sets of books, one that they pay each other market price, but when it comes to paying the Nation's school teachers, Indian tribes, Land and Water Conservation Fund, they want to pay less. Interior says this costs the American public \$66 million a year, and I say let us let the money that is rightfully due America's schoolchildren and the public school system, let us let them pay the market price and not hurt the schoolchildren and pay themselves more. It is unfair; it is wrong.

Vote against the oil companies and for schoolchildren.

□ 1745

Mr. DICKEY. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER), who has been one of the leaders on environmental issues in the House and a former chairman of the Committee on Resources.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for

yielding me this time and appreciate his bringing this motion to the floor.

Mr. Speaker, we should clearly adopt the House position as reflected in the July vote earlier this year on the Rahall-Shays-Inslee amendment to the bill. House Members voted 273 to 151 in support of the amendment.

Mr. Speaker, those opposed would suggest somehow the solicitor in the Department of Interior simply woke up one day and tried to redefine an 1872 mining law to limit the number of acres that mining operations can claim as waste disposal. Nothing can be further from the truth.

The fact of the matter is that the law and the record on the law is replete with example after example, dealing from 1872 to 1891 to 1903 to 1940 to 1955 to 1960 to 1970 to 1974, time and again, time and again, in the writings of both people from the mining industry, from the government, and from interested parties, time and again the law is very clear on its face that the solicitor in his 1977 analysis is quite correct on mill-site provisions; and, in fact, that they were not to be allowed to be given additional land.

The reason they should not is that is we should not sponsor without very careful consideration the expansion of mill waste. This country is spending hundreds of millions of dollars, and is yet to spend additional hundreds of millions of dollars, cleaning up after the waste product of mines that have been developed across the country.

No longer is this some miner and his pick and shovel and his mule going out across the country. These are some of the biggest earth movers on the face of the earth that move hundreds and hundreds of tons of earth to get a single ounce, a single ounce, of gold. The mining that is done with the cyanide heap leaching must be carefully controlled, and those leach piles are there for the foreseeable future. Before we make a decision that they can simply spread those across all of the claims, this law ought to be upheld and we ought to continue to support the Rahall-Shays-Inslee amendment.

Mr. Speaker, I thank the gentleman for bringing this proposal to the House and ask for strong support of it.

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

Mr. Speaker, I just have one comment: The ranking minority member talked about the Congressional reforms, and I want to compliment Mr. Ivy and Mr. Ferris. I think they have tried to live up to these standards in the administration of their two agencies.

I would say to the gentleman from Maine (Mr. BALDACC), you mentioned about the areas of lesser population, and we did recognize that in these standards, to get grants into the small communities across this country.

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

MODIFICATION TO MOTION OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I ask unanimous consent that the first section number in my motion read "section 335", not "section 336."

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

There was no objection.

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

Mr. Speaker, I want to thank the Members who spoke today. I think this was a spirited debate. I know the chairman and I both want to see us get a bill in a timely way that the President of the United States can sign. That means we are going to deal with these riders.

Mr. Speaker, I understand how strongly people feel about these issues. I have had problems with these in my own State. But I do believe that unless we narrow these dramatically, we are going to have a hard time getting this bill enacted.

I also rise in strong support of the National Endowment of the Arts and Humanities. I believe that they deserve this extra support. By the way, this very controversial project in Brooklyn has not received any funding from the National Endowment for the Arts. The museum has received support on other projects, but one of the things that the chairman, and I supported him on this, insisted on was a very specific description of what the money from the endowment is going to be used for. The money is not being used for this controversial project in New York. That shows that the reforms that we have put into place, in fact, are working.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this motion to instruct conferees, and ask unanimous consent to revise and extend my remarks.

By adopting this motion, the House will be giving its conferees a simple instruction—to do the right thing.

It is the right thing to reject the attempt of the other body to use the appropriations process to rewrite the mining laws in a piecemeal and unbalanced way, for the special benefit of certain interests. We do need to revise the 1872 mining law. But we shouldn't do it in a backdoor way that addresses only one aspect of the law and not the larger issues, including the basic question of whether the American people are receiving an adequate return for the development of minerals from our public lands.

It is also the right thing to adequately support the arts and humanities that are so important to the cultural life of our nation.

And it definitely is the right thing to reject attempts to use the appropriations process to undermine the protection of our environment.

So, I urge the adoption of this motion to instruct the conferees.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak on the motion to instruct conferees for the Interior Appropriations Bill. Earlier this summer, I offered my general support of H.R. 2466. H.R. 2466 appropriates a total of \$14.1 billion in FY 2000 for Interior Appropriations. It is an overall fair and balanced

bill and though it falls short of the administration's request it takes care of the national parks, Native Americans, cultural institutions, and museums. This bill is truly about preserving the legacy of this great land for America's children.

However, I want to voice my disappointment in the Appropriations Committee's funding recommendation for the National Endowment for the Arts (NEA) and the National Endowment for Humanities (NEH). I do appreciate the fact that the Committee tagged \$98,000,000 for the National Endowment for the Arts. However, I still find the recommendation insufficient. The Administration requested \$150,000,000, a full \$52,000,000 more than the Appropriations' recommendation. This number is unsatisfactory given the importance of the arts. The NEA remains the single largest source of funding for the nonprofit arts in the United States, and this agency provides quality programs for families and children. Insufficient funding to the NEA results in collateral damage to praiseworthy arts, as well as to theaters such as the Alley Theater in Houston, Texas.

The Committee also underfunds the National Endowment for the Humanities at \$110,700,000. At \$39,300,000 below the Administration's request, the agency cannot continue to support education, research, document and artifact preservation, and public service to the humanities.

We spent much of this afternoon discussing federal funding for art. This debate was a waste of our time and a waste of our taxpayers time. We have a long tradition of support for the arts, beginning in 1817. The very art that adorns the U.S. Capitol came from federal funding. The private sector simply cannot provide adequate funding for our arts endeavor if enough federal funding is not established. Underfunding the arts would result in the loss of programs that have national purposes such as touring theater and dance companies, travelling museum exhibitions, and radio and television productions.

The NEA, in particular, also seeks to provide a new program, Challenge America, that establishes arts education, youth-at-risk programs, and community arts partnerships. Inner-city areas, especially minority groups and their children, would greatly benefit from this program, but the program is based upon the \$150 million Administration request. Art is something that all can enjoy, and by providing adequate federal funding we can increase access to the arts for those who desire it the most.

I will note that the committee justly prioritized the needs of America's national parks, Native Americans, cultural institutions, and museums in this appropriations bill. I am pleased that this bill remains free of the environmental riders, which has plagued this process in the past.

This bill continues the Recreational Fee Demonstration Program allowing public lands to keep 100% of the fees. This will result in over \$400 million of added revenue over the life of the demo program spent at collections sites. This revenue will address maintenance backlogs at several of America's historical locations.

One of America's greatest treasures is its cultural gifts provided to our nation by the diverse American melting pot. This bill begins

continues our efforts at preservation and education by providing \$26 million to the Smithsonian and \$3.5 million to our National Gallery.

In addition Mr. Chairman this bill address America's commitment to the Native American population. American Indian program increases include an additional \$28.7 million for the Office of Special Trustee to begin to fix the long-standing problems with the management of Indian trust funds. It also provides an additional \$13 million for operation of Indian schools and Tribal Community Colleges.

Mr. Chairman, I would like to address my colleagues concerning the Department of Energy's Oil/Gas R&D Program. This program oversees some 600 active research and development projects. Many of these projects are high risk and long range in scope and many are beyond the capabilities of the private sector. Without the government's commitment to sharing the risk it would be impossible for private companies to invest.

This program is the catalyst for the government's partnership with private industry. An investment in Fossil Energy R&D is truly an investment in America's future. This program has become the convenient whipping post when it is clear that this program is necessary to protect America's energy security.

I am also disappointed with the funding of the arts and humanities. I do appreciate the fact that the Committee tagged \$98,000,000 for the National Endowment for the arts. Obviously, this amount of funding is a vast improvement over the \$0 recommended prior to Committee recommendation. However, I still find the recommendation insufficient. The Administration requested \$136,000,000, a full \$38,000,000 more than the Appropriations recommendation. This number is unsatisfactory given the important of the arts. The NEA remains the single largest source of funding for the nonprofit arts in the United States, and this agency provides quality programs for families and children. Insufficient funding to the NEA results in collateral damage to praiseworthy arts, as well as to theaters such as the Alley Theater in Houston, Texas.

The Committee also underfunds the National Endowment for Humanities at \$96,800,000. At \$25,200,000 below the Administration's request, the agency cannot continue to support education, research, document and artifact preservation, and public service to the humanities.

I encourage my colleague to support H.R. 2466 a balanced appropriations bill for America's treasure.

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 instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. DICKS).

The question was taken.

Mr. REGULA. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 5 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6 p.m.)

□ 1800

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 6 p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules and motion to instruct conferees on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 181, by the yeas and nays;

H.R. 1451, by the yeas and nays;

Motion to instruct conferees on H.R. 2684, by the yeas and nays; and

Motion to instruct conferees on H.R. 2466, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## CONDEMNING KIDNAPPING AND MURDER BY THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (FARC) OF THREE UNITED STATES CITIZENS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 181.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BE-REUTER) that the House suspend the rules and agree to the resolution, House Resolution 181, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 470]

YEAS—413

Abercrombie  
Ackerman  
Aderholt  
Allen  
Andrews  
Archer  
Armey  
Bachus  
Baird  
Baker  
Baldacci  
Baldwin  
Ballenger  
Barcia

Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Bateman  
Becerra  
Bentsen  
Bereuter  
Berry  
Biggert  
Bilbray  
Bilirakis

Bishop  
Blagojevich  
Blunt  
Boehert  
Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)

Brown (OH)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cannon  
Capps  
Capuano  
Cardin  
Carson  
Castle  
Chabot  
Chambliss  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Coburn  
Collins  
Combest  
Condit  
Conyers  
Cook  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crowley  
Cubin  
Cummings  
Cunningham  
Danner  
Davis (FL)  
Davis (IL)  
Davis (VA)  
Deal  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
DeMint  
Deusch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doolittle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Eshoo  
Evans  
Everett  
Ewing  
Fattah  
Filner  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodling  
Gordon  
Goss  
Graham  
Granger

Green (TX)  
Green (WI)  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill (IN)  
Hill (MT)  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Hooley  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inslee  
Isakson  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kleczka  
Klink  
Knollenberg  
Kolbe  
Kucinich  
Kuykendall  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Larson  
Latham  
LaTourette  
Lazio  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern

McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (FL)  
Miller, Gary  
Miller, George  
Minge  
Mink  
Moakley  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Ose  
Owens  
Oxley  
Packard  
Pallone  
Pascarell  
Pastor  
Paul  
Payne  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Reyes  
Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Salmon  
Sanchez  
Sanders  
Sandlin  
Sanford  
Sawyer  
Saxton  
Schaffer  
Schakowsky  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shadegg