

this program, and do so without further delay.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

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

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

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

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

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

□ 1015

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

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

The Clerk read the resolution, as follows:

H. RES. 780

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be

considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

Without mining, the western half of the United States would be a different place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And of the 106 bills that have actually made it to the President's desk, 46 named post offices, courthouses or roads; 44 bills were noncontroversial measures sponsored by Republicans or passed with overwhelming GOP sup-

port; and 14 bills extended preexisting public laws or laws passed during the Republican-led Congress.

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

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

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

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

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

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

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

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

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

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

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

□ 1030

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Our manufacturing workers are the best and most productive workers in the world. They have been beset by cheap labor overseas, rising energy costs, unfair trade practices. And now

this Congress, this Congress, Mr. Speaker, will make it more difficult for the American worker to keep his job in manufacturing because this Congress will make the raw materials so expensive that what will happen, the U.S. mining companies may go out of business, and then we will be totally dependent on foreign countries to keep up the mineral supply for our manufacturing base.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1045

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

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

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

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

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

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

I offered an amendment at the Rules Committee that was ruled out of order because of fuzzy math that my colleagues used to enforce PAYGO. That

amendment replaced the 8 percent gross royalty tax with a more modest 5 percent net proceeds of royalty. This amendment is good for three reasons.

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

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

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

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

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

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

Oppose the rule on H.R. 2262.

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

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

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

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

Mr. Otto pointed out that the depletion allowance works like a negative royalty. Perhaps only four countries in the world offer such a lucrative tax break, in this case, to our mining in-

dustry. This would be offset by a potential 8 percent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In 1985, this gentleman from West Virginia became Chair of the Subcommittee on Mining and Natural Resources, and delved into the matter. I conducted a large number of hearings,

including in four western States. It was not until 1992 that I brought a bill to the House floor for consideration.

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

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

□ 1100

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

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

I urge adoption of this rule and the underlying bill.

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support this bill.

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

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

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

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

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

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

The Republican Party opposes this bill. The Republican Party opposes new taxation. The Republican Party recognizes again today that we know that market forces will come into play yet again today, not only to further diminish this industry, which, by and large, is located in the west of our country, which means a loss of jobs in the west, which means that it will diminish, not

only the few jobs that remain, but will make America in a less competitive circumstance as related to the marketplace of the world.

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

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

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

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

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

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

Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to have Speaker PELOSI, in consultation with

Republican Leader BOEHNER, immediately appoint conferees and move forward on H.R. 2642, the Military Construction and Veterans Affairs appropriations bill for 2008.

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

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

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

At the end of the resolution, add the following:

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

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

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

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

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

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

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

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

point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

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

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

[Roll No. 1027]

YEAS—221

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

