RECORDED VOTE

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

A recorded vote was ordered.

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

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

[Roll No. 1029]

AYES—227

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

NOES—187

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

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—17

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1156

So the Journal was approved.

The result of the vote was announced as above recorded.

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

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

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

There was no objection.

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

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

The Clerk read the resolution, as follows:

H. RES. 788

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

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

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

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

There was no objection.

## GENERAL LEAVE

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

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

There was no objection.

## HARDROCK MINING AND RECLAMATION ACT OF 2007

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

□ 1158

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from West Virginia.

□ 1200

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. RAHALL. Yes.

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

Mr. RAHALL. Yes.

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

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

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

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

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

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

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

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

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

Sincerely,

JOHN D. DINGELL,
*Chairman.*

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

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

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

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

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

With warm regards, I am

Sincerely,

NICK RAHALL,
*Chairman.*

□ 1215

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1230

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. FARR. I thank the gentleman for yielding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1245

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1300

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

TOM IRWIN,
*Commissioner*.

---

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

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

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

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

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

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

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

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

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

Sincerely yours,

KRAIG R. NAASZ,
*President & CEO*.

---

NATIONAL ASSOCIATION OF MANUFACTURERS,
*October 30, 2007*.

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

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

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

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

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

Thank you for your consideration.

Sincerely,

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

---

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

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

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

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

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

Very truly yours,

MARK A. SMITH,
*President and CEO*.

---

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

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

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

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

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

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

Thank you for your consideration of our concerns.

Sincerely,

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge the adoption of this legislation.

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

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

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

The 1872 mining law is long overdue for comprehensive reform.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARCHAIC MINING LAW NEEDS 21ST-CENTURY UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The CHAIRMAN. All time for general debate has expired.

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

The text of the committee amendment is as follows:

H.R. 2262

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

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

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

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



***SEC. 2. DEFINITIONS AND REFERENCES.***

*(a) IN GENERAL.—As used in this Act:*

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

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

*(B) Any partner of such person.*

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

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

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

*(4) The term ''casual use''—*

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

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

*(C) does not include—*

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

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

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

*(iv) the use of toxic or hazardous materials.*

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

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

*(7) The term ''exploration''—*

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

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

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

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

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

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

*(11) The term ''locatable mineral''—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) TITLE II.—

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

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

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

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

(iii) continues to be valid under this Act.

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

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

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

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

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

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

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

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

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

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

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

**SEC. 3. APPLICATION RULES.**

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

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

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

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

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

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

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

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

(A) subject to an operations permit; and

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

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

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

## TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

**SEC. 101. LIMITATION ON PATENTS.**

(a) MINING CLAIMS.—

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

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

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

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

(b) MILLSITE CLAIMS.—

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

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

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

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

**SEC. 102. ROYALTY.**

(a) RESERVATION OF ROYALTY.—

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

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

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

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

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

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

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

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

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

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

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

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

*(3) A person conducting mineral activities shall—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***SEC. 103. HARDROCK MINING CLAIM MAINTENANCE FEE.***

*(a) FEE.—*

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) LOCATION.—

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

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

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

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

(e) OTHER REQUIREMENTS.—

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

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

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

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

## TITLE II—PROTECTION OF SPECIAL PLACES

**SEC. 201. LANDS OPEN TO LOCATION.**

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

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

(1) Wilderness study areas.

(2) Areas of critical environmental concern.

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

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

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

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

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

(b) CONSIDERATION OF PETITION.—The Secretary—

(1) shall solicit public comment on the petition;

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

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

## TITLE III—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

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

Notwithstanding section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the first section of the Act of June 4, 1897 (chapter 2; 30 Stat. 36 16 U.S.C. 478), and the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), and in accordance with this title and applicable law, unless expressly stated otherwise in this Act, the Secretary—

(1) shall ensure that mineral activities on any Federal land that is subject to a mining claim, millsite claim, or tunnel site claim is carefully controlled to prevent undue degradation of public lands and resources; and

(2) shall not grant permission to engage in mineral activities if the Secretary, after considering the evidence, makes and publishes in the Federal Register a determination that undue degradation would result from such activities.

**SEC. 302. PERMITS.**

(a) PERMITS REQUIRED.—No person may engage in mineral activities on Federal land that may cause a disturbance of surface resources, including but not limited to land, air, ground water and surface water, and fish and wildlife, unless—

(1) the claim was properly located under the general mining laws and maintained in compliance with such laws and this Act; and

(2) a permit was issued to such person under this title authorizing such activities.

(b) NEGLIGIBLE DISTURBANCE.—Notwithstanding subsection (a)(2), a permit under this title shall not be required for mineral activities that are a casual use of the Federal land.

(c) COORDINATION WITH NEPA PROCESS.—To the extent practicable, the Secretary and the Secretary of Agriculture shall conduct the permit processes under this Act in coordination with the timing and other requirements under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

**SEC. 303. EXPLORATION PERMIT.**

(a) AUTHORIZED EXPLORATION ACTIVITY.—Any claim holder may apply for an exploration permit for any mining claim authorizing the claim holder to remove a reasonable amount of the locatable minerals from the claim for analysis, study and testing. Such permit shall not authorize the claim holder to remove any mineral for sale nor to conduct any activities other than those required for exploration for locatable minerals and reclamation.

(b) PERMIT APPLICATION REQUIREMENTS.—An application for an exploration permit under this section shall be submitted in a manner satisfactory to the Secretary or, for National Forest System lands, the Secretary of Agriculture, and shall contain an exploration plan, a reclamation plan for the proposed exploration, and such documentation as necessary to ensure compliance with applicable Federal and State environmental laws and regulations.

(c) RECLAMATION PLAN REQUIREMENTS.—The reclamation plan required to be included in a permit application under subsection (b) shall include such provisions as may be jointly prescribed by the Secretary and the Secretary of Agriculture.

(d) PERMIT ISSUANCE OR DENIAL.—The Secretary, or for National Forest System lands, the Secretary of Agriculture, shall issue an exploration permit pursuant to an application under this section unless such Secretary makes any of the following determinations:

(1) The permit application, the exploration plan and reclamation plan are not complete and accurate.

(2) The applicant has not demonstrated that proposed reclamation can be accomplished.

(3) The proposed exploration activities and condition of the land after the completion of exploration activities and final reclamation would not conform with the land use plan applicable to the area subject to mineral activities.

(4) The area subject to the proposed permit is included within an area not open to location under section 201.

(5) The applicant has not demonstrated that the exploration plan and reclamation plan will be in compliance with the requirements of this Act and all other applicable Federal requirements, and any State requirements agreed to by the Secretary of the Interior (or Secretary of Agriculture, as appropriate).

(6) The applicant has not demonstrated that the requirements of section 306 (relating to financial assurance) will be met.

(7) The applicant is eligible to receive a permit under section 305.

(e) TERM OF PERMIT.—An exploration permit shall be for a stated term. The term shall be no greater than that necessary to accomplish the proposed exploration, and in no case for more than 10 years.

(f) PERMIT MODIFICATION.—During the term of an exploration permit the permit holder may submit an application to modify the permit. To approve a proposed modification to the permit, the Secretary concerned shall make the same determinations as are required in the case of an original permit, except that the Secretary and the Secretary of Agriculture may specify by joint rule the extent to which requirements for initial exploration permits under this section shall apply to applications to modify an exploration permit based on whether such modifications are deemed significant or minor.

(g) TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.—(1) No transfer, assignment, or sale of rights granted by a permit issued under this section shall be made without the prior written approval of the Secretary or for National Forest System lands, the Secretary of Agriculture.

*(2) Such Secretary shall allow a person holding a permit to transfer, assign, or sell rights under the permit to a successor, if the Secretary finds, in writing, that the successor—*

*(A) is eligible to receive a permit in accordance with section 304(d);*

*(B) has submitted evidence of financial assurance satisfactory under section 306; and*

*(C) meets any other requirements specified by the Secretary.*

*(3) The successor in interest shall assume the liability and reclamation responsibilities established by the existing permit and shall conduct the mineral activities in full compliance with this Act, and the terms and conditions of the permit as in effect at the time of transfer, assignment, or sale.*

*(4) Each application for approval of a permit transfer, assignment, or sale pursuant to this subsection shall be accompanied by a fee payable to the Secretary of the Interior in such amount as may be established by such Secretary. Such amount shall be equal to the actual or anticipated cost to the Secretary or the Secretary of Agriculture, as appropriate, of reviewing and approving or disapproving such transfer, assignment, or sale, as determined by the Secretary of the Interior. All moneys received under this subsection shall be deposited in the Locatable Minerals Fund established under title IV of this Act.*

***SEC. 304. OPERATIONS PERMIT.***

*(a) OPERATIONS PERMIT.—(1) Any claim holder that is in compliance with the general mining laws and section 103 of this Act may apply to the Secretary, or for National Forest System lands, the Secretary of Agriculture, for an operations permit authorizing the claim holder to carry out mineral activities, other than casual use, on—*

*(A) any valid mining claim, valid millsite claim, or valid tunnel site claim; and*

*(B) such additional Federal land as the Secretary may determine is necessary to conduct the proposed mineral activities, if the operator obtains a right-of-way permit for use of such additional lands under title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) and agrees to pay all fees required under that title for the permit under that title.*

*(2) If the Secretary decides to issue such permit, the permit shall include such terms and conditions as prescribed by such Secretary to carry out this title.*

*(b) PERMIT APPLICATION REQUIREMENTS.—An application for an operations permit under this section shall be submitted in a manner satisfactory to the Secretary concerned and shall contain site characterization data, an operations plan, a reclamation plan, monitoring plans, long-term maintenance plans, to the extent necessary, and such documentation as necessary to ensure compliance with applicable Federal and State environmental laws and regulations. If the proposed mineral activities will be carried out in conjunction with mineral activities on adjacent non-Federal lands, information on the location and nature of such operations may be required by the Secretary.*

*(c) PERMIT ISSUANCE OR DENIAL.—(1) After providing for public participation pursuant to subsection (i), the Secretary, or for National Forest System lands the Secretary of Agriculture, shall issue an operations permit if such Secretary makes each of the following determinations in writing, and shall deny a permit if such Secretary finds that the application and applicant do not fully meet the following requirements:*

*(A) The permit application, including the site characterization data, operations plan, and reclamation plan, are complete and accurate and sufficient for developing a good understanding of the anticipated impacts of the mineral activities and the effectiveness of proposed mitigation and control.*

*(B) The applicant has demonstrated that the proposed reclamation in the operation and reclamation plan can be and is likely to be accomplished by the applicant and will not cause undue degradation.*

*(C) The condition of the land, including the fish and wildlife resources and habitat contained thereon, after the completion of mineral activities and final reclamation, will conform to the land use plan applicable to the area subject to mineral activities and are returned to a productive use.*

*(D) The area subject to the proposed plan is open to location for the types of mineral activities proposed.*

*(E) The proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.*

*(F) The applicant will fully comply with the requirements of section 306 (relating to financial assurance) prior to the initiation of operations.*

*(G) Neither the applicant nor operator, nor any subsidiary, affiliate, or person controlled by or under common control with the applicant or operator, is ineligible to receive a permit under section 305.*

*(H) The reclamation plan demonstrates that 10 years following mine closure, no treatment of surface or ground water for carcinogens or toxins will be required to meet water quality standards at the point of discharge.*

*(2) With respect to any activities specified in the reclamation plan referred to in subsection (b) that constitutes a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following), the Secretary shall consult with the Administrator of the Environmental Protection Agency prior to the issuance of an operations permit. The Administrator shall ensure that the reclamation plan does not require activities that would increase the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following) or corrective actions under the Solid Waste Disposal Act (42 U.S.C. 6901 and following).*

*(d) TERM OF PERMIT; RENEWAL.—*

*(1) An operations permit—*

*(A) shall be for a term that is no longer than the shorter of—*

*(i) the period necessary to accomplish the proposed mineral activities subject to the permit; and*

*(ii) 20 years; and*

*(B) shall be renewed for an additional 20-year period if the operation is in compliance with the requirements of this Act and other applicable law.*

*(2) Failure by the operator to commence mineral activities within 2 years of the date scheduled in an operations permit shall require a modification of the permit if the Secretary concerned determines that modifications are necessary to comply with section 201.*

*(e) PERMIT MODIFICATION.—*

*(1) During the term of an operations permit the operator may submit an application to modify the permit (including the operations plan or reclamation plan, or both).*

*(2) The Secretary, or for National Forest System lands the Secretary of Agriculture, may, at any time, require reasonable modification to any operations plan or reclamation plan upon a determination that the requirements of this Act cannot be met if the plan is followed as approved. Such determination shall be based on a written finding and subject to public notice and hearing requirements established by the Secretary concerned.*

*(3) A permit modification is required before changes are made to the approved plan of operations, or if unanticipated events or conditions exist on the mine site, including in the case of—*

*(A) development of acid or toxic drainage;*

*(B) loss of springs or water supplies;*

*(C) water quantity, water quality, or other resulting water impacts that are significantly different than those predicted in the application;*

*(D) the need for long-term water treatment;*

*(E) significant reclamation difficulties or reclamation failure;*

*(F) the discovery of significant scientific, cultural, or biological resources that were not addressed in the original plan; or*

*(G) the discovery of hazards to public safety.*

*(f) TEMPORARY CESSATION OF OPERATIONS.—(1) An operator conducting mineral activities under an operations permit in effect under this title may not temporarily cease mineral activities for a period greater than 180 days unless the Secretary concerned has approved such temporary cessation or unless the temporary cessation is permitted under the original permit. Any operator temporarily ceasing mineral activities for a period greater than 90 days under an operations permit issued before the date of the enactment of this Act shall submit, before the expiration of such 90-day period, a complete application for temporary cessation of operations to the Secretary concerned for approval unless the temporary cessation is permitted under the original permit.*

*(2) An application for approval of temporary cessation of operations shall include such information required under subsection (b) and any other provisions prescribed by the Secretary concerned to minimize impacts on the environment. After receipt of a complete application for temporary cessation of operations such Secretary shall conduct an inspection of the area for which temporary cessation of operations has been requested.*

*(3) To approve an application for temporary cessation of operations, the Secretary concerned shall make each of the following determinations:*

*(A) A determination that the methods for securing surface facilities and restricting access to the permit area, or relevant portions thereof, will effectively ensure against hazards to the health and safety of the public and fish and wildlife.*

*(B) A determination that reclamation is in compliance with the approved reclamation plan, except in those areas specifically designated in the application for temporary cessation of operations for which a delay in meeting such standards is necessary to facilitate the resumption of operations.*

*(C) A determination that the amount of financial assurance filed with the permit application is sufficient to assure completion of the reclamation activities identified in the approved reclamation plan in the event of forfeiture.*

*(D) A determination that any outstanding notices of violation and cessation orders incurred in connection with the plan for which temporary cessation is being requested are either stayed pursuant to an administrative or judicial appeal proceeding or are in the process of being abated to the satisfaction of the Secretary concerned.*

*(g) PERMIT REVIEWS.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall review each permit issued under this section every 10 years during the term of such permit, shall provide public notice of the permit review, and, based upon a written finding, such Secretary shall require the operator to take such actions as the Secretary deems necessary to assure that mineral activities conform to the permit, including adjustment of financial assurance requirements.*

*(h) TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.—(1) No transfer, assignment, or sale of rights granted by a permit under this section shall be made without the prior written approval of the Secretary, or for National Forest System lands the Secretary of Agriculture.*

*(2) The Secretary, or for National Forest System lands, the Secretary of Agriculture, may allow a person holding a permit to transfer, assign, or sell rights under the permit to a successor, if such Secretary finds, in writing, that the successor—*

*(A) has submitted information required and is eligible to receive a permit in accordance with section 305;*

*(B) has submitted evidence of financial assurance satisfactory under section 306; and*

*(C) meets any other requirements specified by such Secretary.*

*(3) The successor in interest shall assume the liability and reclamation responsibilities established by the existing permit and shall conduct the mineral activities in full compliance with this Act, and the terms and conditions of the permit as in effect at the time of transfer, assignment, or sale.*

*(4) Each application for approval of a permit transfer, assignment, or sale pursuant to this subsection shall be accompanied by a fee payable to the Secretary of the Interior, or for National Forest System lands, the Secretary of Agriculture, in such amount as may be established by such Secretary, or for National Forest System lands, by the Secretary of Agriculture. Such amount shall be equal to the actual or anticipated cost to the Secretary or, for National Forest System lands, to the Secretary of Agriculture, of reviewing and approving or disapproving such transfer, assignment, or sale, as determined by such Secretary. All moneys received under this subsection shall be deposited in the Locatable Minerals Fund established under title IV.*

*(i) PUBLIC PARTICIPATION.—The Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate regulations to ensure transparency and public participation in permit decisions required under this Act, consistent with any requirements that apply to such decisions under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).*

***SEC. 305. PERSONS INELIGIBLE FOR PERMITS.***

*(a) CURRENT VIOLATIONS.—Unless corrective action has been taken in accordance with subsection (c), no permit under this title shall be issued or transferred to an applicant if the applicant or any agent of the applicant, the operator (if different than the applicant) of the claim concerned, any claim holder (if different than the applicant) of the claim concerned, or any affiliate or officer or director of the applicant is currently in violation of any of the following:*

*(1) A provision of this Act or any regulation under this Act.*

*(2) An applicable State or Federal toxic substance, solid waste, air, water quality, or fish and wildlife conservation law or regulation at any site where mining, beneficiation, or processing activities are occurring or have occurred.*

*(3) The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following) or any regulation implementing that Act at any site where surface coal mining operations have occurred or are occurring.*

*(b) SUSPENSION.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall suspend an operations permit, in whole or in part, if such Secretary determines that any of the entities described in subsection (a) were in violation of any requirement listed in subsection (a) at the time the permit was issued.*

*(c) CORRECTION.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, may issue or reinstate a permit under this title if the applicant submits proof that the violation referred to in subsection (a) or (b) has been corrected or is in the process of being corrected to the satisfaction of such Secretary and the regulatory authority involved or if the applicant submits proof that the violator has filed and is presently pursuing, a direct administrative or judicial appeal to contest the existence of the violation. For purposes of this section, an appeal of any applicant's relationship to an affiliate shall not constitute a direct administrative or judicial appeal to contest the existence of the violation.*

*(2) Any permit which is issued or reinstated based upon proof submitted under this subsection shall be conditionally approved or conditionally reinstated, as the case may be. If the violation is not successfully abated or the violation is upheld on appeal, the permit shall be suspended or revoked.*

*(d) PATTERN OF WILLFUL VIOLATIONS.—No permit under this Act may be issued to any applicant if there is a demonstrated pattern of willful violations of the environmental protection requirements of this Act by the applicant, any affiliate of the applicant, or the operator or claim holder if different than the applicant.*

***SEC. 306. FINANCIAL ASSURANCE.***

*(a) FINANCIAL ASSURANCE REQUIRED.—(1) After a permit is issued under this title and before any exploration or operations begin under the permit, the operator shall file with the Secretary, or for National Forest System lands the Secretary of Agriculture, evidence of financial assurance payable to the United States. The financial assurance shall be provided in the form of a surety bond, a trust fund, letters of credits, government securities, certificates of deposit, cash, or an equivalent form approved by such Secretary.*

*(2) The financial assurance shall cover all lands within the initial permit area and all affected waters that may require restoration, treatment, or other management as a result of mineral activities, and shall be extended to cover all lands and waters added pursuant to any permit modification made under section 303(f) (relating to exploration permits) or section 304(e) (relating to operations permits), or affected by mineral activities.*

*(b) AMOUNT.—The amount of the financial assurance required under this section shall be sufficient to assure the completion of reclamation and restoration satisfying the requirements of this Act if the work were to be performed by the Secretary concerned in the event of forfeiture, including the construction and maintenance costs for any treatment facilities necessary to meet Federal and State environmental requirements. The calculation of such amount shall take into account the maximum level of financial exposure which shall arise during the mineral activity and administrative costs associated with a government agency reclaiming the site.*

*(c) DURATION.—The financial assurance required under this section shall be held for the duration of the mineral activities and for an additional period to cover the operator's responsibility for reclamation, restoration, and long-term maintenance, and effluent treatment as specified in subsection (g).*

*(d) ADJUSTMENTS.—The amount of the financial assurance and the terms of the acceptance of the assurance may be adjusted by the Secretary concerned from time to time as the area requiring coverage is increased or decreased, or where the costs of reclamation or treatment change, or pursuant to section 304(f) (relating to temporary cessation of operations), but the financial assurance shall otherwise be in compliance with this section. The Secretary concerned shall review the financial guarantee every 3 years and as part of the permit application review under section 304(c).*

*(e) RELEASE.—Upon request, and after notice and opportunity for public comment, and after inspection by the Secretary, or for National Forest System lands, the Secretary of Agriculture, such Secretary may, after consultation with the Administrator of the Environmental Protection Agency, release in whole or in part the financial assurance required under this section if the Secretary makes both of the following determinations:*

*(1) A determination that reclamation or restoration covered by the financial assurance has been accomplished as required by this Act.*

*(2) A determination that the terms and conditions of any other applicable Federal requirements, and State requirements applicable pursuant to cooperative agreements under section 308, have been fulfilled.*

*(f) RELEASE SCHEDULE.—The release referred to in subsection (e) shall be according to the following schedule:*

*(1) After the operator has completed any required backfilling, regrading, and drainage control of an area subject to mineral activities and covered by the financial assurance, and has commenced revegetation on the regraded areas subject to mineral activities in accordance with the approved plan, that portion of the total financial assurance secured for the area subject to mineral activities attributable to the completed activities may be released except that sufficient assurance must be retained to address other required reclamation and restoration needs and to assure the long-term success of the revegetation.*

*(2) After the operator has completed successfully all remaining mineral activities and reclamation activities and all requirements of the operations plan and the reclamation plan, and all other requirements of this Act have been fully met, the remaining portion of the financial assurance may be released.*

*During the period following release of the financial assurance as specified in paragraph (1), until the remaining portion of the financial assurance is released as provided in paragraph (2), the operator shall be required to comply with the permit issued under this title.*

*(g) EFFLUENT.—Notwithstanding section 307(b)(4), where any discharge or other water-related condition resulting from the mineral activities requires treatment in order to meet the applicable effluent limitations and water quality standards, the financial assurance shall include the estimated cost of maintaining such treatment for the projected period that will be needed after the cessation of mineral activities. The portion of the financial assurance attributable to such estimated cost of treatment shall not be released until the discharge has ceased for a period of 5 years, as determined by ongoing monitoring and testing, or, if the discharge continues, until the operator has met all applicable effluent limitations and water quality standards for 5 full years without treatment.*

*(h) ENVIRONMENTAL HAZARDS.—If the Secretary, or for National Forest System lands, the Secretary of Agriculture, determines, after final release of financial assurance, that an environmental hazard resulting from the mineral activities exists, or the terms and conditions of the explorations or operations permit of this Act were not fulfilled in fact at the time of release, such Secretary shall issue an order under section 506 requiring the claim holder or operator (or any person who controls the claim holder or operator) to correct the condition such that applicable laws and regulations and any conditions from the plan of operations are met.*

***SEC. 307. OPERATION AND RECLAMATION.***

*(a) GENERAL RULE.—(1) The operator shall restore lands subject to mineral activities carried out under a permit issued under this title to a condition capable of supporting—*

*(A) the uses which such lands were capable of supporting prior to surface disturbance by the operator, or*

*(B) other beneficial uses which conform to applicable land use plans as determined by the Secretary, or for National Forest System lands, the Secretary of Agriculture.*

*(2) Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities. In the case of a cessation of mineral activities beyond that provided for as a temporary cessation under this Act, reclamation activities shall begin immediately.*

*(b) OPERATION AND RECLAMATION STANDARDS.—The Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate regulations that establish operation and reclamation standards for mineral activities permitted under this Act. The Secretaries may determine whether outcome-based performance*

*standards or technology-based design standards are most appropriate. The regulations shall address the following:*

*(1) Segregation, protection, and replacement of topsoil or other suitable growth medium, and the prevention, where possible, of soil contamination.*

*(2) Maintenance of the stability of all surface areas.*

*(3) Control of sediments to prevent erosion and manage drainage.*

*(4) Minimization of the formation and migration of acidic, alkaline, metal-bearing, or other deleterious leachate.*

*(5) Reduction of the visual impact of mineral activities to the surrounding topography, including as necessary pit backfill.*

*(6) Establishment of a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area affected by mineral activities, and equal in extent of cover to the natural vegetation of the area.*

*(7) Design and maintenance of leach operations, impoundments, and excess waste according to standard engineering standards to achieve and maintain stability and reclamation of the site.*

*(8) Removal of structures and roads and sealing of drill holes.*

*(9) Restoration of, or mitigation for, fish and wildlife habitat disturbed by mineral activities.*

*(10) Preservation of cultural, paleontological, and cave resources.*

*(11) Prevention and suppression of fire in the area of mineral activities.*

*(c) SURFACE OR GROUNDWATER WITHDRAWALS.—The Secretary shall work with State and local governments with authority over the allocation and use of surface and groundwater in the area around the mine site as necessary to ensure that any surface or groundwater withdrawals made as a result of mining activities approved under this section do not cause undue degradation.*

*(d) SPECIAL RULE.—Reclamation activities for a mining claim that has been forfeited, relinquished, or lapsed, or a plan that has expired or been revoked or suspended, shall continue subject to review and approval by the Secretary, or for National Forest System lands the Secretary of Agriculture.*

***SEC. 308. STATE LAW AND REGULATION.***

*(a) STATE LAW.—(1) Any reclamation, land use, environmental, or public health protection standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with any such standard.*

*(2) Any bonding standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with such requirements.*

*(3) Any inspection standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with such requirements.*

*(b) APPLICABILITY OF OTHER STATE REQUIREMENTS.—(1) Nothing in this Act shall be construed as affecting any toxic substance, solid waste, or air or water quality, standard or requirement of any State, county, local, or tribal law or regulation, which may be applicable to mineral activities on lands subject to this Act.*

*(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, such person's interest in water resources affected by mineral activities on lands subject to this Act.*

*(c) COOPERATIVE AGREEMENTS.—(1) Any State may enter into a cooperative agreement with the Secretary, or for National Forest System lands the Secretary of Agriculture, for the purposes of such Secretary applying such standards and requirements referred to in subsection (a) and subsection (b) to mineral activities or reclamation on lands subject to this Act.*

*(2) In such instances where the proposed mineral activities would affect lands not subject to this Act in addition to lands subject to this Act, in order to approve a plan of operations the Secretary concerned shall enter into a cooperative agreement with the State that sets forth a common regulatory framework consistent with the requirements of this Act for the purposes of such plan of operations. Any such common regulatory framework shall not negate the authority of the Federal Government to independently inspect mines and operations and bring enforcement actions for violations.*

*(3) The Secretary concerned shall not enter into a cooperative agreement with any State under this section until after notice in the Federal Register and opportunity for public comment and hearing.*

*(d) PRIOR AGREEMENTS.—Any cooperative agreement or such other understanding between the Secretary concerned and any State, or political subdivision thereof, relating to the management of mineral activities on lands subject to this Act that was in existence on the date of enactment of this Act may only continue in force until 1 year after the date of enactment of this Act. During such 1-year period, the State and the Secretary shall review the terms of the agreement and make changes that are necessary to be consistent with this Act.*

***SEC. 309. LIMITATION ON THE ISSUANCE OF PERMITS.***

*No permit shall be issued under this title that authorizes mineral activities that would impair the land or resources of the National Park System or a National Monument. For purposes of this section, the term ''impair'' shall include any diminution of the affected land including its scenic assets, its water resources, its air quality, and its acoustic qualities, or other changes that would impair a citizen's experience at the National Park or National Monument.*

## *TITLE IV—MINING MITIGATION*

### *Subtitle A—Locatable Minerals Fund*

***SEC. 401. ESTABLISHMENT OF FUND.***

*(a) ESTABLISHMENT.—There is established on the books of the Treasury of the United States a separate account to be known as the Locatable Minerals Fund (hereinafter in this subtitle referred to as the ''Fund'').*

*(b) INVESTMENT.—The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in the Secretary's judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities.*

***SEC. 402. CONTENTS OF FUND.***

*The following amounts shall be credited to the Fund:*

*(1) All moneys collected pursuant to section 506 (relating to enforcement) and section 504 (relating to citizens suits).*

*(2) All permit fees and transfer fees received under section 304.*

*(3) All donations by persons, corporations, associations, and foundations for the purposes of this subtitle.*

*(4) All amounts deposited in the Fund under section 102 (relating to royalties and penalties for underreporting).*

*(5) All amounts received by the United States pursuant to section 101 from issuance of patents.*

*(6) All amounts received by the United States pursuant to section 103 as claim maintenance and location fees.*

*(7) All income on investments under section 401(b).*

***SEC. 403. SUBACCOUNTS.***

*There shall be in the Fund 2 subaccounts, as follows:*

*(1) The Hardrock Reclamation Account, which shall consist of ⅔ of the amounts credited to the Fund under section 402 and which shall be administered by the Secretary acting through the Director of the Office of Surface Mining and Enforcement.*

*(2) The Hardrock Community Impact Assistance Account, which shall consist of ⅓ of the amounts credited to the Fund under section 402 and which shall be administered by the Secretary acting through the Director of the Bureau of Land Management.*

### *Subtitle B—Use of Hardrock Reclamation Account*

***SEC. 411. USE AND OBJECTIVES OF THE ACCOUNT.***

*(a) IN GENERAL.—The Secretary is authorized, subject to appropriations, to use moneys in the Hardrock Reclamation Account for the reclamation and restoration of land and water resources adversely affected by past mineral activities on lands the legal and beneficial title to which resides in the United States, land within the exterior boundary of any national forest system unit, or other lands described in subsection (d) or section 412, including any of the following:*

*(1) Protecting public health and safety.*

*(2) Preventing, abating, treating, and controlling water pollution created by abandoned mine drainage.*

*(3) Reclaiming and restoring abandoned surface and underground mined areas.*

*(4) Reclaiming and restoring abandoned milling and processing areas.*

*(5) Backfilling, sealing, or otherwise controlling, abandoned underground mine entries.*

*(6) Revegetating land adversely affected by past mineral activities in order to prevent erosion and sedimentation, to enhance wildlife habitat, and for any other reclamation purpose.*

*(7) Controlling of surface subsidence due to abandoned underground mines.*

*(b) PRIORITIES.—Expenditures of moneys from the Hardrock Reclamation Account shall reflect the following priorities in the order stated:*

*(1) The protection of public health and safety, from extreme danger from the adverse effects of past mineral activities, especially as relates to surface water and groundwater contaminants.*

*(2) The protection of public health and safety, from the adverse effects of past mineral activities.*

*(3) The restoration of land, water, and fish and wildlife resources previously degraded by the adverse effects of past mineral activities.*

*(c) HABITAT.—Reclamation and restoration activities under this subtitle, particularly those identified under subsection (a)(4), shall include appropriate mitigation measures to provide for the continuation of any established habitat for wildlife in existence prior to the commencement of such activities.*

*(d) OTHER AFFECTED LANDS.—Where mineral exploration, mining, beneficiation, processing, or reclamation activities have been carried out with respect to any mineral which would be a locatable mineral if the legal and beneficial title to the mineral were in the United States, if such activities directly affect lands managed by the Bureau of Land Management as well as other lands and if the legal and beneficial title to more than 50 percent of the affected lands resides in the United States, the Secretary is authorized, subject to appropriations, to use moneys in the Hardrock Reclamation Account for reclamation and restoration under subsection (a) for all directly affected lands.*

*(e) RESPONSE OR REMOVAL ACTIONS.—Reclamation and restoration activities under this subtitle which constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), shall be conducted with the concurrence of the Administrator of the Environmental Protection Agency. The Secretary and the Administrator shall enter into a Memorandum of Understanding to establish procedures for consultation, concurrence, training, exchange of technical expertise and*

*joint activities under the appropriate circumstances, that provide assurances that reclamation or restoration activities under this subtitle shall not be conducted in a manner that increases the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following), and that avoid oversight by multiple agencies to the maximum extent practicable.*

***SEC. 412. ELIGIBLE LANDS AND WATERS.***

*(a) ELIGIBILITY.—Reclamation expenditures under this subtitle may only be made with respect to Federal lands or Indian lands or water resources that traverse or are contiguous to Federal lands or Indian lands where such lands or water resources have been affected by past mineral activities, including any of the following:*

*(1) Lands and water resources which were used for, or affected by, mineral activities and abandoned or left in an inadequate reclamation status before the effective date of this Act.*

*(2) Lands for which the Secretary makes a determination that there is no continuing reclamation responsibility of a claim holder, operator, or other person who abandoned the site prior to completion of required reclamation under State or other Federal laws.*

*(3) Lands for which it can be established that such lands do not contain locatable minerals which could economically be extracted through the reprocessing or remining of such lands, unless such considerations are in conflict with the priorities set forth under paragraphs (1) and (2) of section 302(b).*

*(b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—The provisions of section 411(d) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(d)) shall apply to expenditures made from the Hardrock Reclamation Account.*

*(c) INVENTORY.—The Secretary shall prepare and maintain a publicly available inventory of abandoned locatable minerals mines on public lands and any abandoned mine on Indian lands that may be eligible for expenditures under this subtitle, and shall deliver a yearly report to the Congress on the progress in cleanup of such sites.*

***SEC. 413. EXPENDITURES.***

*Moneys available from the Hardrock Reclamation Account may be expended for the purposes specified in section 411 directly by the Director of the Office of Surface Mining Reclamation and Enforcement. The Director may also make such money available for such purposes to the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Director of the National Park Service, or Director of the United States Fish and Wildlife Service, to any other agency of the United States, to an Indian tribe, or to any public entity that volunteers to develop and implement, and that has the ability to carry out, all or a significant portion of a reclamation program under this subtitle.*

***SEC. 414. AUTHORIZATION OF APPROPRIATIONS.***

*Amounts credited to the Hardrock Reclamation Account are authorized to be appropriated for the purpose of this subtitle without fiscal year limitation.*

***Subtitle C—Use of Hardrock Community Impact Assistance Account***

***SEC. 421. USE AND OBJECTIVES OF THE ACCOUNT.***

*Amounts in the Hardrock Community Impact Assistance Account shall be available to the Secretary, subject to appropriations, to provide assistance for the planning, construction, and maintenance of public facilities and the provision of public services to States, political subdivisions and Indian tribes that are socially or economically impacted by mineral activities conducted under the general mining laws.*

***SEC. 422. ALLOCATION OF FUNDS.***

*Moneys deposited into the Hardrock Community Impact Assistance Account shall be allocated by the Secretary for purposes of section 421 among the States within the boundaries of which occurs production of locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, as the case may be, in proportion to the amount of such production in each such State.*

***TITLE V—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS***

***Subtitle A—Administrative Provisions***

***SEC. 501. POLICY FUNCTIONS.***

*(a) MINERALS POLICY.—Section 101 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended—*

*(1) in the first sentence by inserting before the period at the end the following: ''and to ensure that mineral extraction and processing not cause undue degradation of the natural and cultural resources of the public lands''; and*

*(2) by adding at the end thereof the following: ''It shall also be the responsibility of the Secretary of Agriculture to carry out the policy provisions of paragraphs (1) and (2) of this section.''.*

*(b) MINERAL DATA.—Section 5(e)(3) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(e)(3)) is amended by inserting before the period the following: '', except that for National Forest System lands the Secretary of Agriculture shall promptly initiate actions to improve the availability and analysis of mineral data in public land use decisionmaking''.*

***SEC. 502. USER FEES.***

*(a) IN GENERAL.—The Secretary and the Secretary of Agriculture may each establish and collect from persons subject to the requirements of this Act such user fees as may be necessary to reimburse the United States for the expenses incurred in administering such requirements. Fees may be assessed and collected under this section only in such manner as may reasonably be expected to result in an aggregate amount of the fees collected during any fiscal year which does not exceed the aggregate amount of administrative expenses referred to in this section.*

*(b) ADJUSTMENT.—(1) The Secretary shall adjust the fees required by this section to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after the date of enactment of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.*

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

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

***SEC. 503. INSPECTION AND MONITORING.***

*(a) INSPECTIONS.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall make inspections of mineral activities so as to ensure compliance with the requirements of this Act.*

*(2) The Secretary concerned shall establish a frequency of inspections for mineral activities conducted under a permit issued under title III, but in no event shall such inspection frequency be less than one complete inspection per calendar quarter or, two per calendar quarter in the case of a permit for which the Secretary concerned approves an application under section 304(f) (relating to temporary cessation of operations). After revegetation has been established in accordance with a reclamation plan, such Secretary shall conduct annually 2 complete inspections. Such Secretary shall have the discretion to modify the inspection frequency for mineral activities that are conducted on a seasonal basis. Inspections shall continue under this subsection until final release of financial assurance.*

*(3)(A) Any person who has reason to believe he or she is or may be adversely affected by mineral activities due to any violation of the requirements of a permit approved under this Act may request an inspection. The Secretary, or for National Forest System lands the Secretary of Agriculture, shall determine within 10 working days of receipt of the request whether the request states a reason to believe that a violation exists. If the person alleges and provides reason to believe that an imminent threat to the environment or danger to the health or safety of the public exists, the 10-day period shall be waived and the inspection shall be conducted immediately. When an inspection is conducted under this paragraph, the Secretary concerned shall notify the person requesting the inspection, and such person shall be allowed to accompany the Secretary concerned or the Secretary's authorized representative during the inspection. The Secretary shall not incur any liability for allowing such person to accompany an authorized representative. The identity of the person supplying information to the Secretary relating to a possible violation or imminent danger or harm shall remain confidential with the Secretary if so requested by that person, unless that person elects to accompany an authorized representative on the inspection.*

*(B) The Secretaries shall, by joint rule, establish procedures for the review of (i) any decision by an authorized representative not to inspect; or (ii) any refusal by such representative to ensure that remedial actions are taken with respect to any alleged violation. The Secretary concerned shall furnish such persons requesting the review a written statement of the reasons for the Secretary's final disposition of the case.*

*(b) MONITORING.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall require all operators to develop and maintain a monitoring and evaluation system that shall identify compliance with all requirements of a permit approved under this Act. The Secretary concerned may require additional monitoring to be conducted as necessary to assure compliance with the reclamation and other environmental standards of this Act. Such plan must be reviewed and approved by the Secretary and shall become a part of the explorations or operations permit.*

*(2) The operator shall file reports with the Secretary, or for National Forest System lands the Secretary of Agriculture, on a frequency determined by the Secretary concerned, on the results of the monitoring and evaluation process, except that if the monitoring and evaluation show a violation of the requirements of a permit approved under this Act, it shall be reported immediately to the Secretary concerned. The Secretary shall evaluate the reports submitted pursuant to this paragraph, and based on those reports and any necessary inspection shall take enforcement action pursuant to this section. Such reports shall be maintained by the operator and by the Secretary and shall be made available to the public.*

*(3) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall determine what information shall be reported by the operator pursuant to paragraph (3). A failure to report as required by the Secretary concerned shall constitute a violation of this Act and subject the operator to enforcement action pursuant to section 506.*

***SEC. 504. CITIZENS SUITS.***

*(a) IN GENERAL.—Except as provided in subsection (b), any person may commence a civil action on his or her own behalf to compel compliance—*

*(1) against any person (including the Secretary or the Secretary of Agriculture) who is allged to be in violation of any of the provisions*

*of this Act or any regulation promulgated pursuant to this Act or any term or condition of any permit issued under this Act; or*

*(2) against the Secretary or the Secretary of Agriculture where there is alleged a failure of such Secretary to perform any act or duty under this Act, or to promulgate any regulation under this Act, which is not within the discretion of the Secretary concerned.*

*The United States district courts shall have jurisdiction over actions brought under this section, without regard to the amount in controversy or the citizenship of the parties, including actions brought to apply any civil penalty under this Act. The district courts of the United States shall have jurisdiction to compel agency action unreasonably delayed, except that an action to compel agency action reviewable under section 505 may only be filed in a United States district court within the circuit in which such action would be reviewable under section 505.*

*(b) EXCEPTIONS.—(1) No action may be commenced under subsection (a) before the end of the 60-day period beginning on the date the plaintiff has given notice in writing of such alleged violation to the the alleged violator and the Secretary, or for National Forest System lands the Secretary of Agriculture, except that any such action may be brought immediately after such notification if the violation complained of constitutes an imminent threat to the environment or to the health or safety of the public.*

*(2) No action may be brought against any person other than the Secretary or the Secretary of Agriculture under subsection (a)(1) if such Secretary has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance.*

*(3) No action may be commenced under paragraph (2) of subsection (a) against either Secretary to review any rule promulgated by, or to any permit issued or denied by such Secretary if such rule or permit issuance or denial is judicially reviewable under section 505 or under any other provision of law at any time after such promulgation, issuance, or denial is final.*

*(c) VENUE.—Venue of all actions brought under this section shall be determined in accordance with section 1391 of title 28, United States Code.*

*(d) COSTS.—The court, in issuing any final order in any action brought pursuant to this section may award costs of litigation (including attorney and expert witness fees) to any party whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.*

*(e) SAVINGS CLAUSE.—Nothing in this section shall restrict any right which any person (or class of persons) may have under chapter 7 of title 5, United States Code, under this section, or under any other statute or common law to bring an action to seek any relief against the Secretary or the Secretary of Agriculture or against any other person, including any action for any violation of this Act or of any regulation or permit issued under this Act or for any failure to act as required by law. Nothing in this section shall affect the jurisdiction of any court under any provision of title 28, United States Code, including any action for any violation of this Act or of any regulation or permit issued under this Act or for any failure to act as required by law.*

***SEC. 505. ADMINISTRATIVE AND JUDICIAL REVIEW.***

*(a) REVIEW BY SECRETARY.—(1)(A) Any person issued a notice of violation or cessation order under section 506, or any person having an interest which is or may be adversely affected by such notice or order, may apply to the Secretary, or for National Forest System lands the Secretary of Agriculture, for review of the notice or order within 30 days after receipt thereof, or as the case may be, within 30 days after such notice or order is modified, vacated, or terminated.*

*(B) Any person who is subject to a penalty assessed under section 506 may apply to the Secretary concerned for review of the assessment within 45 days of notification of such penalty.*

*(C) Any person may apply to such Secretary for review of the decision within 30 days after it is made.*

*(D) Pending a review by the Secretary or resolution of an administrative appeal, final decisions (except enforcement actions under section 506) shall be stayed.*

*(2) The Secretary concerned shall provide an opportunity for a public hearing at the request of any party to the proceeding as specified in paragraph (1). The filing of an application for review under this subsection shall not operate as a stay of any order or notice issued under section 506.*

*(3) For any review proceeding under this subsection, the Secretary concerned shall make findings of fact and shall issue a written decision incorporating therein an order vacating, affirming, modifying, or terminating the notice, order, or decision, or with respect to an assessment, the amount of penalty that is warranted. Where the application for review concerns a cessation order issued under section 506 the Secretary concerned shall issue the written decision within 30 days of the receipt of the application for review or within 30 days after the conclusion of any hearing referred to in paragraph (2), whichever is later, unless temporary relief has been granted by the Secretary concerned under paragraph (4).*

*(4) Pending completion of any review proceedings under this subsection, the applicant may file with the Secretary, or for National Forest System lands the Secretary of Agriculture, a written request that the Secretary grant temporary relief from any order issued under section 506 together with a detailed statement giving reasons for such relief. The Secretary concerned shall expeditiously issue an order or decision granting or denying such relief. The Secretary concerned may grant such relief under such conditions as he or she may prescribe only if such relief shall not adversely affect the health or safety of the public or cause imminent environmental harm to land, air, or water resources.*

*(5) The availability of review under this subsection shall not be construed to limit the operation of rights under section 504 (relating to citizen suits).*

*(b) JUDICIAL REVIEW.—(1) Any final action by the Secretaries of the Interior and Agriculture in promulgating regulations to implement this Act, or any other final actions constituting rulemaking to implement this Act, shall be subject to judicial review only in the United States Court of Appeals for the District of Columbia. Any action subject to judicial review under this subsection shall be affirmed unless the court concludes that such action is arbitrary, capricious, or otherwise inconsistent with law. A petition for review of any action subject to judicial review under this subsection shall be filed within 60 days from the date of such action, or after such date if the petition is based solely on grounds arising after the 60th day. Any such petition may be made by any person who commented or otherwise participated in the rulemaking or any person who may be adversely affected by the action of the Secretaries.*

*(2) Final agency action under this subsection, including such final action on those matters described under subsection (a), shall be subject to judicial review in accordance with paragraph (4) and pursuant to section 1391 of title 28, United States Code, on or before 60 days from the date of such final action. Any action subject to judicial review under this subsection shall be affirmed unless the court concludes that such action is arbitrary, capricious, or otherwise inconsistent with law.*

*(3) The availability of judicial review established in this subsection shall not be construed to limit the operations of rights under section 504 (relating to citizens suits).*

*(4) The court shall hear any petition or complaint filed under this subsection solely on the record made before the Secretary or Secretaries concerned. The court may affirm or vacate any order or decision or may remand the proceedings to the Secretary or Secretaries for such further action as it may direct.*

*(5) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the action, order, or decision of the Secretary or Secretaries concerned.*

*(c) COSTS.—Whenever a proceeding occurs under subsection (a) or (b), at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney fees) as determined by the Secretary or Secretaries concerned or the court to have been reasonably incurred by such person for or in connection with participation in such proceedings, including any judicial review of the proceeding, may be assessed against either party as the court, in the case of judicial review, or the Secretary or Secretaries concerned in the case of administrative proceedings, deems proper if it is determined that such party prevailed in whole or in part, achieving some success on the merits, and that such party made a substantial contribution to a full and fair determination of the issues.*

***SEC. 506. ENFORCEMENT.***

*(a) ORDERS.—(1) If the Secretary, or for National Forest System lands the Secretary of Agriculture, or an authorized representative of such Secretary, determines that any person is in violation of any environmental protection requirement under title III or any regulation issued by the Secretaries to implement this Act, such Secretary or authorized representative shall issue to such person a notice of violation describing the violation and the corrective measures to be taken. The Secretary concerned, or the authorized representative of such Secretary, shall provide such person with a period of time not to exceed 30 days to abate the violation. Such period of time may be extended by the Secretary concerned upon a showing of good cause by such person. If, upon the expiration of time provided for such abatement, the Secretary concerned, or the authorized representative of such Secretary, finds that the violation has not been abated he or she shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation.*

*(2) If the Secretary concerned, or the authorized representative of the Secretary concerned, determines that any condition or practice exists, or that any person is in violation of any requirement under a permit approved under this Act, and such condition, practice or violation is causing, or can reasonably be expected to cause—*

*(A) an imminent danger to the health or safety of the public; or*

*(B) significant, imminent environmental harm to land, air, water, or fish or wildlife resources; such Secretary or authorized representative shall immediately order a cessation of mineral activities or the portion thereof relevant to the condition, practice, or violation.*

*(3)(A) A cessation order pursuant to paragraphs (1) or (2) shall remain in effect until such Secretary, or authorized representative, determines that the condition, practice, or violation has been abated, or until modified, vacated or terminated by the Secretary or authorized representative. In any such order, the Secretary or authorized representative shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the order. The Secretary concerned shall require appropriate financial assurances to ensure that the abatement obligations are met.*

*(B) Any notice or order issued pursuant to paragraphs (1) or (2) may be modified, vacated, or terminated by the Secretary concerned or an authorized representative of such Secretary. Any person to whom any such notice or order is issued shall be entitled to a hearing on the record.*

*(4) If, after 30 days of the date of the order referred to in paragraph (3)(A) the required abatement has not occurred, the Secretary concerned shall take such alternative enforcement action against the claim holder or operator (or any person who controls the claim holder or operator) as will most likely bring about abatement in the most expeditious manner possible. Such alternative enforcement action may include, but is not necessarily limited to, seeking appropriate injunctive relief to bring about abatement. Nothing in this paragraph shall preclude the Secretary, or for National Forest System lands the Secretary of Agriculture, from taking alternative enforcement action prior to the expiration of 30 days.*

*(5) If a claim holder or operator (or any person who controls the claim holder or operator) fails to abate a violation or defaults on the terms of the permit, the Secretary, or for National Forest System lands the Secretary of Agriculture, shall forfeit the financial assurance for the plan as necessary to ensure abatement and reclamation under this Act. The Secretary concerned may prescribe conditions under which a surety may perform reclamation in accordance with the approved plan in lieu of forfeiture.*

*(6) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall not cause forfeiture of the financial assurance while administrative or judicial review is pending.*

*(7) In the event of forfeiture, the claim holder, operator, or any affiliate thereof, as appropriate as determined by the Secretary by rule, shall be jointly and severally liable for any remaining reclamation obligations under this Act.*

*(b) COMPLIANCE.—The Secretary, or for National Forest System lands the Secretary of Agriculture, may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction or restraining order, or any other appropriate enforcement order, including the imposition of civil penalties, in the district court of the United States for the district in which the mineral activities are located whenever a person—*

*(1) violates, fails, or refuses to comply with any order issued by the Secretary concerned under subsection (a); or*

*(2) interferes with, hinders, or delays the Secretary concerned in carrying out an inspection under section 503.*

*Such court shall have jurisdiction to provide such relief as may be appropriate. Any relief granted by the court to enforce an order under paragraph (1) shall continue in effect until the completion or final termination of all proceedings for review of such order unless the district court granting such relief sets it aside.*

*(c) DELEGATION.—Notwithstanding any other provision of law, the Secretary may utilize personnel of the Office of Surface Mining Reclamation and Enforcement to ensure compliance with the requirements of this Act.*

*(d) PENALTIES.—(1) Any person who fails to comply with any requirement of a permit approved under this Act or any regulation issued by the Secretaries to implement this Act shall be liable for a penalty of not more than $25,000 per violation. Each day of violation may be deemed a separate violation for purposes of penalty assessments.*

*(2) A person who fails to correct a violation for which a cessation order has been issued under subsection (a) within the period permitted for its correction shall be assessed a civil penalty of not less than $1,000 per violation for each day during which such failure continues.*

*(3) Whenever a corporation is in violation of a requirement of a permit approved under this Act or any regulation issued by the Secretaries to implement this Act or fails or refuses to comply with an order issued under subsection (a), any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same penalties as may be imposed upon the person referred to in paragraph (1).*

*(e) SUSPENSIONS OR REVOCATIONS.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall suspend or revoke a permit issued under title III, in whole or in part, if the operator—*

*(1) knowingly made or knowingly makes any false, inaccurate, or misleading material statement in any mining claim, notice of location, application, record, report, plan, or other document filed or required to be maintained under this Act;*

*(2) fails to abate a violation covered by a cessation order issued under subsection (a);*

*(3) fails to comply with an order of the Secretary concerned;*

*(4) refuses to permit an audit pursuant to this Act;*

*(5) fails to maintain an adequate financial assurance under section 306;*

*(6) fails to pay claim maintenance fees or other moneys due and owing under this Act; or*

*(7) with regard to plans conditionally approved under section 305(c)(2), fails to abate a violation to the satisfaction of the Secretary concerned, or if the validity of the violation is upheld on the appeal which formed the basis for the conditional approval.*

*(f) FALSE STATEMENTS; TAMPERING.—Any person who knowingly—*

*(1) makes any false material statement, representation, or certification in, or omits or conceals material information from, or unlawfully alters, any mining claim, notice of location, application, record, report, plan, or other documents filed or required to be maintained under this Act; or*

*(2) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained under this Act,*

*shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this subsection, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.*

*(g) KNOWING VIOLATIONS.—Any person who knowingly—*

*(1) engages in mineral activities without a permit required under title III, or*

*(2) violates any other requirement of a permit issued under this Act, or any condition or limitation thereof,*

*shall upon conviction be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after the first conviction of such person under this subsection, punishment shall be a fine of not less than $10,000 per day of violation, or by imprisonment of not more than 6 years, or both.*

*(h) KNOWING AND WILLFUL VIOLATIONS.—Any person who knowingly and willfully commits an act for which a civil penalty is provided in paragraph (1) of subsection (g) shall, upon conviction, be punished by a fine of not more than $50,000, or by imprisonment for not more than 2 years, or both.*

*(i) DEFINITION.—For purposes of this section, the term ''person'' includes any officer, agent, or employee of a person.*

***SEC. 507. REGULATIONS.***

*The Secretary and the Secretary of Agriculture shall issue such regulations as are necessary to implement this Act. The regulations implementing title II, title III, title IV, and title V that affect the Forest Service shall be joint regulations issued by both Secretaries, and shall be issued no later than 180 days after the date of enactment of this Act.*

***SEC. 508. EFFECTIVE DATE.***

*This Act shall take effect on the date of enactment of this Act, except as otherwise provided in this Act.*

***Subtitle B—Miscellaneous Provisions***

***SEC. 511. OIL SHALE CLAIMS SUBJECT TO SPECIAL RULES.***

*(a) APPLICATION OF SECTION 511.—Section 511 shall apply to oil shale claims referred to in section 2511(e)(2) of the Energy Policy Act of 1992 (Public Law 102–486).*

*(b) AMENDMENT.—Section 2511(f) of the Energy Policy Act of 1992 (Public Law 102–486) is amended as follows:*

*(1) By striking ''as prescribed by the Secretary''.*

*(2) By inserting before the period the following: ''in the same manner as if such claim was subject to title II and title III of the Hardrock Mining and Reclamation Act of 2007''.*

***SEC. 512. PURCHASING POWER ADJUSTMENT.***

*The Secretary shall adjust all location fees, claim maintenance rates, penalty amounts, and other dollar amounts established in this Act for changes in the purchasing power of the dollar no less frequently than every 5 years following the date of enactment of this Act, employing the Consumer Price Index for All-Urban Consumers published by the Department of Labor as the basis for adjustment, and rounding according to the adjustment process of conditions of the Federal Civil Penalties Inflation Adjustment Act of 1990 (104 Stat. 890).*

***SEC. 513. SAVINGS CLAUSE.***

*(a) SPECIAL APPLICATION OF MINING LAWS.—Nothing in this Act shall be construed as repealing or modifying any Federal law, regulation, order, or land use plan, in effect prior to the date of enactment of this Act that prohibits or restricts the application of the general mining laws, including laws that provide for special management criteria for operations under the general mining laws as in effect prior to the date of enactment of this Act, to the extent such laws provide for protection of natural and cultural resources and the environment greater than required under this Act, and any such prior law shall remain in force and effect with respect to claims located (or proposed to be located) or converted under this Act. Nothing in this Act shall be construed as applying to or limiting mineral investigations, studies, or other mineral activities conducted by any Federal or State agency acting in its governmental capacity pursuant to other authority. Nothing in this Act shall affect or limit any assessment, investigation, evaluation, or listing pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following), or the Solid Waste Disposal Act (42 U.S.C. 3251 and following).*

*(b) EFFECT ON OTHER FEDERAL LAWS.—The provisions of this Act shall supersede the general mining laws, except for those parts of the general mining laws respecting location of mining claims that are not expressly modified by this Act. Except for the general mining laws, nothing in this Act shall be construed as superseding, modifying, amending, or repealing any provision of Federal law not expressly superseded, modified, amended, or repealed by this Act. Nothing in this Act shall be construed as altering, affecting, amending, modifying, or changing, directly or indirectly, any law which refers to and provides authorities or responsibilities for, or is administered by, the Environmental Protection Agency or the Administrator of the Environmental Protection Agency, including the Federal Water Pollution Control Act, title XIV of the Public Health Service Act*

*(the Safe Drinking Water Act), the Clean Air Act, the Pollution Prevention Act of 1990, the Toxic Substances Control Act, the Federal Insecticide, Fungicide, and Rodenticide Act, the Federal Food, Drug, and Cosmetic Act, the Motor Vehicle Information and Cost Savings Act, the Federal Hazardous Substances Act, the Endangered Species Act of 1973, the Atomic Energy Act, the Noise Control Act of 1972, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, the Ocean Dumping Act, the Environmental Research, Development, and Demonstration Authorization Act, the Pollution Prosecution Act of 1990, and the Federal Facilities Compliance Act of 1992, or any statute containing an amendment to any of such Acts. Nothing in this Act shall be construed as modifying or affecting any provision of the Native American Graves Protection and Repatriation Act (Public Law 101–601) or any provision of the American Indian Religious Freedom Act (42 U.S.C. 1996), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.).*

*(c) PROTECTION OF CONSERVATION AREAS.—In order to protect the resources and values of National Conservation System units, the Secretary, as appropriate, shall utilize authority under this Act and other applicable law to the fullest extent necessary to prevent mineral activities that could have an adverse impact on the resources or values for which such units were established.*

***SEC. 514. AVAILABILITY OF PUBLIC RECORDS.***

*Copies of records, reports, inspection materials, or information obtained by the Secretary or the Secretary of Agriculture under this Act shall be made immediately available to the public, consistent with section 552 of title 5, United States Code, in central and sufficient locations in the county, multicounty, and State area of mineral activity or reclamation so that such items are conveniently available to residents in the area proposed or approved for mineral activities and on the Internet.*

***SEC. 515. MISCELLANEOUS POWERS.***

*(a) IN GENERAL.—In carrying out his or her duties under this Act, the Secretary, or for National Forest System lands the Secretary of Agriculture, may conduct any investigation, inspection, or other inquiry necessary and appropriate and may conduct, after notice, any hearing or audit, necessary and appropriate to carrying out his or her duties.*

*(b) ANCILLARY POWERS.—In connection with any hearing, inquiry, investigation, or audit under this Act, the Secretary, or for National Forest System lands the Secretary of Agriculture, is authorized to take any of the following actions:*

*(1) Require, by special or general order, any person to submit in writing such affidavits and answers to questions as the Secretary concerned may reasonably prescribe, which submission shall be made within such reasonable period and under oath or otherwise, as may be necessary.*

*(2) Administer oaths.*

*(3) Require by subpoena the attendance and testimony of witnesses and the production of all books, papers, records, documents, matter, and materials, as such Secretary may request.*

*(4) Order testimony to be taken by deposition before any person who is designated by such Secretary and who has the power to administer oaths, and to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection.*

*(5) Pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.*

*(c) ENFORCEMENT.—In cases of refusal to obey a subpoena served upon any person under this section, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General at the request of the Secretary concerned and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Secretary concerned. Any failure to obey such order of the court may be punished by such court as contempt thereof and subject to a penalty of up to $10,000 a day.*

*(d) ENTRY AND ACCESS.—Without advance notice and upon presentation of appropriate credentials, the Secretary, or for National Forest System lands the Secretary of Agriculture, or any authorized representative thereof—*

*(1) shall have the right of entry to, upon, or through the site of any claim, mineral activities, or any premises in which any records required to be maintained under this Act are located;*

*(2) may at reasonable times, and without delay, have access to records, inspect any monitoring equipment, or review any method of operation required under this Act;*

*(3) may engage in any work and do all things necessary or expedient to implement and administer the provisions of this Act;*

*(4) may, on any mining claim located under the general mining laws and maintained in compliance with this Act, and without advance notice, stop and inspect any motorized form of transportation that such Secretary has probable cause to believe is carrying locatable minerals, concentrates, or products derived therefrom from a claim site for the purpose of determining whether the operator of such vehicle has documentation related to such locatable minerals, concentrates, or products derived therefrom as required by law, if such documentation is required under this Act; and*

*(5) may, if accompanied by any appropriate law enforcement officer, or an appropriate law enforcement officer alone, stop and inspect any motorized form of transportation which is not on a claim site if he or she has probable cause to believe such vehicle is carrying locatable minerals, concentrates, or products derived therefrom from a claim site on Federal lands or allocated to such claim site. Such inspection shall be for the purpose of determining whether the operator of such vehicle has the documentation required by law, if such documentation is required under this Act.*

***SEC. 516. MULTIPLE MINERAL DEVELOPMENT AND SURFACE RESOURCES.***

*The provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), commonly known as the Multiple Minerals Development Act, and the provisions of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), shall apply to all mining claims located under the general mining laws and maintained in compliance with such laws and this Act.*

***SEC. 517. MINERAL MATERIALS.***

*(a) DETERMINATIONS.—Section 3 of the Act of July 23, 1955 (30 U.S.C. 611), is amended as follows:*

*(1) By inserting ''(a)'' before the first sentence.*

*(2) By inserting ''mineral materials, including but not limited to'' after ''varieties of'' in the first sentence.*

*(3) By striking ''or cinders'' and inserting in lieu thereof ''cinders, and clay''.*

*(4) By adding the following new subsection at the end thereof:*

*''(b)(1) Subject to valid existing rights, after the date of enactment of the Hardrock Mining and Reclamation Act of 2007, notwithstanding the reference to common varieties in subsection (a) and to the exception to such term relating to a deposit of materials with some property giving it distinct and special value, all deposits of mineral materials referred to in such subsection, including the block pumice referred to in such subsection, shall be subject to disposal only under the terms and conditions of the Materials Act of 1947.*

*''(2) For purposes of paragraph (1), the term 'valid existing rights' means that a mining claim located for any such mineral material—*

*''(A) had and still has some property giving it the distinct and special value referred to in subsection (a), or as the case may be, met the definition of block pumice referred to in such subsection;*

*''(B) was properly located and maintained under the general mining laws prior to the date of enactment of the Hardrock Mining and Reclamation Act of 2007;*

*''(C) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws as in effect immediately prior to the date of enactment of the Hardrock Mining and Reclamation Act of 2007; and*

*''(D) that such claim continues to be valid under this Act.''.*

*(b) MINERAL MATERIALS DISPOSAL CLARIFICATION.—Section 4 of the Act of July 23, 1955 (30 U.S.C. 612), is amended as follows:*

*(1) In subsection (b) by inserting ''and mineral material'' after ''vegetative''.*

*(2) In subsection (c) by inserting ''and mineral material'' after ''vegetative''.*

*(c) CONFORMING AMENDMENT.—Section 1 of the Act of July 31, 1947, entitled ''An Act to provide for the disposal of materials on the public lands of the United States'' (30 U.S.C. 601 and following) is amended by striking ''common varieties of'' in the first sentence.*

*(d) SHORT TITLES.—*

*(1) SURFACE RESOURCES.—The Act of July 23, 1955, is amended by inserting after section 7 the following new section:*

*''SEC. 8. This Act may be cited as the 'Surface Resources Act of 1955'.''.*

*(2) MINERAL MATERIALS.—The Act of July 31, 1947, entitled ''An Act to provide for the disposal of materials on the public lands of the United States'' (30 U.S.C. 601 and following) is amended by inserting after section 4 the following new section:*

*''SEC. 5. This Act may be cited as the 'Materials Act of 1947'.''.*

*(e) REPEALS.—(1) Subject to valid existing rights, the Act of August 4, 1892 (27 Stat. 348, 30 U.S.C. 161), commonly known as the Building Stone Act, is hereby repealed.*

*(2) Subject to valid existing rights, the Act of January 31, 1901 (30 U.S.C. 162), commonly known as the Saline Placer Act, is hereby repealed.*

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–416. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–416.

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. RAHALL:

Amend section 2(b) to read as follows:

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

(1) was properly located and maintained under the general mining laws prior to the date of enactment of this Act;

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

(3) continues to be valid under this Act.

In section 3(c)(1), strike the matter preceding subparagraph (A) and insert ''Any Federal land shall be subject to the requirements of section 102(a)(2) if the land is—''.

In section 3(c)(2), strike ''section 102'' and insert ''section 102(a)(3)''.

Amend section 102(a)(3) to read as follows:

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

Strike section 102(a)(4) (and redesignate the subsequent paragraph accordingly).

Amend section 103(a)(4) to read as follows:

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

In section 202(a), strike ''Any State'' and insert ''Subject to valid existing rights, any State''.

In section 202(b)(3), after ''petition'' insert ''subject to valid existing rights,''.

In section 303(g)(4), strike ''All moneys'' and all that follows through the end of the sentence.

In section 304(h)(4), strike ''All moneys'' and all that follows through the end of the sentence.

In section 309, strike ''the National Park System'' and insert ''a National Park''.

In section 309, strike ''including its scenic assets, its water resources, its air quality, and its acoustic qualities, or other changes'' and insert ''including wildlife, scenic assets, water resources, air quality, and acoustic qualities, or other changes''.

Amend section 402(2) to read as follows:

(2) All fees received under section 304(a)(1)(B).

Amend section 402(6) to read as follows:

(6) All amounts received by the United States pursuant to section 103 as claim maintenance and location fees minus the moneys allocated for administration of the mining laws by the Department of the Interior.

In section 504(a)(1), strike ''allged'' and insert ''alleged''.

In section 504(a)(1), strike ''pursuant to this Act'' and insert ''pursuant to title III of this Act''.

In section 504(a)(1), strike ''under this Act'' and insert ''under title III of this Act''.

Amend section 511 to read as follows (and conform the table of contents in section 1(b)):

**SEC. 511. OIL SHALE CLAIMS.**

Section 2511(f) of the Energy Policy Act of 1992 (Public Law 102–486) is amended as follows:

(1) By striking ''as prescribed by the Secretary''.

(2) By inserting before the period the following: ''in the same manner as required by title II and title III of the Hardrock Mining and Reclamation Act of 2007''.

At the end of section 513, add the following:

(d) SOVEREIGN IMMUNITY OF INDIAN TRIBES.—Nothing in this section shall be construed so as to waive the sovereign immunity of any Indian tribe.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I ask unanimous consent to modify the amendment by the form that I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. RAHALL:

In the instruction relating to section 202(b)(3), insert before the word ''insert'' the following phrase: ''in the first place it appears''.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, following 2 days of committee consideration of the bill during which the committee debated 25 amendments, we continued a dialogue with several members of the committee, both sides of the aisle, Democrat and Republican, in order to further perfect the underlying legislation and to keep the fairness of the process open.

This manager's amendment is a result of those deliberations. In summary, the manager's amendment would, one, clarify that valid existing rights associated with existing mining claims would be protected under the act.

Number two, this amendment clarifies that, in addition to paying a 4 percent royalty, existing operations would still need to come into compliance with the act within 10 years.

Number three, this amendment clarifies that the claim maintenance and location fees currently allotted to the administration of the mining claims will continue to be so allotted with the balance going to cleanup of abandoned hardrock mines.

In addition, in this amendment, as requested by the gentleman from Colorado (Mr. LAMBORN), user fees assessed by the BLM to process mining permit applications would be used for administration of the mining law program.

The manager's amendment would further limit the purview of section 504 citizen suits to permits issued pursuant to title III of the act as suggested by Mr. CANNON of Utah.

The manager's amendment would clarify that nothing under this act will affect the sovereign immunity of any Indian tribe.

That concludes the summary explanation of the manager's amendment.

Mr. Chairman, I urge an ''aye'' vote.

I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, we have no objection to the amendment and would yield back our time.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PEARCE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–416.

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PEARCE:

In section 2(a), strike paragraph (19).

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, this amendment is actually quite simple. It deletes the new definition for ''undue degradation.''

H.R. 2262 changes the current standard contained in the Federal Land Policy and Management Act from unnecessary and undue degradation to just undue degradation, which is defined to mean ''irreparable harm to significant, cultural or environmental resources on public lands that cannot be effectively managed.''

The new definition is dramatically different from the existing regulatory definition of unnecessary and undue. Under current law, unnecessary and undue degradation means impacts greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations based on sound practices, including use of the best reasonable and available technology.

The definition now in this H.R. 2262 reinstates a Clinton-era change to regulations governing hardrock mining on Federal lands that was rescinded in 2001 after a very open, public review of the Clinton regulatory scheme.

The Clinton-era definition for undue degradation was specifically rejected. It was rejected by the Bureau of Land Management Environmental Impact Statement that reviewed the Clinton regulations and declared it to be too vague and too subjective. The BLM EIS process included scoping for the EIS, which included a formal 81-day comment period and 19 public meetings in 12 cities; placing the proposed regulations, draft EIS and related documents on BLM's Internet Web site; and finally, two public comment periods for the EIS, including 29 public hearings in 16 cities.

After this very thorough process, the BLM found that this definition was, essentially, an opportunity for the Secretary of the Interior to deny a mining company an operating permit, even though the proposed mining operation

would be in full compliance with Federal and State laws govern hardrock mining. This is what some people refer to as the ''mine veto.''

The BLM found that the requirement to avoid irreparable harm to significant resources values which cannot be effectively mitigated has the greatest potential for affecting mining activities, both large and small. In some cases this provision could preclude operations altogether.

The Clinton-era regulations were spearheaded by Secretary of the Interior Bruce Babbitt and Solicitor John Leshy. During the Elko, Nevada, field hearings this past summer, majority leader, Senator HARRY REID, made the following statements regarding the outcome of the changes to the regulation: ''Bruce Babbitt is a friend of mine. But for the mining he was awful.'' That's what HARRY REID said this year. It was in one of the hearings that we've referred to today.

□ 1315

''He had people there that—John Leshy . . . He tried to destroy mining. Really . . . he didn't believe in it. He wanted it gone. And that created uncertainty.''

This new definition for ''undue regulation'' is a lawyer's dream creating ambiguity fighting about whether we mine instead of how we mine. We don't need more litigation; we need more common sense.

This definition brings so much uncertainty to the regulatory process that we will see a further decline in investments and the exploration and development of our domestic mineral resources. And there is a potential when mines that are in production today transition into the new system outlined in title III or are in the permitting process to expand their operations that those operations could be denied a license to operate, leaving billions of dollars of infrastructure idle.

I can guarantee you that the coal industry, which has played such an important role in the economic well-being of the chairman's district, would not be able to operate under this definition.

This definition alone will drive more companies offshore, making us more dependent on foreign sources of mineral resources and adversely impacting the economic vitality of mining-dependent communities in the West, like Silver City, New Mexico.

Keep in mind that the mining industry pays the highest nonsupervisory wages in the country. It provides benefits including health care, retirement programs, college scholarships, and assistance for employees and their families. Tourism and recreation jobs cannot compete with these high-paying family-wage jobs.

I would urge you to vote ''yes'' on this amendment, keeping the current standard, protecting American jobs and access to domestic mineral resources.

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

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, I would agree with my friend from New Mexico in only the first three words of the statement he just made, and that being it's a simple amendment. Yes, it's a simple amendment. It helps liberate, it eradicates, it eliminates, it erases, it simply guts the fundamental environmental safeguard of this legislation.

We have struggled for many years to find a statutory standard by which hardrock mining on Federal lands must comply with. This bill states that mining must prevent ''undue degradation of public lands and resources.'' That term is defined as ''irreparable harm to significant scientific, cultural, or environmental resources on public lands that cannot be effectively mitigated.''

And let me stress the use of the words ''that cannot be effectively mitigated.'' It is common practice in this country to mitigate developments, whether it be the construction of a highway, a dam, or a mine. But under this bill, if a mining operation could not be configured under any circumstance to effectively mitigate irreparable harm to save the water supply of a major city, then the Interior Department would have the ability to just say no. The gentleman from New Mexico's amendment would strike the definition in the bill of this term. The amendment would continue a 19th century view that was fashioned in an era when there was no major metropolises in the West. The amendment harkens back to an era that no longer exists. This is a defining moment. This is what we are talking about in the overall thrust of the pending legislation.

Under this bill, we will continue to have mining on Federal lands. I personally believe it will flourish. But the bad actors in the industry, the minority, and I will be the first to readily admit it is a minority, will no longer be allowed on the stage. The responsible industries should be against this amendment because they are the ones, as I said earlier, that want some certainty to their planning decisions so that they can make the investment decisions necessary to run a responsible mining operation with the jobs attendant thereto.

I therefore would urge opposition to the gentleman from New Mexico's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. MATSUI

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–416.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. MATSUI:
In section 411—

(1) in subsection (a)(2), before the period insert '', including in river watershed areas''; and

(2) in subsection (b)(3), before the period insert '', which may include restoration activities in river watershed areas''.

The CHAIRMAN. Pursuant to House Resolution 780, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

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

I rise today to offer an amendment to this much-needed legislation. My amendment clarifies that river watersheds will be eligible to receive some of the cleanup funding that will be generated by this bill.

Watersheds are crucial for the health of our Nation. They help move our goods, preserve our ecosystems, and protect our communities from flooding. Managing our Nation's watersheds in a holistic and responsible way is essential. If we do not protect and maintain them, we jeopardize critical parts of our environment that support commerce and recreation.

In arid States like California, Nevada, and Utah, river watersheds are even more important to economic and environmental health. Watersheds support a variety of agricultural, economic, and recreational activities. In my home State of California, for example, the Sacramento River Watershed forms the basis for fertile farmland, thriving urban areas, and outdoor recreational opportunities.

However, many watersheds are located near active and abandoned mines. Years ago rivers represented great economic opportunity. Rivers are where many precious metals are located. But the drive for these minerals has left a negative environmental legacy.

In Nevada, more than 7,000 tons of mercury were deposited into the Carson River Watershed during the quest for silver. In the California foothills, tens of thousands of mines were dug for the gold that was discovered in the watershed running through my district. More than 4,000 of these abandoned mines pose environmental hazards.

We must protect these river watersheds that are vital to our way of life. That is why my amendment is needed. It does not change the underlying structure of this very good bill. But it does make it crystal clear that cleaning up watersheds affected by mining is a priority.

Mr. Chairman, mining impacts water all across the West. Our river watersheds feel the effects of mining to a great degree. Addressing these impacts requires a comprehensive management approach. My amendment is crafted, and offered today, with this in mind. And it acknowledges that good watershed management is a critical tool of maintaining our natural resource. It recognizes that by protecting watersheds, we are investing in a public good that all Americans use. And it ensures that this public good will be maintained for future generations.

I urge all Members to support my amendment.

Mr. RAHALL. Mr. Chairman, will the gentlewoman yield?

Ms. MATSUI. I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentlewoman from California for yielding and for offering this very important amendment that does improve and enhance our ability to restore abandoned mine lands and waters.

The underlying legislation would establish an abandoned hardrock mining reclamation fund which would be financed by the royalties that were imposed on operations under the mining law of 1872. The gentlewoman's amendment makes it clear that remedial activities could be done on a river watershed basis.

Again, I commend her for offering this amendment, and we are truly ready to accept it.

Ms. MATSUI. I thank the chairman.

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

Mr. PEARCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. Mr. Chairman, I appreciate the gentlewoman's comments.

Again, speaking today, we are wondering if the bill that we are talking about has an effect in all districts. And I would say we have a chart here which shows that rising commodity prices are driving people to stealing copper, stealing our minerals, and it is occurring in many of the districts, including the gentlewoman's district in California, where there has been a prosecution. And we have got 80 of these. We have a chart, but I won't show that.

The concept of cleaning up abandoned mine lands is one that we are deeply encouraged by and associate ourselves with, and especially as it affects watersheds. Nowhere are watersheds more important than in the West, and especially New Mexico, because so little water exists throughout the West. Anything we can do to clean up watersheds in general, but, again, the abandoned mine lands is something that we are very supportive of from this side. It relates back to the comments that we have made in our opening statement that I don't think that on the core issues that we are very far apart at all, that we could have gotten where we all would agree with the bill. So we would accept the amendment and congratulate the gentlewoman for her work on this in abandoned mine lands and watersheds in general.

I yield back the balance of my time.

Ms. MATSUI. I thank the gentleman.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HELLER OF NEVADA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–416.

Mr. HELLER of Nevada. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HELLER of Nevada:

In section 411(b), amend the matter preceding paragraph (1) to read as follows:

(b) ALLOCATION.—Of the amounts deposited into the Hardrock Reclamation Account, 50 percent shall be allocated by the Secretary among the States within the boundaries of which occurs production of locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, as the case may be, in proportion to the amount of such production in each such State. Expenditures of the remainder of such amounts shall reflect the following priorities in the order stated:

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER of Nevada. Mr. Chairman, more hardrock mining occurs in my district than in any other State; therefore, the remediation of abandoned mine lands is very important to my constituents.

As many of us are aware, abandoned mine lands are the unfortunate legacy of the irresponsible mining practices of the past. Fortunately, mining operations today are held accountable for their practices. So with bad practices of the past ended, we have an opportunity to focus on cleaning up the abandoned mine lands. And the amendment I am offering will do just that.

My amendment will direct half of the revenues deposited in the hardrock reclamation fund to States for the purposes of abandoned mine land remediation, while preserving the Federal Government's ability to fund the national priorities in the bill. My amendment allows the Federal Government to distribute half of the funds as it sees fit. The other half of the funds would go proportionately to States where production is occurring to fund in-place, successful AML programs.

In multiple committee hearings, we heard that States currently do a great job of remediating abandoned mine land sites. They often are only limited by their available resources to conduct remediation projects. To give some of you perspective of how effective State programs are, Nevada has identified more than 20,000 AML sites in need of remediation and is still in the process, of course, of identifying more. The good news is that to date we have secured more than 9,000 of those sites.

Likewise, in Colorado it is estimated that there are about 23,000 abandoned mines. More than 6,000 have been made safe by the State Division of Reclamation Mining and Safety.

So in an effort to get money on the ground to remediate abandoned land mine sites quickly and efficiently, a portion of these funds needs to be dedicated to States where production is occurring. Given that many States have already prioritized their AML needs, we should get funding to them as directly as possible, as quickly as possible. This amendment will expedite the cleanup process that we all want.

My amendment bolsters the ability of States to continue their good work on the ground while providing a way to remediate historic hardrock sites in States where mineral production will not generate sufficient funds to deal with current abandoned mine land issues.

I would urge support of the Heller amendment.

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

Mr. RAHALL. Mr. Chairman, I rise only to claim the time in opposition.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, during debate in committee over this legislation, the gentleman from Nevada conducted himself in a manner which I highly commend. He offered amendments that were aimed at addressing the concerns and interests of his State and his district. And, frankly, I recognize he has the most at stake here, representing Nevada, the largest gold-producing State in the Nation.

The gentleman offered two amendments. The one he is offering today was one of those amendments. In committee, I could not accept it because we had no discussions on it prior to its appearing as an amendment. But we did offer to continue to work with the gentleman from Nevada, as we have done.

And after having some time to consider the subject matter of his amendment, I am going to accept it, and I would urge my colleagues to do likewise.

This amendment would allocate 50 percent of the revenues received from the proposed new abandoned hardrock reclamation fund back to the States where those revenues were generated.

□ 1330

There is precedent for this arrangement in the Abandoned Mine Reclamation Fund established for coal back in

1977 which so vitally affects my State. The other 50 percent of the revenues would be used by the Federal Government for national priorities.

So, in conclusion, I say to the gentleman from Nevada, you are looking out for your State. I appreciate that; I commend you for it. And I appreciate the manner in which you have approached this overall issue of mining law reform, and I accept your amendment.

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

Mr. HELLER of Nevada. I want to express my appreciation to the chairman of the Natural Resources Committee, again thanking him for his respect and efforts on this particular bill and hard work, and giving me time and efforts for my comments and concerns that I shared during the committee.

I want to thank him for accepting this amendment.

Mr. RAHALL. Will the gentleman yield?

Mr. HELLER of Nevada. Yes, I will.

Mr. RAHALL. And I say I accept your amendment without soliciting a pledge for your vote on final passage.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CANNON

The CHAIRMAN. The Chair understands that amendment No. 5 will not be offered.

Therefore, it is now in order to consider amendment No. 6 printed in House Report 110–416.

Mr. CANNON. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CANNON:
Strike section 517.

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from Utah (Mr. CANNON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I yield myself 3 minutes.

I would like to begin by thanking the chairman of the full committee. We have worked on this bill or ideas surrounding this bill for, I think, over 10 years now. It is now on the floor. It has been done with grace and with dignity, and I appreciate the gentleman's approach.

We come from very, very different districts. About two-thirds of my State is public lands, very little of the gentleman's State is public lands. And so we differ. We have a different approach, and I think that's very appropriate, just as the gentleman pointed out with regard to Mr. HELLER and his district.

So we have differences, and we come at these things differently. And in that context, I hope that the gentleman will consider accepting my amendment. On the other hand, our colleagues here today will recognize the importance of this amendment.

My amendment would strike section 517 of the bill before us. The amendment is necessary so common consumer products remain affordable. If section 517 is not stricken, Americans will see an increase in the cost of everyday products, such as glass, ceramics, paper, plastics, rubber, detergents, insulation, cosmetics and pharmaceuticals, to name just a few.

Section 517 deals with common varieties of industrial minerals. Unfortunately, this provision would put industrial minerals that are clearly identifiable as unique, and thus ''locatable,'' under the mining law into this category despite existing law that has labeled them as locatable.

Industrial minerals have been classified as locatable since 1872 under the General Mining Law. These minerals were never intended to be included in the Mineral Materials Act. The Mineral Materials Act was designed to deal with bulk sales of common deposits of sand and gravel. Moving industrial minerals into the Mineral Materials Act would make it impossible for these operations to continue to extract these unique industrial minerals.

Industrial minerals should not be treated the same as rocks and sand and gravel that can be loaded in the back of a truck and hauled away. Yet section 517 would do just that. Under the Mineral Materials Act, minerals are disposed of by non-competitive processes for small quantities and by competitive bidding contracts for terms of 10 years or less. However, it can take 50 years to extract industrial minerals, and the investment for doing that tends to be in the 50 to $100 million range.

Competitive bidding contracts of a maximum term of 10 years will remove any incentive by industrial mineral companies to research and explore for new reserves.

After spending resources to discover reserves; and if also awarded the contract, the company will not be guaranteed the necessary time to actually extract the minerals and develop the resource. This will force our mining industry to move overseas and will result in the loss of thousands of high-paying jobs here in America.

Not only will section 517 create uncertainty for mine operators but will also impose a significant administrative burden on BLM.

I urge my colleagues to support my amendment.

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

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, I appreciate very much the gentleman from Utah's concern and his deep involvement in this legislation. What worries me with his pending amendment is the myriad of unintended consequences that may occur.

In 1947, and again in 1955, Congress took out from the operation of the Mining Law of 1872 mineral materials such as sand, stone, and gravel on Federal lands and provided that they could be sold under contracts. However, a loophole was inserted into the law. Under this loophole, if the sand, stone, or gravel was an uncommon variety, it would remain under the Mining Law of 1872.

Now, determining just what an ''uncommon variety'' is has since cost the American taxpayers countless millions of dollars in litigation. The legislation before us today eliminates the distinction and confusion. And we would make all of these mineral materials available through sales contracts. The gentleman's amendment would strike that provision.

In essence, the gentleman's amendment would continue to allow uncommon varieties of mineral materials to be claimed under the Mining Law as revised by this legislation.

I'm not sure the sponsor of the amendment realizes what the result would be for these uncommon variety mining claims to be then subject to the bill's royalty regime and the bill's environmental standards. As such, if we adopted the gentleman's amendment, an 8 percent royalty would then be slapped on any future production from these uncommon variety claims.

Be that as it may, I oppose this amendment. First, the American people receive a return from the disposition of mineral materials through the sales contract. Moreover, this distinction between uncommon and common varieties of sand, stone, and gravel is nothing but a scam. I well recall, as does the gentleman from Oregon, our colleague, PETER DEFAZIO, the ''great sand scam'' at the Oregon Dunes National Recreational Area. I conducted a subcommittee hearing in Oregon on this issue. One person plastered mining claims over 780 areas of the recreation area where the hearing was held claiming the sand was uncommon. As I recall, his contention was that it had unique silica virtues for making glass. He then demanded $11 million from the Federal Government to buy him out.

I well recall the ''stone-washed jeans scam,'' where this guy located mining claims for pumice in a wild scenic river in New Mexico. He claimed that the pumice was an uncommon variety because you could produce stone-washed jeans with it. Give me a break. I think the gentleman gets the idea.

And just because some special interests lobbyists got this loophole inserted into Federal law in 1955 does not mean it should be condoned today. I view it as a scam, a rip-off. I urge defeat of this amendment.

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

Mr. CANNON. Mr. Chairman, I yield myself the remainder of my time.

In the first place, I believe that what the gentleman was just talking about was metallurgical-grade silica and different from the summary we've just had.

I think, though, in response to his main argument, it is an amazing comment on the bulk of this bill that the producers of industrial minerals prefer to be under the new regime than to be under the uncertainty that would be created. They need certainty to develop minerals over 50 years instead of 10 years. And so while the gentleman's comment is well taken, I would suggest to him that the industry actually prefers my amendment, regardless of the fact that it incurs these other burdens.

And, finally, I would take exception to the reference of this as a scam. The fact that we don't have tax dollars coming to the Treasury based upon reserves that are being developed does not mean that Americans aren't better off because they have lower prices for paper, which requires kaolin, a locatable clay that makes paper cheaper.

So this is a matter of policy; it is not a matter of scams. And I urge my colleagues to recognize that, to recognize the burdens that this would create on very common products that we produce with these locatable minerals, and to vote in support of my amendment.

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

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time and merely would restate what I said earlier about the millions of dollars in litigation that the American people have shelled out to determine just what uncommon varieties are. And, therefore, the gentleman from Utah's amendment would merely continue allowing, without royalties being paid and allow being mined for free, these uncommon varieties of sand, stone and gravel being mined from Federal lands.

So I would urge opposition to the amendment.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CANNON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. PEARCE

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–416.

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PEARCE:

Add at the end the following:

**TITLE ____—MINERAL COMMODITY INFORMATION ADMINISTRATION**

**SEC. __01. SHORT TITLE.**

This title may be cited as ''Resources Origin and Commodity Knowledge Act''.

**SEC. __02. FINDINGS, PURPOSE, AND POLICY.**

(a) FINDINGS.—The Congress finds the following:

(1) Mineral commodities are essential to the United States economy.

(2) The United States is the world's leading user of mineral commodities.

(3) Mineral commodities processed domestically accounted for $478,000,000,000 in the United States economy in 2005.

(4) The value of imports of raw and processed mineral commodities totaled $103,000,000,000 in 2005.

(5) The Board of Governors of the Federal Reserve uses mineral commodity information data and reports to calculate the indexes of industrial production, capacity, and capacity utilization, which are among the most widely followed monthly indicators of the United States economy.

(6) Manufacturers and consumers of mineral commodities in the United States depended on foreign countries for 100 percent of 16 mineral commodities and for more than 50 percent of 42 mineral commodities that are critical to the United States economy.

(7) The Department of Defense requires mineral commodity information on strategic minerals to manage the National Defense Stockpile.

(8) Mineral specialists assist the Department of State fulfill United States obligations under the Clean Diamond Trade Act (19 U.S.C. 3901 et seq.) and as a signatory to the Kimberly Process Certification Scheme, which is a multinational effort to stop the flow of conflict diamonds.

(9) New and innovative uses of minerals are vital to maintaining the high quality of both the natural environment and human environment in the United States.

(10) Knowledge and understanding of mineral mining, processing, and usage, both domestically and internationally, is important for maintaining the national security and economic security of the United States.

(b) PURPOSES.—The purpose of this title is to create the Mineral Commodity Information Administration to ensure information vital to the United States economy, domestic security, and the high quality of life enjoyed by all residents of the United States continues to be provided to the many customers that rely upon the data.

(c) POLICY.—The Congress declares that—

(1) it is in the national interest to maintain and disseminate information on domestically produced mineral commodities, regardless of ownership of the reserves and resources involved; and

(2) it is in the national interest to maintain and disseminate information on international mineral commodities, reserves, and resources, international mineral industry activities, and international mineral commodity markets.

**SEC. __03. ESTABLISHMENT OF MINERAL COMMODITY INFORMATION ADMINISTRATION.**

(a) ESTABLISHMENT.—There is established the Mineral Commodity Information Administration, which shall be under the general direction and supervision of the Secretary of the Interior and shall not be affiliated with or be within any other agency or bureau of the Department of the Interior.

(b) ADMINISTRATOR.—The management of the Administration shall be vested in an Administrator, who shall be appointed from by the President, by and with the advice and consent of the Senate, from among individuals who have outstanding qualifications with a broad background and substantial experience in the mineral industries and in the management of mineral resources.

(c) OTHER OFFICIALS AND EMPLOYEES.—

(1) IN GENERAL.—There shall be in the Administration an Associate Administrator and 4 Assistant Administrators who shall perform, in accordance with applicable law, such functions as the Administrator shall assign to them in accordance with this title. The functions the Administrator shall assign to the Assistant Administrators shall include the following functions:

(A) Commodity information and analysis, including development and maintenance of—

(i) historical and current mineral commodity information, including the degree of import dependence of the United States;

(ii) international mineral commodity, reserve, and resource information;

(iii) domestic mineral commodity, reserve, and resource information by State, county, and region;

(iv) material flow and recycling analysis, showing disposition in the United States of mined materials into stocks in use, waste, and residuals; and

(v) ongoing analysis of United States mineral commodity exports, and analysis of imports of mineral commodities and processed materials of mineral origin that are destined for consumption in the United States, categorized by the country of origin.

(B) Global mineral supply analysis for critical commodities of greatest long-term concern, including collecting and developing—

(i) location, reserve, resource, technology, and economic data for major discovered deposits;

(ii) engineering and cost, mini-feasibility studies on the most significant deposits; and

(iii) supply analyses combining the engineering and economic data on groups of deposits.

(C) Mineral materials technology assessment including tracking worldwide research, development, and utilization of advanced technologies that will permit discovery of new deposits, mining and processing of minerals from lower-grade deposits, and recovery of minerals from waste streams.

(D) Mineral industry analysis, including the continuing assessment and analysis of events, trends, and issues affecting the minerals sector of the domestic economy, including exploration spending and activity, mineral production trends, mineral stocks and inventories, merger and acquisitions activity, and labor and workforce trends.

(E) Data acquisition and analysis, including management of data collection, statistical analysis, analytical forecasting and modeling, and regular data quality assessments.

(F) Information systems and services, including information technology management, publications and production dissemination, and library services.

(G) External affairs, including congressional and legislative liaison, communications, and public affairs, and international and intergovernmental affairs.

(H) Budget, financial, and human resource management, including budget and financial management, human capital management, employee training, professional development, procurement and contract management, and small business support.

(2) TRANSFER OF EXISTING POSITIONS.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the Administrator the following positions:

(A) UNITED STATES GEOLOGICAL SURVEY.—From the United States Geological Survey, not less than 200 full-time equivalent positions, including all filled and unfilled commodity and country specialists within the United States Geological Survey Minerals Information Team immediately before the enactment of this Act.

(B) DEPARTMENT OF INTERIOR, GENERALLY.—From the Department of the Interior generally not less that 100 full time equivalent positions of an administrative nature, including communications and public affairs specialists, congressional and legislative liaison specialists, human resources personnel, librarians, administrative assistants, information technology management specialists, publication service specialists, and budget analysts.

(3) SUBSEQUENT APPOINTMENTS.—The Administrator may appoint such employees as may be necessary to positions that are transferred under paragraph (2), but vacant on the date of the transfer of the positions. Such appointments shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service. Such positions shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) WRITTEN AND ELECTRONIC MATERIALS.—The Secretary of the Interior shall transfer to the Administrator all existing written and electronic materials under the control of the Department pertaining to mineral commodities and mineral resources, including mineral commodity time series data, library materials, maps, unpublished data files, and existing mineral commodity reports prepared or held by the United States Geological Survey and its predecessor agency, the Bureau of Mines.

**SEC. __04. DUTIES OF THE ADMINISTRATOR.**

(a) MINERAL COMMODITY DATA AND INFORMATION PROGRAM.—The Administrator shall carry out a central, comprehensive, and unified mineral commodity data and information program to collect, evaluate, assemble, analyze, and disseminate data and information regarding mineral resources and reserves, mineral commodity production, consumption, and technology, and related economic and statistical information, that is relevant to the adequacy of mineral resources to meet demands in the near term and longer term future for the Nation's economic and social needs.

(b) MINERAL COMMODITY DATA TIME SERIES.—

(1) IN GENERAL.—The Administrator shall continue to maintain all existing mineral commodity data time series maintained by the Department of the Interior immediately before the enactment of this Act, and shall develop such new mineral commodity data time series as the Administrator finds useful and proper after consulting with other Federal and State agencies and the public.

(2) PUBLIC COMMENT.—The Administrator shall—

(A) provide for public review and comment regarding all mineral commodity data time series maintained by the Department of the Interior immediately before the enactment of this Act, by not later than 15 years after such date of enactment; and

(B) seek public comments on a continuing basis on the adequacy and accuracy of any time series added after the date of the enactment of this Act, not later than 5 years after the inception of such new series.

(c) PROJECTIONS OF SUPPLY AND USAGE PATTERNS.—

(1) IN GENERAL.—The Administrator shall—

(A) not later than 3 years after the date of the enactment of this Act, prepare and make available to the public an analysis of projected mineral commodity supply and usage patterns by the United States at 10, 25, and 50 year intervals following such date of enactment; and

(B) update such analysis and make it publicly available every 5 years thereafter.

(2) CONSIDERATIONS.—In preparing such analyses, the Administrator shall take into consideration—

(A) market trends;

(B) geopolitical considerations; and

(C) the reasonably foreseeable advances in basic industries, high technology, material sciences, and energy usage.

(d) ANNUAL REPORT.—The Administrator shall annually publish and submit to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of the domestic supplies of mineral commodities.

(e) MINERAL COMMODITY REPORTS.—The Administrator—

(1) shall continue to prepare and distribute all series of mineral commodity reports prepared and published by the Bureau of Mines and the United States Geological Survey as of the date of the enactment of this Act, including—

(A) all volumes of the Minerals Yearbook;

(B) Mineral Commodity Summaries;

(C) Mineral Industry Surveys;

(D) Metal Industry Indicators;

(E) Nonmetallic Mineral Product Industry Indexes;

(F) minerals supply analyses for selected commodities;

(G) material flow studies and recycling reports; and

(H) Historical Statistics for Mineral and Material Commodities;

(2) may develop, prepare, and publish additional reports related to mineral commodities as the Administrator considers appropriate.

(f) ANALYSIS WITH RESPECT SUSTAINING ENERGY USAGE.—

(1) IN GENERAL.—The Administrator of the Mineral Commodity Information Administration shall, in 2007 and each year thereafter, following the issuance of the Annual Energy Outlook analysis prepared by the Administrator of the Energy Information Administration, prepare and publish an analysis of the foreign and domestic mineral commodities that will be required by the United States to sustain the energy supply, demand, and prices projected by such Annual Energy Outlook analysis.

(2) JOINT AGREEMENT.—The Administrator of the Energy Information Agency and the Administrator of the Mineral Commodity Information Administration may, at their sole discretion, enter into a joint agreement for preparation of a unified analysis to meet the requirements of this paragraph.

(g) OTHER APPROVAL NOT REQUIRED.—The Administrator—

(1) shall not be required to obtain the approval of any other officer or employee of the United States in connection with the collection or analysis of any information; and

(2) shall not be required, prior to publication, to obtain the approval of any other officer or employee of the United States with respect to the substance of any analytical studies, statistical, or forecasting technical reports that the Administrator has prepared in accordance with law.

**SEC. __05. EXCEPTIONS TO INFORMATION AVAILABILITY.**

(a) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, and except as provided in subsection (b), data and information provided to the Administrator by persons or firms engaged in any phase of mineral or mineral-material production or large-scale consumption shall not be disclosed outside of the Administration in a nonaggregated form in such a manner as may disclose data and information supplied by an individual or other person, unless such person authorizes such disclosure after the person is provided notice and an opportunity to object.

(b) DISCLOSURE TO FEDERAL DEFENSE OR HOMELAND SECURITY AGENCIES.—The Administrator may disclose nonaggregated data and information to any agency of the Department of Homeland Security or the Department of Defense, upon written request by the head of the agency for appropriate purposes.

**SEC. __06. ADVISORY COMMITTEE.**

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee to be known as the Mineral Commodity Advisory Committee.

(b) FUNCTIONS.—The Advisory Committee—

(1) shall respond to all questions referred to it by the Administrator regarding any matter related to the activities authorized by this title;

(2) shall undertake such studies and inquiries as are necessary to provide answers, advice, and recommendations on matters referred to it by the Administrator; and

(3) in carrying out such studies, may seek information from individuals, business enterprises, colleges, universities, and any State or Federal agency.

(c) PARTICIPATION IN REVIEWS OF MATERIALS.—The Administrator shall invite the Advisory Committee to participate in any public review of materials prepared pursuant to section __04.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee—

(A) shall consist of 15 individuals appointed in accordance with paragraph (2); and

(B) shall include—

(i) one representative from each of a mineral exploration company, a metallic mineral producer, an industrial mineral producer, and an aggregate producer;

(ii) one representative from each of the State geologists, mining labor organizations, and the mining finance industry;

(iii) two representatives from small businesses;

(iv) three representatives from manufacturing industries; and

(v) three purchasing professionals.

(2) APPOINTMENT.—The Administrator shall appoint the members of the Advisory Committee from among individuals who—

(A) are not officers or employees of the Federal Government; and

(B) are United States citizens.

(3) TERM.—Each member of the Advisory Committee shall be appointed to serve a term of 4 years.

(e) ORGANIZATION AND MEETINGS.—The Advisory Committee—

(1) shall select a Chairman and Vice-Chairman from among its members;

(2) shall organize itself into such subcommittees as the members determine to be necessary; and

(3) shall meet not less than 2 times each year.

(f) COMPENSATION AND EXPENSES.—Subject to the availability of appropriations, each member of the Advisory Committee—

(1) shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Advisory Committee; and

(2) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Committee.

(g) SUPPORT AND RECORDS MAINTENANCE.—The Administrator—

(1) shall provide administrative and technical support for the Advisory Committee; and

(2) shall maintain the records of the Advisory Committee.

(h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee only to the extent that the provisions of such Act do not conflict with the requirements of this section.

**SEC. _07. DEFINITIONS.**

In this title:

(1) ADMINISTRATION.—The term ''Administration'' means the Mineral Commodity Information Administration established by this title.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Administration.

(3) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Mineral Commodity Advisory Committee established by this title.

**SEC. _08. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the Administrator to carry out this title $30,000,000 for each of the fiscal years through 2008 through 2018.

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

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

Mr. Chairman, I would like to start talking about first what this amendment is not. First of all, it is not a cost increase. CBO has said there will be no cost associated with it. Also, it is not an effort to reestablish the Bureau of Mines at the Department of the Interior. Congress abolished the Bureau of Mines before I came to Congress; but a key component of that agency, the Minerals Information Team, was entrusted to the U.S. Geological Service. Unfortunately, USGS has not recognized the critical nature of this program or the importance of the information the MIT produces.

Today, at USGS, the Mineral Commodity Function is five steps below the USGS Director, and eight steps below the Secretary of the Interior. In contrast, the Energy Information Administrator is only one step below the Secretary of Energy. At DOI Minerals Information, it's just about like being a janitor; you have about that much access into the system.

The Resource Origin and Commodity Knowledge, ROCK, Act, takes the mineral commodity information function away from USGS and creates and funds a stand-alone agency using DOI resources. It restores and funds the function Congress sought to retain and protect in 1995.

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

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, this is an amendment that the gentleman continues to push. We had it offered in full committee markup, had debate on it at that time.

When it was offered in committee, I advised him that it did not belong in this bill and perhaps should be considered as a stand-alone piece of legislation after the subject of a hearing. We have not conducted that hearing yet on this matter.

As I said in committee, I do remind my colleagues on the other side that when Newt Gingrich and Company issued their Contract with America, one of its tenets was to reduce the Federal bureaucracy. What the Republican majority ultimately achieved in this regard was the elimination of two Federal entities, the ICC, the Interstate Commerce Commission, which was then recreated as the STB within the Transportation Department. And the other Federal entity that the then-Republican majority eliminated was the Bureau of Mines at the Interior Department.

Now, in a stunning reversal, the Bureau of Mines would essentially be recreated under the guise of a Mineral Commodity Information Agency, I guess you would call that, MCIA. It would enlarge the bureaucracy and increase Federal spending. I repeat, it would enlarge the Federal bureaucracy and increase spending. I keep looking around for my colleague from Arizona (Mr. FLAKE). Where are you when we need you?

The gentleman's amendment would authorize $30 million a year for this new bureaucracy that the then-Republican majority eliminated when they ran the Congress. This new bureaucracy would have an associated administrator; it would have four assistant administrators; there would be an external affairs office, a public affairs office, even an international affairs office, and who knows how many other offices here and there.

□ 1345

The budget, financial, human resources offices, the human capital management office, the professional development office, the contract management office, yadda, yadda, yadda, I think you get the picture. So this is a whole lot of bureaucracy that would be created based on a proposal that never had a hearing and that was rejected by the Republicans when they were in the majority.

I urge the defeat of the amendment.

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

Mr. PEARCE. Mr. Chairman, the hearings did occur last year on this bill, and I would remind the gentleman from West Virginia that existing resources inside DOI would be used. That is the reason the CBO said that no additional cost would be required.

I yield 2 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Chairman, I rise today to support the Pearce amendment to H.R. 2262, which establishes the Minerals Commodity Information Administration at the Department of the Interior. The MIT collects and disseminates data on virtually every commercially important nonfuel mineral commodity produced worldwide, information that is critical to businesses, the government, and importantly, the Department of Defense to help manage the National Defense Stockpile. Due to the importance of the data, the MIT should be an independent agency reporting to the Secretary of the Interior.

This information from the MIT is critical to the effective use of the Nation's natural resources and for accurate forecasting. Without a reliable source of worldwide commodity information, the U.S. would be blind to any impending supply shortages.

One of the most fundamental functions of the Federal Government is to provide for the common defense. There is an undeniable nexus between our Nation's minerals policy and national security policy. Currently, 24 strategic and critical military materials are imported at no less than 40 percent from our foreign trading partners. For example, the U.S. imports 54 percent of its magnesium. This mineral is vitally important in constructing airplanes and missiles. Requiring our military to import the strategic and critical minerals it needs from foreign nations, some of whom may be hostile, puts our military at a significant disadvantage and weakens our ability to adequately sustain our national defense.

At a time when defense needs are determined in terms of capabilities-based planning instead of threat-based planning, an accurate assessment of our Nation's minerals is vitally important. The Pearce ROCK Act amendment is a means to that end.

I urge my colleagues to support the Pearce ROCK Act amendment.

Mr. RAHALL. Mr. Chairman, I have the right to close, do I not?

The CHAIRMAN. Yes.

Mr. RAHALL. May I inquire as to the time remaining.

The CHAIRMAN. The gentleman from West Virginia has 2 minutes remaining. The gentleman from New Mexico has 1½ minutes remaining.

Mr. RAHALL. I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, it is interesting that we did get into the discussion of the CBO here and the additional cost that would be implemented under this act. The underlying act actually has been scored at $441 million by CBO over 5 years, almost $100 million a year. I share the gentleman's concern about increasing expenditures, increasing bureaucracy, and would again request that we reconsider the

entire thing. But at the moment I would suggest that we do want to realize that two recent National Research Council reports stress that we are increasingly dependent on foreign nations for minerals critical to America and that we need to have an independent agency as called for in this ROCK Act amendment.

My amendment will establish the independent Minerals Commodity Information Administration and the Minerals Information Team to collect, analyze and disseminate information on the domestic and international supply of and demand for minerals, materials critical to the U.S. economy, and our national security.

U.S. businesses operate in a global economy, and virtually every manufacturing sector from aviation to textiles relies on the unbiased, comprehensive data reported by the MIT. This information enables American companies to use domestic resources effectively, forecast worldwide market conditions, develop informed strategic business plans, and respond effectively to short-term fluctuations and long-term trends in minerals prices, and I urge the adoption of the amendment.

Mr. RAHALL. Mr. Chairman, I yield the balance of my time to the distinguished chairman of the subcommittee on Interior appropriations and my fellow classmate, Mr. DICKS of Washington.

Mr. DICKS. Mr. Chairman, I rise in opposition to this amendment. This amendment is unnecessary. The country does not need a new bureau to create minerals information. The current situation in which the U.S. Geologic Survey administers the minerals information works perfectly fine.

As chairman of the Interior and Environment Appropriations Subcommittee, I have examined the Bush administration proposals to eliminate funding for the USGS minerals information function. Even during these difficult budgetary times, our subcommittee has appreciated the important function of the minerals assessment team at the USGS and refused the administration's recommendation to eliminate its funding.

The Pearce amendment would nearly double the size of the new agency. It would create a new bureaucracy with at least 300 staff and a yearly cost of $30 million or more. So please join me in rejecting this amendment.

I yield to the former chairman of the Interior subcommittee, Mr. REGULA from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this. When I was chairman of the committee, we eliminated the Bureau of Mines in 1995. Nobody missed it. The functions are carried on by the USGS very effectively. It is just one of those things that is not needed. I think it would be a big mistake to put it back in place.

The amendment provides for 200 employees out of USGS. Why take them away from where they are doing a good job? The mining programs have worked very effectively since 1995, the time at which we eliminated this. It saves about $100 million. I think it would be a big mistake to put another, put it back in place.

I hope that the Members will join me in opposing this amendment.

Mr. Chairman, I rise in opposition to the Pearce amendment. This amendment would simply re-create an agency that was dismantled in 1995. As Chairman of the House Interior Appropriations Subcommittee at that time, I worked to close the Bureau of Mines which the proposed amendment's agency resembles, in an effort to balance the budget through smaller, more effective government. With its closure, almost $100 million, or 66%, of the Bureau of Mines' 1995 programs ceased. However, certain critical minerals information activities moved to the US Geological Survey. This meant we receive the needed information on our mineral resources using far less money than in the past.

Since taking over the minerals information functions, the USGS has done an excellent job of producing critical minerals information and in fact has broadened the role of the minerals information group by providing vital statistics and insight to help commerce, industry, and security.

The USGS is the sole provider of mineral resource assessments and information in the federal government. To fragment this program once again by creating a new bureaucracy in government would not improve its functionality or serve American taxpayers' interests.

Mr. Chairman, this amendment does not create anything new that is substantive. The only thing the amendment will create is a title of new agency, move some people around, and employ 100 new bureaucrats in administrative positions. Why do we need 100 administrative positions to oversee 200 scientists who were already working effectively at the USGS?

Further, the amendment proposes a $30 million budget, which is more than double the current funding for this function. In our current budget climate, it makes no sense to add this new agency burden to government when the work this agency is proposed to do is already being done at the USGS effectively, with less expense to the taxpayer.

This amendment will only fracture our current system of attaining knowledge on our country's mineral resources, create a new bureaucracy and waste tax dollars. I urge a ''no'' vote on the amendment.

Mr. DICKS. I appreciate the gentleman's comment.

I want to congratulate the chairman for doing an outstanding job as one of my classmates.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was rejected.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–416 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. PEARCE of New Mexico.

Amendment No. 6 by Mr. CANNON of Utah.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. PEARCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 244, not voting 20, as follows:

[Roll No. 1030]

AYES—173

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

NOES—244

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

NOT VOTING—20

Ackerman
Alexander
Bachus
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
Faleomavaega
Gohmert
Hensarling
Hunter
Jindal
Jones (OH)
Paul
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1416

Messrs. LARSON of Connecticut, ABERCROMBIE, TAYLOR, LYNCH and Ms. HIRONO changed their vote from ''aye'' to ''no.''

Mr. TANCREDO and Mr. BISHOP of Utah changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. CANNON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. CANNON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 240, not voting 22, as follows:

[Roll No. 1031]

AYES—175

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

NOES—240

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

NOT VOTING—22

Ackerman
Alexander
Bachus
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
Faleomavaega
Gohmert
Hensarling
Hunter
Jindal
Lowey
McNerney
Paul
Saxton
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute is left in this vote.

□ 1421

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. SERRANO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, pursuant to House Resolution 780, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PEARCE. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Pearce moves to recommit the bill H.R. 2262 to the Committee on Natural Resources with instructions to report the same back to the House promptly with the following amendments:

At the end of section 102(a) add the following:

(6) LIMITATION ON APPLICATION.—No royalty under this section shall apply to any mineral that is used in the manufacture of any technology used for the production of solar energy or nuclear energy.

At the end of the bill add the following:

**SEC. ___. EFFECTIVE DATE.**

This Act shall take effect on the date the Secretary of the Interior, in consultation with the heads of other appropriate Federal agencies, certifies that nothing in this Act would result in a loss of jobs in the United States associated with mining-related activities to which this Act applies.

Mr. PEARCE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, this is an honest, straightforward and commonsense motion which should be accepted unanimously. Its acceptance would help restore America's confidence in this body.

This motion addresses two issues Americans expect their elected representatives to address. Americans want more alternative energy sources so we are not dependent on people who hate us for our energy supplies. Americans want to make sure that their government does not take actions which destroy American jobs. The supporters of this bill promise it will not hurt jobs. My motion guarantees it will not hurt jobs.

They constantly promise that they want more clean energy to reduce our dependence on foreign supplies. My motion guarantees this clean energy.

Much of the controversy about this bill is about the importance of minerals and the jobs they support. Some say the bill will cost the kind of jobs this country needs and leave us begging other nations for the minerals necessary to produce cleaner energy right here at home. Others argue that it doesn't. My amendment resolves that question.

If adopted, my motion would ensure that the government is not taxing American production of important minerals used for solar power and nuclear power.

That makes sense. The government should not be taxing our efforts to produce more clean domestic energy. The last thing that we need to do is become more dependent on others for energy sources we plan to use to get off of dangerous foreign energy supplies. That's just common sense.

Secondly, my motion applies the ''first, do no harm'' standard to this bill as it relates to jobs.

As we have said here today, minerals mining jobs are the best nonsupervisory jobs available in the country today, according to government reports. This motion says that the government has to certify that this bill will not cost American jobs before it goes into effect. That's the least this country can do for working Americans, make sure that we don't lose their jobs because of our actions.

The supporters of this bill say it will not cost jobs. This gives them a chance to vote to ensure that it doesn't.

Mr. Speaker, we have heard today on the House floor that this is a work in progress, that H.R. 2262 is a work in progress. I am saying that the Nation's security depends on our good work today and we should not submit a work in progress to the other Chamber. I hope that the supporters of this bill will take this olive branch and guarantee jobs to Americans, not just make more promises to Americans.

We have heard promises this bill won't hurt jobs; this motion guarantees it. We hear promises about more clean energy to reduce our dependence on foreign supplies. This motion guarantees it.

My motion turns a promise into a legal guarantee. I urge its adoption by all Members of the Chamber.

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

Mr. RAHALL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, this is the day after Halloween and I recognize fully there are still tricks in the air, and this is another trick by the minority in this body. The amendment says report back to the House promptly. I am pretty sure that every Member of this body recognizes what the word ''promptly'' means. It is an amendment by the minority to substantially delay, if not outright kill, the pending legislation. So Members are well aware of this trick, and I urge defeat of this attempt to thwart passage by the House today of bipartisan legislation that has broad support at the local, State and Federal level.

In addition, Mr. Speaker, the effect of this motion would also be to reduce the amount of royalties owed the American people under this bill, under the guise of advocating nuclear energy for that matter, and I see no relationship here. I urge defeat of this motion which would reduce the amount of royalties that would come in to the American taxpayers under this bill.

Now to the segment about loss of jobs.

□ 1430

Due to changes in demands today, it's every Member of this body's knowledge that we may see a decline in the hardrock mining industry and the demand for jobs because of the technology, because of the technologies that are coming online. There's not a one of us who is against those technologies. In many cases, they're cleaner. In many cases, they're safer and they're healthier for our workforce. But that technology does displace man and woman power. It's a fact of our economic realities today.

So the gentleman's motion to recommit is based on unfounded premises, scare tactics, and tricks that we should not adopt; and I would urge defeat of the gentleman's motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 170, nays 240, not voting 22, as follows:

[Roll No. 1032]

YEAS—170

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

NAYS—240

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

NOT VOTING—22

Ackerman
Alexander
Bachus
Boehner
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
English (PA)
Gohmert
Hensarling
Jindal
McNulty
Myrick
Paul
Pryce (OH)
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1447

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 244, nays 166, not voting 22, as follows:

[Roll No. 1033]

YEAS—244

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

NAYS—166

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berkley
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)

| | | |
|---|---|---|
| Brown (SC) | Herger | Pickering |
| Brown-Waite, Ginny | Herseth Sandlin | Pitts |
| Buchanan | Hoekstra | Poe |
| Burton (IN) | Hulshof | Porter |
| Buyer | Hunter | Price (GA) |
| Calvert | Inglis (SC) | Pryce (OH) |
| Camp (MI) | Issa | Putnam |
| Campbell (CA) | Johnson, Sam | Radanovich |
| Cannon | Jordan | Rehberg |
| Cantor | Keller | Renzi |
| Capito | King (IA) | Reynolds |
| Carter | King (NY) | Rogers (AL) |
| Chabot | Kingston | Rogers (KY) |
| Coble | Kline (MN) | Rogers (MI) |
| Cole (OK) | Knollenberg | Rohrabacher |
| Conaway | Kuhl (NY) | Ros-Lehtinen |
| Crenshaw | LaHood | Roskam |
| Culberson | Lamborn | Royce |
| Davis (KY) | Latham | Sali |
| Davis, David | LaTourette | Schmidt |
| Deal (GA) | Lewis (CA) | Sessions |
| Dent | Lewis (KY) | Shimkus |
| Diaz-Balart, L. | Linder | Shuster |
| Diaz-Balart, M. | Lucas | Simpson |
| Doolittle | Lungren, Daniel E. | Smith (NE) |
| Drake | Mack | Smith (TX) |
| Dreier | Manzullo | Souder |
| Duncan | Marchant | Stearns |
| Emerson | McCarthy (CA) | Sullivan |
| English (PA) | McCaul (TX) | Tancredo |
| Everett | McCotter | Terry |
| Fallin | McCrery | Thornberry |
| Feeney | McHenry | Tiahrt |
| Flake | McHugh | Tiberi |
| Forbes | McKeon | Turner |
| Fossella | McMorris Rodgers | Upton |
| Foxx | Mica | Walberg |
| Franks (AZ) | Miller (FL) | Walden (OR) |
| Gallegly | Miller (MI) | Walsh (NY) |
| Garrett (NJ) | Miller, Gary | Wamp |
| Gingrey | Moran (KS) | Weldon (FL) |
| Goode | Murphy, Tim | Westmoreland |
| Goodlatte | Musgrave | Whitfield |
| Granger | Neugebauer | Wicker |
| Graves | Nunes | Wilson (NM) |
| Hall (TX) | Pearce | Wilson (SC) |
| Hastings (WA) | Pence | Wolf |
| Hayes | Peterson (PA) | Young (AK) |
| Heller | | |

NOT VOTING—22

| | | |
|---|---|---|
| Ackerman | Davis, Tom | Myrick |
| Alexander | Frank (MA) | Paul |
| Bachus | Gohmert | Shadegg |
| Burgess | Hastert | Shuler |
| Butterfield | Hensarling | Weller |
| Cardoza | Jindal | Wilson (OH) |
| Carson | Kaptur | |
| Cubin | McNulty | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1454

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. SHULER. Mr. Speaker, on Thursday, November 1, I was unable to vote on rollcall votes Nos. 1030, 1031, 1032, and 1033 due to a prior commitment in my district. Had I been present I would have voted "no" on rollcall votes Nos. 1030, 1031 and 1032, and "yea" on rollcall vote No. 1033.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2262, HARDROCK MINING AND RECLAMATION ACT OF 2007

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2262, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

## LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my friend, the majority leader, for information about next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes rolled until 6:30 p.m.

We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business tomorrow.

On Tuesday the House will meet at 9 a.m. for morning-hour debate and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business and 9 a.m. on Friday.

We expect to consider H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act; H.R. 3355, the Homeowners' Defense Act of 2007; and H.R. 3996, Temporary Tax Relief Act of 2007; the conference report on the fiscal year 2008 Labor-HHS appropriations bill. If the President vetoes the WRDA bill, we will expect to take up that veto as well.

Also, Members should note on Wednesday, President Sarkozy of France will address a joint meeting of the House and Senate. I would like to say to all the Members who are listening, I would hope that they would make a special effort to be here for the address of President Sarkozy.

I would make the observation that the new President of France is someone who, I think, holds great promise for partnership with the United States. I think he has expressed that inclination. I think that is a very significant, positive step forward, and I hope that most of us that will be able to, within the framework of legislative business, be here to hear his address.

Mr. BLUNT. I appreciate my friend's comment there, and I agree totally that a leader of France who has been so open and receptive to America as an ally and a friend deserves that kind of welcome in the joint session of Congress next week. I hope we have the kind of presence here that would indicate our opportunity and our optimism about the Sarkozy government.

On appropriations, I wonder if you have any update on the Labor-HHS conference and the conference report, if you have any sense of that yet.

Mr. HOYER. As I said in my announcement, it is my expectation that the Labor-HHS conference report will be on the floor next week. I don't know whether it will be Wednesday or Thursday of next week, but I expect it to be on the floor next week.

The conference, much of the work of the conference, as I indicated last week, the preconferencing was occurring, both parties were involved in that preconferencing, and hopefully that has led to what will be a relatively brief conference. I do not have information whether or not they were able to conclude today. I know they met this morning and into this afternoon. I don't know whether they have concluded.

Mr. BLUNT. The press reports today were that that conference would not likely include the elements of the Defense appropriations but still would include the Veterans and the Military Construction appropriations bill.

Is that my friend's sense of where they are headed on that bill?

Mr. HOYER. My sense is those were the press reports.

I can neither confirm nor deny, as they say, that that is the case.

Mr. BLUNT. Well, of course the stated goal of the majority earlier this year to move these bills one at a time would be my preference, and if Defense is not part of that conference report, it seems to me it's only one bill away from being done the right way. I would have preferred to see it the other way.

□ 1500

Mr. HOYER. Will my friend yield?

Mr. BLUNT. I would.

Mr. HOYER. I thank my friend for yielding.

And I know that point has been made, but I want to tell you, very honestly, I hear you make the point, but not only did you package almost all, the majority of bills in 2005 and 2006, but you packaged them in the calendar year, that is to say, 3 months from today, before they were passed. And so that, although that is your desire, and it is my desire, we share that view, you're absolutely right. These bills ought to be considered individually, one at a time, on their merits, sent to the President, and he ought to have the opportunity to veto them or sign them individually.

But I would remind the gentleman that in fiscal year, I believe, I may be wrong on the fiscal year, fiscal year 2005, it was not until February 2005 that that bill was passed, with eight or nine of the bills incorporated in an omnibus. And in either the year before that, or the year after that, in January, eight bills were sent.

Now, I may be off one or two bills on the numbers, but my point is, the gentleman is correct. Unfortunately, that has not been the practice, either under your leadership or our leadership. And I think it's unfortunate, personally. But we're going to move these bills, as I said last week, hopefully as quickly