

My second proposed amendment addresses a trouble area in TESRA introducing a requirement that the Federal Government actually pay developers and polluters to comply with the law. This provision would have serious and widespread implications: it sets a dangerous precedent in environmental protection. This amounts to a new entitlement program that would result in a windfall for land developers and speculators—at the expense of the taxpayers and the species we seek to protect under ESA.

This provision of TESRA is part of a broader movement to treat all environmental regulation as a form of “property taking” that requires government compensation. It is a novel legal theory that would strike at the heart of virtually every piece of environmental regulation ever passed. The proposal under TESRA is particularly ripe for abuse because it sets no cap or limitations. Under TESRA, someone could purchase cheap land, announce an intention to develop on it, and then demand a check from the government compensating them for the much higher value of the developed property, all without ever even intending to break ground. The same developer could conceivably come back an unlimited number of times for an unlimited number of “projects”. My amendment, the substance of which is mirrored in the Miller-Boehlert substitute, strikes this payment scheme entirely.

I strongly urge my colleagues to oppose the TESRA roll back of the Endangered Species Act and to support the bipartisan Miller-Boehlert substitute to preserve and strengthen one of the most successful pieces of environmental legislation in 30 years.

THE FEDERAL MINERAL DEVELOPMENT AND LAND PROTECTION EQUITY ACT OF 2005

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. RAHALL. Mr. Speaker, on March 1, 1872, President Ulysses S. Grant signed into law a bill creating the world's first national park: Yellowstone. Known from its inception as “nature's wonderland”, Yellowstone has embodied a simple and straightforward concept of a place unexploited and unspoiled by economic or other development.

In 1872, the vast wilderness of the west was viewed by most Americans as something to be tamed, to be explored, settled, mined, logged, ranched, and farmed. Most people at that time did not value the west for its wilderness, but rather for the material and economic treasures that it could yield. It is therefore remarkable that during such an age, Congress set aside an area roughly the size of my home State, West Virginia, as the world's first national park—an area that would be closed to farming, timbering, mining and open to all Americans for present and future recreation use.

Several months after the 54th Congress created Yellowstone, they sent the General Mining Law to President Grant for signature. Following on the heels of the California Gold Rush, the Mining Law of 1872 was enacted in order to promote orderly mineral exploration and development of the West and to provide certainty and legal protections to those Ameri-

cans willing to take on the task. It is first and foremost a land law; it does not contain environmental or public health and safety provisions.

The Mining Law of 1872 has, like Yellowstone, remained largely intact and unchanged over the past 133 years. While most people would agree that the continued preservation of Yellowstone is a good thing, most would disagree that maintaining and preserving the Mining Law of 1872 is a good thing. To keep a law on the books that has no environmental protection provisions, prevents the Federal Government from stopping ill-advised proposed mines on Federal lands, and has left the headwaters of 40 percent of western waterways polluted by mining, is irresponsible and just plain ridiculous.

Even more absurd, the 1872 Mining Law also allows extraction of valuable minerals from the public domain without payment of royalties to taxpayers and at the same time allows mining companies to purchase mineral rich public lands for no more than \$5 an acre irrespective of lands true value. In recognition of the fiscal irresponsibility of this situation, Congress has since 1994, annually placed moratoria on mineral claim patents in appropriations bills, most recently in the fiscal year 2005 Consolidated Appropriations Act, allowing only patents applied for prior to 1994 to be processed. However, it is far past the time for this moratorium to become permanent rather than being subject to annual renewal.

To be sure, Congress has attempted to comprehensively reform the Mining Law at various times over its history—each time to be thwarted by powerful mining interests. Former Congressman Mo Udall came close in the 1970s. During the 102nd Congress in 1991, I introduced mining reform legislation and we came close to enacting legislation in 1994 that would have updated this archaic law. Unfortunately, at the last moment, after both the House and the Senate had passed separate bills, the conference failed to reach a compromise and the rest, as they say, is history. Since then, I have re-introduced reform legislation in each succeeding Congress.

Today, Representatives JAY INSLEE, CHRISTOPHER SHAYS, and I, joined by our colleagues, MAURICE HINCHEY, DENNIS KUCINICH, EARL BLUMENAUER, GEORGE MILLER, and RAÚL GRIJALVA are introducing legislation similar to what we introduced in earlier Congresses. However, this bill differs from past efforts in one significant way. The Federal Mineral Development and Land Protection Equity Act of 2005 has as its centerpiece, the recognition that there are special places, often sacred sites, that should be off-limits to hardrock mining. This simple but important provision is necessary because under the 1872 Mining Law, the Federal Government can not stop a valid mining claim from being developed on public lands, regardless of what other values are present.

For example, the proposed site for a 1,600-acre, open-pit gold mine in Indian Pass, California, is the sacred place where Quechan Indian tribes “dream trails” were woven. The Bush administration revoked a Clinton-era ruling that said mining operations would cause undue impairment to these ancestral lands, an extremely sacred place to the Quechan Indian tribe. Now the tribe is left fighting for its religious and cultural history. Although the State of California has taken action to help protect

this site, the Federal Government remains poised to permit the gold mine.

Sadly, the threat to Indian Pass is not unique. American Indians, the first Americans, were the first stewards of this land. They respected the earth, water and air. They understood you take only what you need and leave the rest. They demonstrated that you do not desecrate that which is sacred. Most Americans understand a reverence for the great Sistine Chapel, or the United States Capitol. However, there are times when we have difficulty applying the same reverence we give to our sacred man-made places to a mountain, valley, stream or rock formation held sacred to Native Americans.

The Federal Mineral Development and Land Protection Equity Act of 2005 has as its centerpiece, the recognition that there are special places, often sacred sites, that should be off-limits to hardrock mining. Our mining law reform legislation also recognizes that there are other special places in the U.S. with spectacular natural and cultural resources and values that should be protected from the unavoidable, and often irreversible, damage caused by hardrock mining.

Our legislation would bring hardrock mining law into the 21st century. It would protect precious water resources from toxic mine waste with much needed environmental standards, and prevent mining industry rip-offs by requiring the industry to pay a production-related royalty on the extraction of publicly owned minerals. It would also prevent mining operations from endangering federally designated wilderness areas and other special places by requiring land managers to weigh mine proposals against other potential land uses when making permitting decisions.

The lack of a royalty in the 1872 Mining Law and the absence of deterrents or penalties for irresponsible mining have caused enormous taxpayer giveaways and liabilities. Under the Mining Law the Federal Government has given away over \$245 billion in mineral rich public lands. In return, the mining industry has left taxpayers with a cleanup bill, for their business and mining practices, estimated to be in the range of \$32 to \$72 billion for hundreds of thousands of abandoned mines that pollute the western landscape.

It is time, well past time, that the Congress replace this archaic law with one that reflects contemporary economic, environmental and cultural values. Insuring a fair return to the public in exchange for the disposition of public resources, and properly managing our public lands are neither Republican nor Democratic issues. They are simply ones that make sense if we are to be good stewards of America's lands and meet our responsibilities to the American people.

Mr. Speaker, during the years I have labored to reform the Mining Law of 1872 those who defend its privileges—and it is indeed a privilege to be deemed the highest and best use of our public domain lands—have often alleged that my mining reform legislation fails to take into account the contribution of hardrock mining to area economies. They claim that reform would have dire consequences on the industry, that if we did not provide the industry with unfettered access to public lands and public minerals, the industry could no longer survive.

Let me just say that there is no member in the House of Representatives whose Congressional District is more dependent upon mining

for employment and its economic benefits than this gentleman from West Virginia. And when we are talking about the effects of mining, I would suggest that there is little difference between coal mining and gold mining. The effects, whether measured in terms of employment, or in terms of the environment or cultural values, are the same.

With that noted, I have engaged in the effort to reform the Mining Law of 1872 these past many years not just for the apparent reasons—the sins of giving away the public's valuable minerals mined for free, selling off Federal lands available almost for free and providing no comprehensive Federal mining and reclamation standards. But, I continue to wage this effort because I am pro-mining, because I no longer believe that we can expect a viable hardrock mining industry to exist on public domain lands if we do not make corrections to the law. 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 continuing to come in a piecemeal manner.

I believe that with enough courage, and fortitude, we can continue to address the problems facing mining, and dovetail our need for energy and minerals with the necessity of protecting our environment.

For at stake in this debate over the Mining Law of 1872 is the health, welfare and environmental integrity of our people and 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.

TRIBUTE TO ST. JEROME CHURCH IN THE BRONX

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Saint Jerome Church in the Bronx. On October 2, 2005 they will hold rededication ceremonies in honor of the newly renovated Church.

St. Jerome Church was founded on September 24, 1869, and primarily served the large group of Irish immigrants arriving in America during the latter half of the 19th century. In 1898, the cornerstone was laid for the building that St. Jerome Church would call home for the next hundred years. So magnificent was the edifice that to this day it is called "The Cathedral of the Bronx." The stained glass windows and beautifully painted ceilings make Saint Jerome Church truly one of the most visually stunning churches in the city.

Throughout its history, St. Jerome Church has stood fast in good times and bad as a symbol of faith. Through two World Wars, the Korean War and Vietnam, the church has watched as many of its sons and daughters bravely served their country. Those who made the ultimate sacrifice have their names inscribed on the walls of the church as a reminder of the high cost of war.

In the fifties, as Puerto Ricans and others from the Caribbean made the Bronx their home, St. Jerome Church was there to welcome them with open arms. The priests made it a priority to learn Spanish as new spirit was breathed into the surrounding neighborhood. Even today, St. Jerome Church continues its legacy of welcoming newcomers to the Bronx as Mexican immigrants have revitalized the area.

Mr. Speaker, scripture tells us in Deuteronomy 15:7: "If there is a poor man among you, one of your brothers, in any of the towns of the land which the LORD your God is giving you, you shall not harden your heart, nor close your hand to your poor brother; but you shall freely open your hand to him, and generously lend him sufficient for his need in whatever he lacks." St. Jerome Church has always striven to realize these instructions. Under the spiritual leadership of my friend, Father John Grange, over the last 26 years St. Jerome Church has grown into a powerful healing force in the Bronx, taking in Bronxites of all nationalities and providing them with food for the soul.

As the representative from the South Bronx, the poorest Congressional District in the nation, I am grateful to have a church in my community that works so hard, day in and day out, to provide for those who are in need. In an effort to provide better lives for themselves and their families, many immigrants make the Bronx their first home in the States. During those trying first few years, it is institutions like St. Jerome Church which help them manage their struggle by providing constant spiritual guidance. St. Jerome Church has in the past and continues to freely open their hand to the people of the Bronx. For 136 years of outstanding service to the people of the Bronx, I ask my colleagues to join me in paying tribute to St. Jerome Church as it is re-dedicated on October 2, 2005.

HONORING BEATRICE JOYCE ELLINGTON

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Beatrice Joyce Ellington who recently passed away on August 1, 2005.

I have known her since 1980. She was a remarkable person. In fact, if more people just acted as she did, our world would be a better place.

Joyce became the first African American woman to head the San Jose Public Library Commission in 1980. In 1974, Joyce successfully argued before the San Jose Unified School District Board and the City Council that vacant land, a valuable commodity in San Jose where a single-family home can easily cost over a half-million dollars, should be used for a library, instead of being sold. Joyce was recognized for her tenacity in pushing for the library in 2002 when the City Council was persuaded by her neighbors and the community at large to overlook the City's rule not to name a public building after a person still alive. At that time, the Empire Library was renamed to the Joyce Ellington branch library.

In addition to her accomplishments with the library, Mrs. Ellington was a founder in 1965 of the Northside Neighborhood Association, the oldest of its kind in the City of San Jose. Perhaps the greatest tribute to Joyce was her ability to gather community members of all races, creeds and religions to work together toward a common purpose in the community. The Northside community, where Joyce lived and did her service, is also one of the most diverse communities in California with neighbors, friends and families with roots in Africa, Japan, the Philippines, Mexico and elsewhere.

When I attended the service for Joyce, stories abounded of not only her community service, but also of her welcoming heart and home.

Joyce was the sort of person who, when she saw a problem simply took responsibility to be part of the solution. That's why she led the effort to establish a lighting district so that the northside neighborhood could have street lights. That's why she looked after her neighbors. It's why she cared about literacy. It wasn't enough that her own children were readers and getting a good education. She understood that it was also important for all the children in her community to love reading and books. She is most certainly a dearly missed community leader, friend and teacher. She not only taught us lessons of service, but also opened the doors for us to teach ourselves at the library so aptly named after her.

A PROCLAMATION CONGRATULATING MS. CHRISTINA TRIPLETT ON WINNING THE RISING UP & MOVING ON AWARD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. NEY. Mr. Speaker:

Whereas, Ms. Christina Triplett has overcome adversity and hardship from a young age to become an outstanding young woman; and

Whereas, Ms. Christina Triplett was able to keep her siblings together as a family in a trying environment; and

Whereas, Ms. Christina Triplett has committed herself to helping others in similar situations cope with the ordeal and to being a positive influence to all those around her.

Therefore, I join with family, friends and associates, as well as the entire 18th Congressional District of Ohio in celebrating your receipt of the Rising Up & Moving On Award. You are an inspiration to us all.

JULIAN BOND AFFIRMS THAT GAY RIGHTS ARE CIVIL RIGHTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, for more than 45 years, Julian Bond has provided leadership in the fight against prejudice and its terrible effects in the United States. From his early days as a student leader, to his current position as Board Chair of the NAACP,