

In the Senate of the United States,

November 18, 1999.

Resolved, That the resolution from the House of Representatives (H.J. Res. 82) entitled “Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.” do pass with the following

AMENDMENT:

1 Page 2, after line 3, insert:

2 *SEC. 2. DISPOSAL OF EXCESS SPOIL AND COAL MINE*

3 *WASTE. (a) IN GENERAL.—Notwithstanding any other pro-*
4 *vision of law (including any regulation or court ruling),*
5 *hereafter—*

6 *(1) in rendering permit decisions for discharges*
7 *of excess spoil and coal mine waste into waters of the*
8 *United States from surface coal mining and reclama-*
9 *tion operations, the permitting authority shall apply*
10 *section 404 of the Federal Water Pollution Control*
11 *Act (33 U.S.C. 1344) and the section 404(b)(1) guide-*
12 *lines pursuant to section 404(b)(1) of the Federal*

1 *Water Pollution Control Act (33 U.S.C. 1344(b)(1))*
2 *and implementing regulations set forth in part 230 of*
3 *title 40, Code of Federal Regulations (as in effect on*
4 *October 19, 1999);*

5 *(2) the permitted disposal of such spoil or waste*
6 *meeting the requirements of the section 404(b)(1)*
7 *guidelines referred to in paragraph (1) shall be*
8 *deemed to satisfy the criteria for granting a variance*
9 *under regulations set forth in sections 816.57 and*
10 *817.57 of title 30, Code of Federal Regulations, and*
11 *applicable State regulations; and*

12 *(3) Federal and State water quality standards*
13 *shall not apply to the portions of waters filled by dis-*
14 *charges permitted pursuant to the procedures set forth*
15 *in paragraphs (1) and (2); all applicable Federal and*
16 *State water quality standards shall apply to all por-*
17 *tions of waters other than those filled pursuant to the*
18 *permitting procedures set forth in paragraphs (1) and*
19 *(2).*

20 **(b) DURATION OF EFFECTIVENESS.**—*The permitting*
21 *procedures specified in subsection (a) shall remain in effect*
22 *until the later of—*

23 *(1) the date that is 2 years after the date of en-*
24 *actment of this Act; or*

1 (2) *the effective date of regulations promulgated*
2 *to implement recommendations made as a result of*
3 *the environmental impact statement relating to the*
4 *permitting process, the preparation of which was an-*
5 *nounced at 64 Fed. Reg. 5800 (February 5, 1999).*

6 (c) *EFFECT OF SECTION.—Nothing in this section*
7 *modifies, supersedes, undermines, displaces, or amends any*
8 *requirement of, or regulation issued under, the Federal*
9 *Water Pollution Control Act (commonly known as the*
10 *“Clean Water Act”) (33 U.S.C. 1251 et seq.) or the Surface*
11 *Mining Control and Reclamation Act of 1977 (30 U.S.C.*
12 *1201 et seq.), as applied by the responsible Federal agencies*
13 *on October 19, 1999.*

14 (d) *PERIOD OF EFFECTIVENESS.—Notwithstanding*
15 *any other provision of law repealing or terminating the ef-*
16 *fectiveness of this Act, this section shall remain in effect*
17 *until the date of termination of the effectiveness of the per-*
18 *mitting procedures in accordance with subsection (b).*

19 *SEC. 3. HARDROCK MINING. (a) IN GENERAL.—For*
20 *the purposes of section 1000(a)(3) of division B of the Act*
21 *enacting H.R. 3194 of the 106th Congress, in lieu of section*
22 *357 of title III of H.R. 3423 of the 106th Congress, as intro-*
23 *duced on November 17, 1999, regarding the issuance of reg-*
24 *ulations on hardrock mining, the following shall apply:*

1 (1) *HARDROCK MINING.*—None of the funds made
2 available under this Act or any other Act shall be
3 used by the Secretary of the Interior to promulgate
4 final regulations to revise subpart 3809 of 43, Code
5 of Federal Regulations, except that the Secretary,
6 after the end of the public comment period required
7 by section 3002 of the 1999 Emergency Supplemental
8 Appropriations Act (Public Law 106–31; 113 Stat.
9 89), may issue final regulations to amend that sub-
10 part if the regulations are consistent with—

11 (A) the regulatory gap findings identified
12 in the report of the National Research Council
13 entitled “Hardrock Mining on Federal Lands”;
14 and

15 (B) statutory authorities in effect as of the
16 date of enactment of this Act.

17 (2) *LIMITATION.*—Nothing in this section ex-
18 pands the statutory authority of the Secretary of the
19 Interior in effect as of the date of enactment of this
20 Act.

21 (b) *PERIOD OF EFFECTIVENESS.*—This section—

22 (1) takes effect 1 day after the date of enactment
23 of the Act enacting H.R. 3194 referred to in sub-
24 section (a); and

1 (2) *notwithstanding any other provision of law*
2 *repealing or terminating the effectiveness of this Act,*
3 *shall remain in effect unless repealed by Act of Con-*
4 *gress that makes specific reference to this section.*

5 *SEC. 4. MILLSITES. (a) IN GENERAL.—For the pur-*
6 *poses of section 1000(a)(3) of division B of the Act enacting*
7 *H.R. 3194 of the 106th Congress, in lieu of section 337 of*
8 *title III of H.R. 3423 of the 106th Congress, as introduced*
9 *on November 17, 1999, regarding the millsites opinion, the*
10 *following shall apply:*

11 (1) *MILLSITES OPINION.—No funds shall be ex-*
12 *pended by the Secretary of the Interior or the Sec-*
13 *retary of Agriculture, for fiscal years 2000 and 2001,*
14 *to limit the number or acreage of millsites based on*
15 *the ratio between the number or acreage of millsites*
16 *and the number or acreage of associated lode or placer*
17 *claims with respect to—*

18 (A) *any patent application excluded from*
19 *the operation of section 112 of the Department of*
20 *the Interior and Related Agencies Appropria-*
21 *tions Act, 1995, by section 113 of that Act (108*
22 *Stat. 2519);*

23 (B) *any operation or property for which a*
24 *plan of operations has been approved before the*
25 *date of enactment of this Act; or*

1 (C) any operation or property for which a
2 plan of operations, or amendment or modifica-
3 tion to an existing plan, was submitted to the
4 Bureau of Land Management or the Forest Serv-
5 ice before May 21, 1999.

6 (2) *NO RATIFICATION.*—Nothing in this Act or
7 the 1999 Emergency Supplemental Appropriations
8 Act (Public Law 106–31) shall be construed as an ex-
9 plicit or tacit adoption, ratification, endorsement, ap-
10 proval, rejection, or disapproval of the opinion dated
11 November 7, 1997, by the Solicitor of the Department
12 of the Interior concerning millsites.

13 (b) *PERIOD OF EFFECTIVENESS.*—This section—

14 (1) takes effect 1 day after the date of enactment
15 of the Act enacting H.R. 3194 referred to in sub-
16 section (a); and

17 (2) notwithstanding any other provision of law
18 repealing or terminating the effectiveness of this Act,
19 shall remain in effect unless repealed by Act of Con-
20 gress that makes specific reference to this section.

21 SEC. 5. (a) The Secretary of Agriculture shall reduce
22 the amount of any principal due on a loan made to a mar-
23 keting association incorporated in the State of North Caro-
24 lina for the 1999 crop of an agricultural commodity by at
25 least 75 percent if the marketing association suffered losses

1 of the agricultural commodity in a county with respect to
2 which—

3 (1) a natural disaster was declared by the Sec-
4 retary for losses due to Hurricane Dennis, Floyd, or
5 Irene; or

6 (2) a major disaster or emergency was declared
7 by the President for losses due to Hurricane Dennis,
8 Floyd, or Irene under the Robert T. Stafford Disaster
9 Relief and Emergency Assistance Act (42 U.S.C. 5121
10 et seq.).

11 (b) If the Secretary assigns a grade quality for the
12 1999 crop of an agricultural commodity marketed by an
13 association described in subsection (a) that is below the base
14 quality of the agricultural commodity, the Secretary shall
15 compensate the association for losses incurred by the asso-
16 ciation as a result of the reduction in grade quality.

17 (c) Up to \$81,000,000 of the resources of the Com-
18 modity Credit Corporation may be used for the cost of this
19 section: Provided, That the entire amount is designated by
20 the Congress as an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A) and section 252(e) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985, as amended.

23 SEC. 6. In administering \$50,000,000 in emergency
24 supplemental funding for the Emergency Conservation Pro-

- 1 *gram, the Secretary shall give priority to the repair of*
- 2 *structures essential to the operation of the farm.*

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

H. J. RES. 82

AMENDMENT