permanent residents. We demanded full due process for Americans charged with a crime in a foreign country and we should not set a different standard for non-citizens.

The legislation also provides regulations for the detainment of suspects and the conditions of detainment. For example, detainees must be provided with the basic necessities such as adequate food, water and medical attention. In addition, it also allows the free exercise of religion.

Lastly, the legislation requires all proceedings to be made public unless it is determined that closed proceedings are necessary for the safety of involved parties including witnesses or judges. This openness will prove to all Americans and to the world that we have respect for basic Constitutional rights. The horrible events of September 11 should not cause us to reject the American system of justice.

IN COMMEMORATION OF THE GIRLS SCOUTS' 90-YEAR COMMITMENT TO AMERICAN GIRLS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. MOORE. Mr. Speaker, for the past 90 years, the Girl Scouts of the United States of America (GSUSA) have been pursuing a mission to help all girls grow to be strong, positive contributors to society. Established on March 12, 1912, with a group of 18 girls, GSUSA has since grown to a membership of nearly 3 million girls nationwide, with an alumni base of over 50 million women.

The mission of GSUSA is to empower all girls to develop to their full potential. Activities encouraging strong values, leadership, responsibility, confidence, and friendship have been core elements of the Girl Scout program. The GSUSA seeks to enable young women to grow into strong citizens by teaching money and financial management, health and fitness, global awareness, and community service. Millions of Girl Scouts have, through resources provided through the GSUSA, been introduced to the arts, science, math, and technology.

In my home state of Kansas, 50,000 girls and adults participate in Girl Scouts. Local initiatives have included: an anti-violence program for girls and mothers; a ''Beyond Bars'' program encouraging Girl Scout activities with incarcerated mothers; girls' sport programs that teach health and fitness skills, as well as allowing young female athletes the opportunity to meet professional female athletes; and several other initiatives designed to teach self-confidence, values, integrity, and leadership.

I commend the Girl Scouts of the U.S.A. for their support, dedication, and commitment to American girls, and I applaud them, on this, their 90th anniversary.

AIRLINE WORKERS AND VICTIMS OF TERRORISM MORTGAGE RELIEF ACT OF 2002

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. RUSH. Mr. Speaker, on September 13, 2001, in response to the September 11th tragedy, Secretary Mel Martinez of HUD directed all FHA-approved lenders to provide a 90-day mortgage forbearance for families with FHA insured mortgages who were affected by the recent terrorist attacks. ''Affected, borrowers are those individuals who were passengers or crew on the four hijacked airliners (American Airlines 11 and 77, United Airlines 93 and 175), individuals employed on September 11, 2001, in or near the World Trade Center, or in the Pentagon, and individuals whose financial viability was affected by the . . . events of [that] day.'' (HUD Mortgage Letter 01–21.)

As evidenced by the $15 billion bail out that followed the events of September 11, the effects felt by the airline industry were amongst the most immediate and devastating experienced within the corporate world. It follows naturally, that the devastation experienced by the airlines was ultimately felt by the 150,000+ employees whose financial viability was affected by the ongoing wave of post-September 11th lay offs.

Also affected by the tragic events of September 11th, are the families of those killed, who have experienced considerable difficulty in meeting their financial obligations. And while Congress, in creating the September 11th Victims Compensation Fund, has worked hard to stem the financial devastation felt by thousands of families after September 11th, there are some who may be falling through the cracks.

Fortunately there is a measure, which if revived and applied to parties affected by the events of September 11th, can help.

The Airline Workers and Victims of Terrorism Mortgage Relief Act of 2002 accomplishes this goal by:

Adopting the expired language of HUD Letter 01–21;

Making clear that the moratorium on FHA foreclosure outlined in HUD Letter 01–21 must apply to (1) laid off employees of foreign and domestic air carriers and (2) laid off employees of manufacturers aircraft used by foreign or domestic carriers;

Expanding for all eligible borrowers, the 90-day forbearance to 180 days from enactment;

Requiring the Secretary of HUD to inform mortgagees of the aforementioned changes;

Also, those eligible for compensation under the so-called ''9–11 fund,'' (PL 107–42), would be covered until receipt of compensation money;

Those who opt to forgo the compensation money by bringing suit, (§ 405(c)(3)(B)(i)), would still be eligible for forbearance for 18 months after enactment, or until verdict rendered in the first lawsuit, whichever comes first, if suit is brought during the 180 day forbearance period; and

The bill also stipulates that coverage under the Act would not count as a ''collateral source'' as defined by the Compensation Fund language. (§ 405(b)(3) provides that the Special Master ''shall reduce the amount of compensation . . . by the amount of the collateral source compensation the claimant has received or is entitled to receive. . . .'')

In light of HUD Letter 01–21, as well as Congressional concerns over the health of the airline industry, and the financial well-being of the families of victims of September 11th, the Airline Workers and Victims of Terrorism Mortgage Relief Act of 2002 would afford Congress the perfect opportunity to give both groups the added assistance that they deserve.

THE ABANDONED HARDROCK MINES RECLAMATION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Abandoned Hardrock Mines Reclamation Act. This bill is designed to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the west.

THE BACKGROUND

For over one hundred years, miners and prospectors have searched for and developed valuable ''hardrock'' minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other states, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products.

However, as all westerners know, this history has too often been marked by a series of ''boom'' times followed by a ''bust'' when mines were no longer profitable—because ore bodies were exhausted or not economically recoverable with contemporary technology, or because of depressed mineral prices. When these busts came, too often the miners would abandon their workings and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

THE PROBLEMS

The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels, heavy metals leaching into streams killing fish and tainting water supplies, open vertical mine shafts, dangerous highwalls, large open pits, waste rock piles that are unsightly and dangerous, and hazardous dilapidated structures.

And, unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

The full scope of these problems is hard to estimate because many of these old mines are in remote regions and because a complete inventory does not exist. Some states and federal agencies have done some inventory work, but in 1996 the General Accounting Office, after reviewing available data, found that many

agencies had not done thorough surveys and those that did showed a range of results. For example, GAO's report showed that the U.S. Forest Service listed about 25,000 abandoned mine sites within its boundaries, while the U.S. Bureau of Mines reported 12,500 sites on Forest Service lands. On the other hand, the Mineral Policy Center, a private non-profit group, has estimated that over 560,000 sites exist on public and private land. As a first step, my bill would provide a source of funds to assist states to complete inventories.

But if we do not know exactly how big the problem is, we already know enough to recognize more than inventories will be needed to fully address it. In particular, we know that timely solutions will require efforts by more entities than just the federal government. We need to assist and encourage the states, local governments, and Indian Tribes—as well as private groups—to join in the work of cleaning up these sites.

OBSTACLES TO CLEANUPS

However, right now there are two serious obstacles to their involvement.

One obstacle is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. For example, the 1996 GAO report found that the U.S. Forest Service estimated it would cost $4.7 billion to clean up abandoned mine sites on its lands alone—and many other sites are on lands managed by other federal agencies.

Another obstacle is legal. While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that 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. As a result, would-be ''good Samaritans'' understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines. They have not wanted to be required to secure long-term pollution discharge permits and thus face long-term costs and potentially stiff fines and penalties.

For example, near the Keystone ski resort in Colorado is an abandoned mine, named the ''Pennsylvania Mine.'' Each minute, the tunnel of this mine releases between 30 and 200 gallons of orange-tinted, highly acidic water into Peru Creek. That mountain stream flows into the Snake River, which in turn feeds into Dillon Reservoir in Summit County—a major source of drinking water for many people in our state. To reduce this health risk, the state, with some private and federal partners, began working to have the contaminants from this mine filtered out by a wetland and other methods. However, this effort has come to a halt—partly because of technical problems with the cleanup method, but more importantly because of a recent judicial decision regarding a similar situation in California. In that case, the court ruled that ''good Samaritans''—like the parties working on the Pennsylvania Mine cleanup—could be held liable under the Clean Water Act for creating a ''point-source'' discharge from a wetland and other techniques and thus be liable for permits, costs and penalties. Faced with that prospect, the Colorado volunteers abandoned the effort.

In short, in this case the valiant and laudable efforts of volunteers were frustrated by the very laws that are designed to stem this type of pollution.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources.

In addition, as many communities within or near Superfund sites know, listing an area on the Superfund list can create concerns about stigmatizing an area and potentially harming nearby property values. For example, that is just what is happening in the case of some abandoned mines above the communities of Jamestown and Ward in Boulder County. These sites are creating water quality concerns for these communities and others downstream, and the Environmental Protection Agency has been considering placing this old mining region on the Superfund list. That would mean that eventually the sites could receive attention and cleanup. In the meantime, however, these communities have to live with a potential Superfund designation and all the issues and concerns associated with that designation.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

WESTERN GOVERNORS WANT ACTION

For years, the Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on the subject. The most recent, adopted in August of last year, was entitled ''Cleaning Up Abandoned Mines'' and was proposed by Governor Bill Owens of Colorado along with Governors Guinn of Nevada, Janklow of South Dakota, and Johnson of New Mexico.

That resolution begins by pointing out that these sites are ''responsible for threats and impairments to water quality'' throughout the west and also often are safety hazards. It notes that their cleanup is ''hampered by two issues—lack of funding and concerns about liability.'' And it says that Congress should ''protect a remediating agency from becoming legally responsible [unless they would be otherwise] . . . for any continuing discharges . . . after completion of a cleanup project'' and that ''reliable sources of funds that do not divert from other important Clean Water programs should be identified and made available for the cleanup of hardrock abandoned mines in the West.''

The bill I am introducing today is based directly on those recommendations by the Western Governors. It addresses both the lack of resources and the liability risks to those doing cleanups.

OUTLINE OF THE BILL

Title 1. Funds for Cleanups

First, the lack of resources. To help fund cleanup projects, the bill would create a reclamation fund paid for by a modest fee applied to existing hardrock mining operations. The fund would be used by the Secretary of the Interior to assist projects to reclaim and restore lands and waters adversely affected by abandoned or inactive hardrock mines.

A similar method already exists to fund clean up of abandoned coal mines. The Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides for fees on coal production. Those fees are deposited into the Abandoned Mine Reclamation Fund and used to fund reclamation of sites that had been mined for coal and then abandoned before enactment of SMCRA. Similarly, my bill provides for fees on mineral production from producing hardrock mines.

In developing this part of the bill, I have followed the lead of a 1999 resolution of the Western Governors Association. That resolution (proposed by Governors Guinn of Nevada and Leavitt of Utah), notes that ''While society has benefited broadly from the metal mining industry, problems created by some abandoned mine lands [are] a significant national concern . . . [and] industry can play an important role in the resolution of these problems through funding mechanisms'' as well as in other ways.

In accord with that suggestion, the bill provides for fees that would apply to hardrock mines on federal lands or lands that were federal before issuance of a mining-law patent. The fees would be paid to the Secretary of the Interior and would be deposited in a new Abandoned Minerals Mine Reclamation Fund in the U.S. Treasury. Money in that fund would earn interest and would be available for reclamation of abandoned hardrock mines and associated sites.

In developing the bill, I decided that a one-fee-fits-all approach would not be fair. Instead, the bill provides for only modest fees and a sliding scale based on the ability of mines to pay.

Mines Exempt from Fees

To begin with, the bill would entirely exempt mines with gross proceeds of less than $500,000 per year. That means many—probably most—small operations, such as Alaskan prospectors working individual placer claims, will not be liable for any fees under the bill.

Calculation of Fees

For more lucrative mines, fees would be based on the ratio of net proceeds to gross proceeds. If a mine's net proceeds were under 10% of gross proceeds, the fee would be 2% of the net proceeds. For mines with net proceeds of at least 10% but less than 18% of gross proceeds, the fee would be 2.5% of net proceeds. Mines where the net proceeds were at least 18% but less than 26% of gross proceeds would pay a fee of 3% of net proceeds. If the net proceeds were at least 26% but less than 34% of gross proceeds, the fee would be 3.5% of net proceeds. Where the net proceeds were at least 34% but less than 42% of gross proceeds the fee would be 4% of net proceeds. Mines with net proceeds equal to at least 42% but less than 50% of gross proceeds would pay a fee of 4.5% of net proceeds. And mines whose net proceeds were 50% or more of the gross proceeds would pay a fee of 5% of the net proceeds.

For the purpose of calculating these fees, the bill defines gross proceeds as the value of any extracted hardrock minerals that are sold, exchanged for good or services, exported

ready for use or sale, or initially used in manufacture or service. Net proceeds are defined as how much of the gross proceeds remain after deducting the costs of mine development; mineral extraction; transporting minerals for smelting or similar processing; mineral processing; marketing and delivery to customers; maintenance and repairs of machinery and facilities; depreciation; insurance on mine facilities and equipment; insurance for employees; and royalties and taxes.

Based on Nevada Model

This method of calculating fees is similar to that used by the State of Nevada, which collects similar production-based fees from mines in that state. However, the fees in my bill are more moderate than those set by the Nevada law in one important respect—Nevada imposes its maximum fee rate on all mines with net proceeds of $5 million or more, regardless of the ratio between those net proceeds and the gross proceeds. My bill does not do that—instead, all of its fees are based on the ratio. In other words, under my bill a mine with earnings (i.e., net proceeds) of more than $5 million per year still might pay the minimum fee if those earnings were less than 10% of the gross proceeds.

Estimated Proceeds from Fees and Use of Fund

There are not sufficient data available to say exactly how much money would go into the new reclamation fund each year under my bill. However, the United States Geological Survey does have information about the number of operating copper and gold mines and the State of Nevada has data about the money raised by their similar fee system. By extrapolating from those data, it is possible to estimate that the fees provided for in my bill would generate about $40 million annually for the Abandoned Minerals Mine Reclamation Fund.

Funds in the new reclamation fund would be available for appropriation for grants to States to complete inventories of abandoned hardrock mine sites, as mentioned above. A state with sites covered by the bill could receive a grant of up to $2 million annually for this purpose. In addition, and again subject to appropriation, money from the new reclamation fund would be available for cleanup work at eligible sites.

To be eligible, a site would have to be within a state subject to operation of the general mining laws that has completed its statewide inventory. Within those states, eligible sites would be those—(1) where former hardrock-mining activities had permanently ceased as of the date of the bill's enactment; (2) that are not on the National Priorities List under the Superfund law; (3) for which there are no identifiable owners or operators; and (4) that lack sufficient minerals to make further mining, remining, or reprocessing of minerals economically feasible. Sites designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 or subject to planned or ongoing response or natural resource damage action under the Superfund law would not be eligible for cleanup funding from the new reclamation fund.

The Interior Department could use money appropriated from the fund to do cleanup work itself or could authorize use of the money for cleanup work by a holder of one of the new ''good Samaritan'' permits provided for in Title II of the bill.

Among eligible sites, priorities for funding would be based on the presence and severity of threats to public health, safety, general welfare, or property from the effects of past mining and the improvement that cleanup work could make in restoration of degraded water and other resources. The first priority would be for sites where effects of past mining pose an extreme danger. After that, priorities would be sites where past mining has resulted in adverse effects (but not extreme danger) and then those where past mining has not led to equally serious consequences but where cleanup work would have a beneficial effect.

Further, the bill recognizes that in Colorado and other states there are often concentrations of abandoned mining sites that vary in the severity of their threat to the public health and the environment but that can and should be dealt with in a comprehensive manner. Therefore, it provides that sites of varying priority should be dealt with at the same time when that is feasible and appropriate.

Title II. Protection for ''Good Samaritans''

Second, the threat of long-term liability. To help encourage the efforts of ''good Samaritans,'' the bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain standards and requirements.

The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source (''NPDES'') permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control.

I think such protection would encourage more efforts to resolve problems like those at the Pennsylvania Mine.

Together, these two programs could help us begin to address a problem that has frustrated federal and state agencies throughout the country and make progress in cleaning up from an unwelcome legacy of our mining history. The Pennsylvania Mine and the Jamestown area are but two examples—others can be found throughout the west. And as population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue—not only to improve the environment, but also to ensure that our water supplies are safe and usable.

PAYING TRIBUTE TO RAYMOND PETERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Raymond Harold Peterson who recently passed away in Grand Junction, Colorado on February 17, 2002. Raymond, also known as Ray, will always be remembered as a dedicated contributor to his community and this nation. His passing is a great loss for his family and a town that relied on Ray for his kind heart, knowledge, and friendship.

Raymond was born in Iowa in 1920 and served his country gallantly in World War II. As a member of the U.S. Army Fourth Infantry Division, Raymond served in Germany during the latter part of the war. His actions and wounds were recognized several times throughout the course of the war, notably with the Bronze Star Medal for Valor and the Purple Heart Medal for wounds sustained in combat. Following his service to his country in the war, Raymond married his sweetheart Kathleen in November of 1945, eventually settling in Colorado. There he worked for the General Services Administration at the Denver Federal Center until his retirement in 1967.

Raymond remained involved in his community throughout his life and was often found immersed in his true passion, nature. He is survived by his loving wife Kathleen, daughters Judith and Connie, and several grandchildren and great-grandchildren. I know the passing of a love one is difficult, but I hope his family finds comfort in knowing that Raymond's kindness and generosity will live on through his family and friends.

Mr. Speaker, Raymond Peterson will be greatly missed by the many whose lives he has touched in the community, and this nation. As a veteran, Raymond fought to uphold the values that we as Americans cherish dearly today and throughout his career he worked for his fellow citizens. I am grateful to Raymond and the many others of his generation who gave of themselves selflessly so that we may enjoy the freedom of democracy today. It is with a solemn heart that we say goodbye and pay our respects to a patriarch of the Peterson family and the Grand Junction community.

IN RECOGNITION OF THE GIRL SCOUTS OF AMERICA

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. PLATTS. Mr. Speaker, I rise today in recognition of the Girl Scouts of America. The Girl Scouts turn 90 years old this year, and have a long and progressive history in our country.

The Girl Scouts were started in 1912 by Juliette Gordon Lowe. Her belief that all girls should experience physical, mental and spiritual growth through community involvement soon grew from a 18 member organization in 1912, to a 70 thousand member organization in 1920.