

has seen the possibility of how biofuels can stimulate rural economies. New fuels developed from crops could provide us with a renewable and sustainable energy supply and move our country beyond oil dependence—while also creating new markets for these crops.

Flo worked to bring "Opening Windows," a unique theater and human services project that addresses adolescent health and behavior issues from a rural perspective, to Colorado. This entertaining, provocative and value-neutral program deals with such issues as substance abuse, domestic violence, teen pregnancy, eating disorders, sexually transmitted diseases and suicide, and is based on extensive interviews with rural adolescent teenagers and their families. Each performance is followed by a facilitated dialogue involving the cast, local resource personnel, and the audience. This interactive program helps communities understand some of the dilemmas today's adolescents are trying to deal with, as new ways to approach these issues.

Flo will be missed at the CRDC, but I know she will continue to be a strong force working to improve Colorado. I urge my colleagues to join me in thanking Flo for her years of dedicated service to Colorado, and to rural residents and communities throughout our nation.

EXPAND MEDICARE MSA PROGRAM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce legislation which enhances senior citizens' ability to control their health care and use Medicare money to pay for prescription drugs. This legislation accomplishes these important goals by removing the numerical limitations and sunset provisions in the Medicare Medical Savings Account (MSAS) program so that all seniors can take advantage of the Medicare MSA option.

Medicare MSAs consist of a special savings account containing Medicare funds for seniors to use for their routine medical expenses, including prescription drug costs. Seniors in a Medicare MSA program are also provided with a catastrophic insurance policy to cover non-routine expenses such as major surgery. Under an MSA plan, the choice of whether to use Medicare funds for prescription drug costs, or other services not available under traditional Medicare such as mammograms, are made by the senior, not by bureaucrats and politicians.

One of the major weaknesses of the Medicare program is that seniors do not have the ability to use Medicare dollars to cover the costs of prescription medicines, even though prescription drugs represent the major health care expenditure for many seniors. Medicare MSAs give those seniors who need to use Medicare funds for prescription drugs the ability to do so without expanding the power of the federal bureaucracy or forcing those seniors who currently have prescription drug coverage into a federal one-size-fits-all program.

Medicare MSAs will also ensure seniors access to a wide variety of health care services by minimizing the role of the federal bureauc-

racy. As many of my colleagues know, an increasing number of health care providers have withdrawn from the Medicare program because of the paperwork burden and constant interference with their practice by bureaucrats from the Center for Medicare and Medicaid Services (previously known as the Health Care Financing Administration). The MSA program frees seniors and providers from this burden thus making it more likely that quality providers will remain in the Medicare program!

Mr. Speaker, the most important reason to enact this legislation is seniors should not be treated like children and told what health care services they can and cannot have by the federal government. We in Congress have a duty to preserve and protect the Medicare trust fund and keep the promise to America's seniors and working Americans, whose taxes finance Medicare, that they will have quality health care in their golden years.

However, we also have a duty to make sure that seniors can get the health care that suits their needs, instead of being forced into a cooking cutter program designed by Washington-DC-based bureaucrats! Medicare MSAs are a good first step toward allowing seniors the freedom to control their own health care.

In conclusion, Mr. Speaker, I urge my colleagues to provide our senior citizens greater control of their health care, including the ability to use Medicare money to purchase prescription drugs by cosponsoring my legislation to expand the Medicare MSA program.

RECOGNIZING SERGEANT GREGORY W. VERBECK

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Ms. SOLIS. Mr. Speaker, I rise today to acknowledge the life and career of one of the Monterey Park Police Department's finest officers, Sergeant Gregory W. Verbeck.

Sergeant Verbeck graduated from the Southern California Peace Officers Academy at Riverside City College in 1971. That same year, Sergeant Gregory W. Verbeck began his 31-year career with the Monterey Park Police Department. Sergeant Verbeck rose quickly in the force and on September 21, 1974, he was promoted to the rank of Police Agent. From 1978 to 1980, he was assigned to the Investigations Bureau working juvenile investigations and on January 24, 1980, he was promoted to Sergeant. Sergeant Verbeck also served as a K-9 Handler, a department firearms instructor, the department's fleet manager and the Monterey Park Emergency Communications Coordinator.

Outside of his official duties on the force, Sergeant Verbeck was a member and served as President of the Monterey Park Police Officers Association. He has also been active in the community as a member of the Eastside Optimist Club, as a board member of the Japanese Amateur Radio Society and Chair of the Community Relations Commission.

During his career, Sergeant Verbeck received over fifty letters and commendations for his unwavering commitment to service. These awards included Basic, Intermediate, Advanced, and Supervisory Police Certificates. In 1996, Sergeant Verbeck's excellence earned

him the Public Safety Employee of the Year Award.

Sergeant Verbeck has been a true professional, mentor and a friend to our community. He will be greatly missed by his many friends at the Monterey Park Police Department and the community. Mr. Speaker, I ask you to join me in expressing my appreciation for Sergeant Verbeck's lifetime of service and commitment to our community.

TRIBUTE TO SHERIFF BILL BLAIR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Sheriff Bill Blair of Delta County, Colorado. Bill Blair has been the Sheriff of Delta County for the past fourteen years where he has faithfully served his constituents with the honor, courage, and integrity that Americans have come to expect from their elected officials. Recently, Sheriff Blair has announced his retirement and, as he leaves office this January, I would like to pay tribute to his career and accomplishments before this body of Congress and this nation.

Throughout his life, Sheriff Blair has proven himself to be a dedicated American, committed to the service of his community and country. At age seventeen, Bill Blair joined the United States Navy where he faithfully served his country for twenty years. During his career in the military, Bill was an aircraft firefighter while on four aircraft carriers. Bill also served in the Vietnam War, where he received the Navy's Professional Service Award for meritorious service in both 1968 and 1972.

Soon after leaving the military, Bill Blair began his career in law enforcement, where he served the Delta County Sheriff's office as a reserve deputy and later as a deputy sheriff. He was promoted again as the department's first non-uniformed investigator for the Delta County Sheriff's Office. Sheriff Blair was later appointed Undersheriff by then Sheriff Richard Miklich, a position that he held for two years. From there, Bill was appointed Sheriff in the middle of Miklich's final term of office.

As a former law enforcement officer, I am well aware of the dangers and hazards our police officers face today. These individuals work long hours, weekends, and holidays to guarantee their fellow citizens rights and protections. They work tirelessly and with great sacrifice to their personal and family lives to ensure our freedoms remain strong in our homes and communities. Their service and dedication deserves the recognition and thanks of this body of Congress, and that is why I am so honored to celebrate the retirement of a man who has given so much to his community and country.

Mr. Speaker, it is with sincere gratitude that I recognize Sheriff Bill Blair of Delta County, Colorado before this body of Congress and this nation. Sheriff Blair has served the citizens of Delta County with great character and integrity, and it is an honor to represent such an outstanding American in this Congress. I wish Bill all the best in his retirement.

INTRODUCTION OF ABANDONED HARDROCK MINES RECLAMATION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

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. I introduced a similar bill in the 107th Congress. This bill contains a number of changes that were developed in consultation with interested parties, including representatives of the Western Governors' Association, the hardrock mining industry, and environmental groups. More detail regarding these changes is included at the end of this statement.

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. 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.

OBSTACLES TO CLEANUP

Right now there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other 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.

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.

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 2001, 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. 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 I. FUNDS FOR CLEANUPS

Title I addresses the lack of resources. It 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.

Similarly, my bill provides for fees on mineral production from producing hardrock mines on Federal lands or lands that were Federal before issuance of a mining-law patent. 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. The method of calculating fees is similar to that used by the State of Nevada, which collects production-based fees from mines in that State. Because over the years there have been proposals to establish royalties for hardrock production, in order to provide a greater return to the American people, they would require the Secretary of the Interior to reduce payments under this title so as to offset any royalties hardrock producers may pay in the future. This is intended to avoid possible inequitable treatment of a producer covered by both the royalty and Title I of this bill.

Funds in the new reclamation fund would be available for appropriation for grants to eligible 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, money from the 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 State-wide 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, reining, 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 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.

TITLE II. PROTECTION FOR "GOOD SAMARITANS"

Title II addresses 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 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.

Together, these two parts of the bill 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.

DIFFERENCES BETWEEN THIS BILL AND THE PREVIOUS VERSION

Since the introduction of my original bill in the 107th Congress, I have been working with a variety of people interested in this subject. My staff joined discussions with a group that included representation of the western States through the auspices of the Western Governors' Association, the mining industry (including hardrock mining companies in Colorado and the Colorado and national mining associations), the environmental community, and relevant State and Federal agencies. The discussions were very productive, and led to much progress toward developing consensus