

Sam Flores a great deal of gratitude for his work to build a new Seguin Post Office, establish the Health Unit Project, and provide the leadership needed to complete the Walnut Creek Flood project.

Sam Flores led the fight against discrimination. In the Sixties he helped form the Seguin Biracial Committee, which successfully worked to end discrimination in public places. He also helped to end segregation in the Seguin Independent School District. Beyond merely ending discrimination, Flores worked to expand cultural understanding. Today, for example, because of his dedication, Texas Lutheran University now has Mexican American Studies program for the benefit of our students.

The contributions made by Sam Flores to the City of Seguin are felt not only by those in direct contact with him, but by all the contributions made by the people he touched. His tremendous work and accomplishments is inspiring. His example of sincere dedication to others is a blueprint for all of us to follow.

THE LATE CONGRESSMAN
WILLIAM H. AYRES

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. SAWYER. Mr. Speaker, William H. Ayres represented the 14th Congressional District of Ohio in the U.S. House of Representatives for 20 years. Congressman Ayres, who died on December 27, defined his political philosophy with typical succinctness. He said, "Most of the fellows today are issue-oriented. They're trying to save the world, while I was trying to save a paycheck."

A direct statement—modest, self-effacing, and misleading. Bill Ayres did much more than "save paychecks."

Congressman Ayres was the son of a Methodist minister and a missionary nurse. Before serving in the Army, he worked as a salesman for a heating equipment company. After the Second World War, he started his own company selling gas furnaces. His priorities were made evident when he hired 15 men—all World War II veterans—to work for him.

Bill Ayres also showed his independent streak by challenging restrictions on heating contractors. That crusade ended in victory in the Ohio Supreme Court.

Those two characteristics—fierce independence and loyalty to veterans—marked his public service, especially in the House of Representatives. Committed to constituent service, Bill Ayres was an energetic and innovative campaigner, who was re-elected nine times, including the 1964 landslide for Lyndon Johnson.

His daughter, Virginia, touched on those tireless efforts as she recalled, "Every weekend, he was at the Polish picnic and the Hungarian picnic and the Kiwanis. Those are my memories of childhood."

After leaving the House, Bill Ayres continued his dedicated work for veterans, running the Jobs for Veterans program in the Department of Labor under President Nixon.

Bill Ayres had as a campaign slogan, "Ayres Cares." His approach to work, to people, and to life, proved clearly that it was no empty slogan, but an apt description of the man, and his model for public service.

Congressman Ayres now rests in Arlington National Cemetery, among the men and women he supported and served. It is a fitting resting place for a tireless fighter for his fellow veterans, for a true public servant.

of Kosciuszko's birth, I am proud to recognize the dedication of proud Polish Americans whose efforts led to the preservation of this important historic treasure as a National Historic Site.

HONORING THE KOSCIUSZKO
HOUSE IN HISTORIC PHILADELPHIA

HON. ROBERT A. BORSKI

OF PENNSLYVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. BORSKI. Mr. Speaker, today I recognize an important milestone in Polish-American history, the 25th anniversary of the opening of the Kosciuszko House in historic Philadelphia. The house, at 3rd and Pine Streets, serves as a National Historic Site and a National Memorial to American Revolutionary War hero and Polish freedom fighter, General Thaddeus Kosciuszko.

In the mid-1960s, Edward Pinkowski, a Philadelphia historian, after hours of research, discovered that the house was Kosciuszko's home during the Revolutionary War. In October 1967, the Pennsylvania Historical Commission officially recognized the residence of Kosciuszko by placing a marker on the building and designating it as a historic site. Between 1967 and 1970, Polish American Congress Eastern Pennsylvania District President Henry Wyszynski, coordinated a national campaign among Polish American Congress state divisions to designate the Kosciuszko House as a National Memorial. In 1970, philanthropist Edward Piszek joined the effort by purchasing the building and successfully helping to persuade the 91st Congress to introduce legislation establishing the Thaddeus Kosciuszko Home as a National Historic Site.

In October 1972, after a long, well-organized national campaign, a federal law was passed for the nation to accept the house from Mr. Piszek as a gift. At that time, the government appropriated \$592,000 to develop the site as a National Memorial Site to be administered by the National Park Service of the U.S. Department of the Interior.

After three years of historical restoration work was completed, the adjoining house was purchased by Mr. Piszek and donated to the U.S. Government to provide space to accommodate tourist.

On February 4, 1976—the 230th anniversary of Thaddeus Kosciuszko's birth—the Kosciuszko House was open to the public and became an official site of the United States National Park Service.

Mr. Speaker, since its opening 25 years ago, the Kosciuszko House has been open to thousands of people who have gained a valuable insight into the role this Polish freedom fighter played in America's fight for freedom. It stands along with Independence Hall and the Liberty Bell as a stirring symbol of Philadelphia's honored role as the birthplace of America.

Since 1967, the Polish American Congress has sponsored a tribute ceremony to honor Kosciuszko on the first Saturday of February so all people can pay tribute to this Revolutionary War hero.

This year, on the 25th anniversary of the Kosciuszko House and the 255th anniversary

INTRODUCTION OF THE ABANDONED MINE LANDS RECLAMATION REFORM ACT OF 2001

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. RAHALL. Mr. Speaker, today I am introducing the "Abandoned Mine Lands Reclamation Reform Act of 2001" in recognition of the pressing need to make continued progress in restoring the environment in coalfield communities throughout the Nation.

Originally authorized as part of the landmark Surface Mining Control and Reclamation Act of 1977, to date over \$1.7 billion has been appropriated under the Abandoned Mine Reclamation Program to restore lands and waters adversely affected by past coal mining practices. These restoration projects normally involve threats to the public health and safety from dangerous highwalls, subsidence, refuse piles and open mine portals. They also include the construction of new water supply systems to coalfield communities where water supplies have been contaminated by past coal mining practices. Over the years, other amounts have been appropriated under the program for emergency coal reclamation projects, the Rural Abandoned Mine Program, the Small Operators Assistance Program, certain non-coal mining reclamation projects and the administration of the program for a total \$4 billion in appropriations.

The primary delivery mechanism for these funds is through annual grants made through the annual appropriations process to 26 eligible States and Indian tribes. This effort is augmented by funds expended by the Interior Department's Office of Surface Mining (OSM) in States and tribes without approved reclamation programs. By most accounts, this effort has been a success achieving far more in real on-the-ground environmental restoration than programs such as the Superfund.

Yet, the mission of this program has not yet fully been accomplished which is the reason for the legislation I am introducing today. As it stands, there currently exists about \$2.5 billion worth of high priority human health and safety threatening abandoned coal mine reclamation costs in this country. There are other costs as well, associated with lower priority abandoned coal mine sites. The fundamental purpose of the "Abandoned Mine Lands Reclamation Reform Act of 2001" is to raise sufficient revenues which, when coupled with the unappropriated balance in the Abandoned Mine Reclamation Fund and the reforms proposed by the legislation, to finance the reclamation of the remaining \$2.5 billion inventory of high priority coal reclamation sites and draw this effort to a successful conclusion.

In this regard, it is essential to note that this program is not financed by the general taxpayer but rather through a fee assessed on every ton of coal mined. The unreclaimed coal sites eligible for expenditures under the program were primarily abandoned prior to the

enactment of the Surface Mining Control and Reclamation Act of 1977 which placed stringent mining and reclamation standards in place. The authority to collect these fees was originally for a 15-year period. However, on two prior occasions through legislation I sponsored the Congress extended those fees collections in recognition of the continued need to address health, safety and environmental threats in the Nation's coalfield communities.

A central feature of this legislation then is to extend that fee collection authority for an additional seven years to 2011. This is the period the OSM estimates will be necessary to generate the additional revenue to complete the high priority coal site inventory. However, that alone will not allow us to achieve that goal which is the reason for the reforms proposed by this bill.

Simply put, in my view over the years there has been a hemorrhaging of some of the funding made available under this program to lower priority projects. Almost \$200 million, for instance, for coal priority 3 projects which do not involve protecting the public health and safety. One of the reasons this reduction in focus on health and safety threatening projects has occurred is due to a late 1994 OSM policy shift that corrupted what is known as the general welfare standard in the coal reclamation priority rankings. This new policy has had the affect of allowing States to bootstrap what would normally have been lower priority 3 projects into the higher priority 1 and 2 rankings. To be clear, not all States or even a majority of Sates have taken advantage of this new policy and I commend them for that. Yet it is a fact that as a result of this new policy the bona fide \$2.5 billion inventory of unfunded priority 1 and 2 projects has swollen to over \$6 billion. I do not recognize this \$6 billion figure and neither does this legislation.

The reforms proposed by this bill include eliminating the general welfare standard and restricting the use of State/tribal share grants and supplemental federal share grants to bona fide coal priority 1 and 2 projects involving threats to human health and safety. Once those projects are completed and only when those projects are completed, with two minor exceptions, can a State or tribe undertake the lower priority coal projects under the certification program with their State/tribal share grants. The exceptions to this rule involve situations where a priority 3 site is undertaken in conjunction with a priority 1 or 2 site, or where a priority 3 sites is addressed in association with a coal remaining operation. In effect, this legislation seeks to target the lion's share of available funding to coal priority 1 or 2 keeping faith with the original mission of the program. Among other reforms envisioned are federal approval of any additions made to the official Abandoned Mine Reclamation Inventory and a review of those additions made since the OSM policy shift on the general welfare standard.

The purposes of these reforms are intended, as previously noted, to complete those projects which are necessary to complete for the sake of protecting the health and safety of coalfield residents. At the same time, they are also intended to give the coal industry which finances this program reasonable assurances that the fees it pays will not be squandered but put to good use, and to give the industry a time frame which it can count on when the assessment of those fees will no longer be necessary.

I would like to make note of two additional changes to current law proposed by this bill. As already noted, in the past appropriations were made available from the Abandoned Mine Reclamation Fund to the Rural Abandoned Mine Program (RAMP), an Agriculture Department program. No such appropriations have been forthcoming for six fiscal years now. I find this disappointing. While the Interior Department and the States from the very beginning were against RAMP funding, contending it was duplicative of their efforts, this in my view and in that of many others was not the case. RAMP served a distinctly different purpose involving a closer working relationship with landowners and sought to address reclamation projects on a more holistic basis. Another problem that also dogged RAMP was the fact that while it is an Agriculture Department program, its appropriations were being made out of an Interior Department trust fund by the Interior Appropriations bill. Obviously, Interior officials had little interest in this arrangement and so beginning in 1995 we have not been able to obtain funding for RAMP. In my view, this situation will not change if the status quo is maintained. For that reason, the legislation I am introducing today would authorize RAMP for general fund appropriations rather than out of the Abandoned Mine Reclamation Fund so that funding can be pursued through the Agriculture Department's Natural Resources Conservation Service's budget.

Finally, this legislation also seeks to lift the restriction that interest accrued in the Abandoned Mine Reclamation Fund can only be transferred to what is known as the Combined Benefits Fund for unassigned beneficiaries. Under this bill, all accrued interest would be available to keep faith with the promise made by the federal government many years ago to guarantee health care benefit for certain retired coal miners.

In introducing this legislation I do not purport to suggest it offers perfect solutions. It is a fact that the draft bill has been available for review by the affected States and tribes for 10 months now and I thank them for their comments. It has also been reviewed by the Citizens Coal Council, a coalfield-based environmental group. And, it has been reviewed by segments of the coal industry. Certainly, though, we have a long legislative process ahead of us and I look forward to working with interested Members of Congress on this matter.

I submit the following detailed section-by-section analysis of the "Abandoned Mine Lands Reclamation Reform Act of 2001" for inclusion in the RECORD.

SECTION-BY-SECTION ANALYSIS OF THE "ABANDONED MINE LANDS RECLAMATION REFORM ACT OF 2001"

Section 1 provides for a short title.

Section 2, amendments to title IV—

Subsection (a)(1) strikes from the purposes of Abandoned Mine Reclamation Fund the transfer of amounts to the Secretary of Agriculture for use under the Rural Abandoned Mine Program and the use of funds for abandoned mine land research projects conducted by the Bureau of Mines. The bureau no longer is in existence.

Subsection (a)(2) clarifies that all interest accrued to the Abandoned Mine Reclamation Fund is for the purpose of making transfers to the Combined Benefit Fund.

Subsection (b)(1) extends the authorization to assess reclamation fees from 2004 to 2011.

Subsection (b)(2) modifies the provision of current law requiring the redistribution of grant amounts not expended within three years after being awarded. Amounts redistributed would be expended under the historic coal production supplemental grant program rather than any funding category as under current law. [Note: this provision has never been enforced].

Subsection (b)(3) strikes the reservation of reclamation fees and interest for the Rural Abandoned Mine Program. An amendment made by this subsection requires the Secretary to insure strict compliance with the priorities set forth in section 403(a) in the expenditure of funds until certification of the completion of all eligible coal abandoned mine reclamation projects is made.

Subsection (b)(4) contains two technical and conforming amendments.

Subsection (b)(5) rewrites section 402(g)(4) relating to the eligibility of certain post August 4, 1977, sites for expenditure of funds under the Abandoned Mine Reclamation Fund. Current law allows such expenditures on certain sites abandoned after August 4, 1977, but prior to a State or Tribe receiving approval of this permanent program or where a surety company insolvency resulted in abandoned coal mine lands and waters. The amendment made by this subsection primarily strikes the latter situation as such sites are no longer prevalent.

Subsection (b)(6) increases the amount of reclamation fees dedicated to the historic coal production supplemental grant program from 40% to 60% of the Secretary's 50% share of the Abandoned Mine Reclamation fund (30% of the total). This subsection also includes a technical and conforming amendment.

Subsection (b)(7) eliminates the set-aside of 10% of annual grants for purposes of expenditure after September 30, 1995, as the provision is no longer relevant. Amendments in this subsection also streamline provisions relating to the 10% set-aside for acid mine drainage abatement and treatment by eliminating Secretarial approval of such expenditures and provisions requiring consultation with the Soil Conservation Service and the Bureau of Mines.

Subsection (b)(8) provides that the expenditure of funds for projects formerly identified as priority 3 may only be made in conjunction with the expenditure of funds for priority 1 or 2 projects or in association with coal remining operations prior to the certification of the completion of all eligible coal abandoned mine reclamation projects is made (other amendments eliminate priority 3 from section 403 and transfers it to the post-certification program).

Subsection (b)(9) extends the authorization level for minimum program States to post-certification priority 3 coal sites.

Subsection (b)(10) lifts restrictions relating to the transfer of interest to the Combined Benefit Fund.

Subsection (b)(11) is a technical and conforming amendment relating to the amendment made by subsection (b)(9).

Subsection (c)(1) strikes the term "general welfare" from priority 1 and 2 and strikes priorities 3 thru 5.

Subsection (c)(2) makes a technical and conforming amendment and includes a requirement that amendments to the AML Inventory are subject to the approval of the Secretary.

Subsection (d) makes a technical and conforming amendment.

Subsection (e) authorizes the Rural Abandoned Mine Program to receive general fund appropriations.

Subsection (f) updates requirements relating to the filing of liens.

Subsection (g) updates section 409 primarily by including references to Indian

tribes, clarifying that annual grants may be used for projects under the section excluding amounts received under the historic coal production supplemental grant program, and clarifying that States and Tribes rather than the Secretary make expenditures under the section subject to the approval of the Secretary. Provision is made allowing continued eligibility under section 409 after a State or tribe has certified the completion of all coal priority 1 and 2 projects but has not yet completed other remaining coal projects under section 411.

Subsection (h) rewrites the section 411 certification program in two significant ways. First, it allows the Secretary or a third party (in addition to a State or Tribe as under current law) to seek the certification of the completion of all coal priorities on eligible lands and waters. Second, provision is made to require certification after the completion of coal priority 1 and 2 projects. Once this occurs, a State or Tribe would commence other remaining coal projects eligible under section 404 (former priority 3 projects) prior to undertaking non-coal projects. Provisions relating to non-coal projects remain unchanged from current law.

Subsection (i) strikes a moribund provision in section 413.

Section 3, free-standing provisions—

Subsection (a) provides that reclamation fees credited to the Rural Abandoned Mine Program but not appropriated in the past be available for historic coal production supplemental grants. An amendment also provides for the transfer of interest not transferred in the past to the Combined Benefit Fund.

Subsection (b) requires the Secretary to review all additions to the AML Inventory made since December 31, 1998. Provision is made deeming projects listed in the inventory under the “general welfare” standard as being ineligible under section 403(a) and may only be carried out under section 411(c)(1). Provision is made for the Inspector General to evaluate the review and together with the Secretary report the results to committees of the House and Senate. Provision is also made requiring the Inspector General to conduct an annual review of any amendments to the inventory.

Subsection (c) is a savings clause noting that nothing in the legislation affects any State or Tribal certification made before the date of enactment of the bill.

FEDERAL EMPLOYEE DEPENDENT CARE ASSISTANCE PROGRAM,
H.R. 252

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. GILMAN. Mr. Speaker, today I am introducing legislation, which will benefit Federal

employees around the country. This bill will provide our Federal employees with a benefit that many of their counterparts in the private sector enjoy.

The time has finally arrived for the Federal Government to become more competitive with the private sector to help gain and retain qualified employees. The private sector has been able to hire the best and brightest employees and offer competitive benefits and pay while the Federal Government has seen its top workers flee for the higher paying jobs of the private sector.

By providing employees with the opportunity to participate in the Dependent Care Assistance Program (DCAP), we are giving parents more flexibility and choices when it comes to paying for child care. DCAP is similar to a medical savings account in that an employee can choose to set aside a portion of their income without it being taxed, for the sole purpose of paying for child care expenses. This type of program is used widely in the public sector and it is high time for Federal Employees to be able to use this program as well.

Moreover, this legislation sets an example for those businesses that do not offer similar benefits to their employees. For years, the Federal government has been a model for the private sector especially in the area of employee provided health care benefits and coverage of medical procedures and it is our hope that this legislation will inspire more businesses to offer similar benefits to their employees.

Accordingly, I am pleased to be sponsoring this legislation and I am confident that by affording our Federal employees their benefit, we will help to create a more family friendly Federal Government.

Mr. Speaker, I submit a full copy of this Text of H.R. 252 to be inserting at this point in the RECORD:

H.R. 252

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

SECTION 1. DEPENDENT CARE ASSISTANCE PROGRAM FOR FEDERAL EMPLOYEES.

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 87 the following:

“CHAPTER 88—DEPENDENT CARE ASSISTANCE PROGRAM

“§ 8801. Definitions

“(a) For the purpose of this chapter, ‘employee’ means—

“(1) an employee as defined by section 2105 of this title;

“(2) a Member of Congress as defined by section 2106 of this title;

“(3) a Congressional employee as defined by section 2107 of this title;

“(4) the President;

“(5) a justice or judge of the United States appointed to hold office during good behavior (i) who is in regular active judicial service, or (ii) who is retired from regular active service under section 371(b) or 372(a) of title 28, United States Code, or (iii) who has resigned the judicial office under section 371(a) of title 28 with the continued right during the remainder of his lifetime to receive the salary of the office at the time of his resignation;

“(6) an individual first employed by the government of the District of Columbia before October 1, 1987;

“(7) an individual employed by Gallaudet College;

“(8) an individual employed by a county committee established under section 590(h)(b) of title 16;

“(9) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838); and

“(10) an individual appointed to a position on the office staff of a former President, or a former Vice President under section 4 of the Presidential Transition Act of 1963, as amended (78 Stat. 153), who immediately before the date of such appointment was an employee as defined under any other paragraph of this subsection;

but does not include—

“(A) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

“(B) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone; or

“(C) an employee excluded by regulation of the Office of Personnel Management under section 8716(b) of this title.

“(b) For the purpose of this chapter, ‘dependent care assistance program’ has the meaning given such term by section 129(d) of the Internal Revenue Code of 1986.

“§ 8802. Dependent care assistance program

“The Office of Personnel Management shall establish and maintain a dependent care assistance program for the benefit of employees.”