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 CLEANUPS

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

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, such as the one of June 2004 entitled ''Cleaning Up Abandoned Mines'' sponsored by Governor Bill Owens of Colorado along with Governor Bill Richardson of New Mexico and Governor Kenny Guinn of Nevada.

LEGISLATIVE RESPONSES TO THE OBSTACLES

To respond to the need for funding, I have joined as a cosponsor of H.R. 2262, the ''Hardrock Mining and Reclamation Act of 2007,'' introduced by the distinguished Chairman of the Natural Resources Committee. Representative RAHALL of West Virginia, which has now been ordered reported from that Committee. That legislation will establish a Locatable Minerals Fund to receive royalties and fees related to hardrock mines on Federal lands that, among other things, can be used for the reclamation and restoration of lands and waters adversely affected by past mining on Federal lands.

And the bill I am introducing today responds to a legal obstacle, the potential liability under the Clean Water Act that now deters many would-be ''good Samaritans'' from undertaking efforts to clean up abandoned hardrock mines.

To help the efforts of ''good Samaritans,'' this 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. I think this would encourage efforts to fix problems like those at the Pennsylvania Mine.

The new permit proposed in this bill would help address problems that have frustrated federal and state agencies throughout the country. 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. This bill does not address all the concerns some would-be Good Samaritans may have about initiating cleanup projects—and I am committed to continue working to address those additional concerns, through additional legislation and in other ways. But this bill can make a real difference and I think it deserves approval without unnecessary delay.

For the benefit of our colleagues, here is a brief outline of the bill's provisions:

Eligibility for Good Samaritan Permits—Permits could be issued to a person or entity not involved in creation of residue or other conditions resulting from mining at a site within the bill's scope. Any other similar person or entity could be a cooperating party to help with a cleanup.

Sites Covered by the Bill—The bill covers sites of mines and associated facilities in the United States once used for production of a mineral (other than coal) but no longer actively mined, but does not cover sites on the national priority list under Superfund.

Administration—The permits would be issued by the Environmental Protection Agency (EPA) or by a state or tribal government with an approved Clean Water Act permitting program.

Remediation Plans—To obtain a permit, an applicant would have to submit a detailed plan for remediation of the site. After an opportunity for public comments, the EPA or other permitting authority could issue a permit if it determined that implementing the plan would not worsen water quality and could result in improving it toward meeting applicable water quality standards.

Effect of Permit—Compliance with a Good Samaritan permit would constitute compliance with the Clean Water Act, and neither a permit holder nor a cooperating party would be responsible for doing any remediation activities except those specified in the remediation plan. When the cleanup is done, the permit expires, ending the Good Samaritan's responsibility for the project.

Report and Sunset Clause—Nine years after enactment, EPA must report to Congress about the way the bill has been implemented, so Congress can consider whether to renew or modify the legislation, which under the bill will terminate after 10 years.

INTRODUCTION OF THE AMERASIAN PATERNITY RECOGNITION ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, our immigration law has long recognized that children born outside our country to an American father and a foreign national mother are U.S. citizens.

Unfortunately, there remains a group of forgotten sons and daughters who, despite being born to American fathers, have been unfairly denied U.S. citizenship. These are the offspring of American servicemen and Asian women during the Vietnam and Korean Wars whose fathers did not personally take the steps of acknowledging paternity necessary to make their offspring citizens. But, the American government did that for them by acknowledging that their fathers were American citizens.

Many of these individuals have lived through devastation during war, have been mistreated by their governments because of their mixed race, and many now live in the United States, but only as legal permanent residents.

There is no doubt that Amerasians are the sons and daughters of American fathers. Our American government already made that determination when we admitted them to the United States as legal permanent residents.

To correct this unfair inequality in our law, I am introducing the Amerasian Paternity Recognition Act, along with bipartisan cosponsors, to ensure that Amerasians are accorded U.S. citizenship just like the offspring of other American fathers are.

It is time for us to finally close a chapter in our history that has too long denied Amerasians the opportunity to become citizens and be recognized as the Americans that they are.