



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, TUESDAY, APRIL 5, 2011

No. 48

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. YODER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
April 5, 2011.

I hereby appoint the Honorable KEVIN YODER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### UPPER BIG BRANCH MINE TRAGEDY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, 1 year ago today, a massive explosion ripped through the 2-mile area of the Upper Big Branch Mine in Montcoal, West Virginia. The explosion bent railroad tracks like pretzels and killed 29 miners.

This disaster laid bare the loopholes that riddle our mine safety laws. These loopholes allowed dubious mine opera-

tors, like Massey Energy, to violate mine safety rules repeatedly and with impunity. In fact, the Upper Big Branch Mine was allowed to remain open even though it had been ordered to stop operations 51 times in the previous year because of severe safety hazards.

After the disaster, there were proclamations made from both sides of the aisle about taking meaningful action to honor the victims so that something like this would never happen again. However, standing here a year later, miners still face many of the same dangers as they did the morning before the tragedy in West Virginia.

Unscrupulous mine operators are still gaming the system by clogging it with thousands of appeals as a way to avoid paying strong penalties. Miners are still paralyzed with the fear of being fired for speaking out because of weak whistleblower protections. Decisions made in the boardrooms to maximize coal production at the expense of miners' safety remain unchallenged. Management practices of illegally giving advance warning of pending inspections are still a mere misdemeanor.

Shortly after the Upper Big Branch tragedy, the Education and Labor Committee held the only hearings where Congress heard from families and miners affected by this tragedy. Many were reluctant to testify because they feared retaliation. For others, there was a strong desire to tell their stories to prevent another tragedy in the coal mines of America.

Eddie Cook told us about the dangerous practices he heard from the miners at the Upper Big Branch Mine after the explosion. He lost his 21-year-old nephew, Adam Morgan.

Adam's father, Steve Morgan, said that when he spoke to his son about the unsafe conditions, management told him that he might just have to find another job. They did nothing about the unsafe conditions.

Gary Quarles lost his only son at Upper Big Branch. Gary asked us to make a commitment to make sure that it doesn't happen again.

Alice Peters testified about how her son-in-law, Dean Jones, was afraid to work in the mine because of the ventilation problems, but Dean needed the job in order to keep health insurance coverage for his special-needs son.

Clay Mullins lost his brother Rex at Upper Big Branch. Clay testified how the management would give advance warning of an impending mine safety inspection so that they could quickly cover up any violations before the Federal inspectors got to that part of the mine.

And Stanley "Goose" Stewart was working at the Upper Big Branch Mine the day it exploded. He testified twice before the committee about the persistent fear and intimidation faced by workers from Massey management.

Every mine law has been written with the blood of miners; and savvy political interests know that, as attention to the tragedy fades, so does the willingness of the Congress to act decisively. Families and miners also expressed their concern about this skepticism. Looking back now, a year later, their skepticism was entirely justified.

Congress has utterly failed to respond to the real problems that miners, themselves, have identified as safety hazards in their workplace. A toxic political environment has failed these families. The pay-to-play nature of our politics has failed these families.

While congressional action was stymied, the Mine Safety and Health Administration has been working hard to make adjustments in the limited ways it can to help prevent rogue mine operators from recklessly putting lives at risk; but even with these measures, we are hearing the familiar cries from Big Coal to maintain the status quo while they continue to game a legal system designed to protect the miners who go to work in those mines every day.

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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