November 18, 1999

Congressional Record—Senate

30576

I suggest that 90 percent want to do it. There is an objection not based on substance, but on another reason. I very much appreciate the desire of the Senator from West Virginia to speak. But I might say that my objection to proceeding here does not deprive the Senator from speaking. He will find ample opportunity, and I support his right to be able to speak. This is so black and white, so much of a no-brainer, and there are millions of Americans in rural America who want this thing, and there is so little reason not to do it.

So I will object.

The PRESIDING OFFICER. Objection is heard.

The majority leader has the floor.

Mr. LOTT. Madam President, I yield the floor. I believe the Senator from West Virginia was prepared to proceed to discuss his issue. I think he probably will do that. We will see what might be done to address concerns Senators may have, and we will be back later.

Mr. STEVENS. Mr. President, I checked with my office. TEA 21, the highway bill, had a loan guarantee program. It took 16 months for the regulations to be drawn before there was one guarantee made. We have the process to be started on the Satellite Home Viewer Act to create regulations for a new loan guarantee program, and I said it could be done in 6 months. My staff tells me I was very conservative; it will take much longer than that. We will have the law for authorizing the loan guarantee done by the end of April.

I do not believe that those who agree with me that there should be a loan guarantee program should be worried about the deletion of that authorization now. The problem on the loan guarantee program is to commence the drafting, really, the presentation of the new program. It will be entirely new. It is not similar to any conduct of a loan guarantee program in history. So it will take a considerable amount of time.

I want the RECORD to note there is no reason to oppose this bill and particularly to oppose this continuing resolution on the basis of the deletion of the loan guarantee program from the Satellite Home Bureau Act.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

MOUNTAINTOP MINING

Mr. BYRD. Madam President, in the rush to complete work on an omnibus appropriations bill that will attract enough votes to pass both Chambers of Congress without incurring a veto from the White House, a number of important measures that should have been in the conference report have ended up on the cutting room floor. One of those issues is mountaintop mining.

I am extremely disappointed at the shortsightedness of the White House, as well as some Members of Congress, on this issue. We had a chance on the omnibus package to right a wrong, to reverse the shortsightedness of the White House, a number of important issues is mountaintop mining.

The White House blocked that effort, leading the charge to exclude the proposed legislative remedy from the omnibus bill. As a result, thousands of coal miners in West Virginia, and throughout Appalachia, are facing a bleak and uncertain future.

Particularly troubling to me is that the ammunition used to defeat this proposal, the ammunition used to keep it out of the omnibus package, was, in large part, a campaign of misinformation, led by the White House.

My proposal is not antienvironment. The White House would have you believe this amendment would not weaken or in any way alter the Clean Water Act. Let the White House hear! The White House would have the people believe otherwise. Let me say it again. This amendment which is cosponsored by Mr. McConnell, the senior Senator from Kentucky; Mr. Rockefeller, the junior Senator from West Virginia; and Mr. Bunning, the junior Senator from Kentucky, would not weaken or in any way alter, modify, change, repeal, amend, or undermine the Clean Water Act.

I know the White House has tried to mislead people into believing that it would. It would not. Plea on the White House! Plea for attempting to mislead the people. Now, one can honestly believe what he is saying and can mislead or one can mislead with the intention of misleading.

All the Byrd-McConnell amendment would do is preserve the status quo until an environmental impact assessment, which is currently underway, is completed and regulations resulting from it are issued. That environmental impact assessment was not put in motion by the White House; it was put in motion by a court action last December.

No laws would be weakened by the Byrd-McConnell amendment. No regulations would be discarded. The legislative remedy that is proposed by this amendment is not an either/or proposition. This amendment would permit carefully controlled mountaintop mining while allowing work to continue on a broad environmental study that could spur better oversight and more environmentally friendly mining practices nationally in the years ahead. In my book, that is a win/win situation.

This mountaintop mining proposal is an effort to stand up for America’s coal miners—and the railway workers, and the truckers, and the suppliers, and all other laborers—the coal miners; we are also talking about the retired coal miners, and their wives, or others. It isn’t just the coal miners, it is running out for them. The President wants this Appropriations Bill sent to him, in Greece. Indeed! What are we going to send to the coal miners who have been working for this country before the coal miner was born? What are we going to send them? I have seriously considered this matter. This issue merits the time and the attention of Congress. I am prepared to give it some time. I don’t want to hold this measure up interminably. I want to see action on it. I want to vote. I want to vote on this amendment—the Byrd, McConnell, Rockefeller, Bunning, et al. amendment.

So, I take these few moments to speak the truth, to try to set the record straight on the impact of this amendment, of which I am the chief cosponsor, and to give this body, and hopefully the other body, one more look at those who are opposed. It isn’t just the coal miners, it is running out for them. Any action on this matter?

I would like to see action on this measure. I want to see action on it. I want to vote. I want to vote on this amendment—the Byrd, McConnell, Rockefeller, Bunning, et al. amendment. We are not just talking about coal miners; we are also talking about the coal industry; we are talking about other laborers—the truckers, the railway operators, the barge operators who go up and down the Ohio and other rivers. It isn’t just the coal miners, it is running out for them. The President wants this Appropriations Bill sent to him, in Greece. Indeed! What are we going to send to the coal miners who have been working for this country before the coal miner was born? What are we going to send them? I have seriously considered this matter. This issue merits the time and the attention of Congress. I am prepared to give it some time. I don’t want to hold this measure up interminably. I want to see action on it. I want to vote. I want to vote on this amendment—the Byrd, McConnell, Rockefeller, Bunning, et al. amendment.
Before the court issued its opinion, as part of a settlement the mining industry in West Virginia was operating under two memoranda of understanding—two memoranda of understanding that had been agreed upon. Hear this: Two memoranda of understanding. I didn’t have anything to do with those memoranda of understanding. Who agreed? Who entered into agreements concerning mountaintop mining? Who entered into agreements concerning coal mining and signed onto these memoranda of understanding? These were agreed upon by the Federal and State regulatory agencies. Hear me now! These were entered into and agreed upon by the regulatory agencies—both State and Federal—that oversee mining permits.

What are those agreements that entered into this agreement? The Federal Office of Surface Mining, the U.S. Army Corps of Engineers, and the State Division of Environmental Protection, the Environmental Protection Agency. These are this administration’s regulatory agencies. This administration’s regulatory agencies entered into those agreements.

Let me say that again. Hear me. Who entered into those regulations? Who were the parties to those agreements? This administration’s regulatory agencies, the EPA, the Army Corps of Engineers, the Department of the Interior through the Office of Surface Mining, and the West Virginia Division of Environmental Protection—Federal and State agencies—created these agreements, devised these memoranda of understanding. They weren’t created by me. The administration’s own Environmental Protection Agency, the great Federal protector of our land, water, and air, helped to write and signed onto these memoranda of understanding.

Do our friends, really believe that the EPA signed agreements that weakened environmental protections? Let me say to the White House: Do you believe that your own Environmental Protection Agency signed onto agreements that weakened environmental protections? No. No. These memoranda of understanding—called MOUs—put into place stronger environmental protections in West Virginia.

Listen to this: These MOUs put into place stronger—get it, now—stronger environmental protections and regulations in West Virginia than exist in any other State in the Union. Hear me, environmentalists; you ought to be fighting for this amendment. You ought to be urging us on in our fight for this amendment. I am an environmentalist. Who was the majority leader of the Senate when SMCRA was passed in this body, the Surface Mining Control and Reclamation Act? Who was the majority leader of the Senate then? Who stood up for you environmentalists then?

West Virginia at one time was the only State in the United States that had no wildlife refuge. I put money in Appropriations bills, to bring the first wildlife refuge to West Virginia, the last State among the 50 that got a wildlife refuge. Hear me, environmentalists. Who put the money in for the Canaan Valley Wildlife Refuge— that West Virginia refuge was the 500th in the nation? I am an environmentalist. Who put the $138 million in for the fish and wildlife’s national conservation and training facilities at Terrapin Neck, three miles out of Shepherdstown, WV? Who fought 5 years in the late Appropriations Committee for that $138 million? Who fought for it in the House-Senate conferences? This Senator; this environmentalist fought for it.

Nobody wants a cleaner environment than I do. But I hope I also have some common sense. We know that in West Virginia the great core industries have fueled the powerplants of the Nation, have fueled the war machine of the Nation. The coal industry, the steel industry, the glass industry, the chemical industry, these and other core industries have employed hundreds of people in West Virginia. The core industries are still there, but they are diminishing. There were 125,000 coal miners when I first ran for the House of Representatives in 1952. Today, there are only 20,000, give or take, in West Virginia.

These core industries cannot always be what they once were. But there are those who want coal mining stopped now. They want it stopped tonight. They want it stopped tomorrow. Shut it down! That is what they want. But we can’t do that. It can’t be done overnight. People have to work. Children have to live. We have to continue to operate the mines. We are trying to develop other industries in West Virginia—high-tech industries. I have tried to encourage Federal agencies to look to West Virginia for a better quality of life, for a safer life, where the people who work can at last buy a home, where people want to work and will turn in a good day’s work.

We are trying to diversify our industries. It takes time. I have put appropriations into the corridor highways of West Virginia, so that other industries will be encouraged to come into West Virginia and to expand. They won’t come where there are bad roads. They need an infrastructure that will support their industries and their people. It takes time. It miners, 20,000 overnight. Those environmentalists who want it done overnight, it can’t be done overnight.

Those MOUs established stronger environmental protections and regulations in West Virginia than exist in any other State in the Nation, bar one. I say to the Administration, your own regulatory agencies agreed and worked out those regulations, and now you, the White House, want to turn your back on your own environmental agency, on your own Army Corps of Engineers, on your own Office of Surface Mining.

Peter heard the cock crow three times, and then he hung his head in shame. He denied his Lord thrice and then hung his own head in shame and walked away.

White House, hang your head in shame!

But the court’s opinion, throw all these things out the window. The MOUs, the agreements that have been entered into by this administration’s regulatory agencies, are all thrown out the window. The court ruled that the way in which the agencies were operating did not follow the letter and intent of the law.

Hear that. I helped to create those laws. I supported the Clean Water Act. I supported the Surface Mining and Control Reclamation Act. I supported it. But the court ruled that the way in which these agencies were operating did not follow the letter of the law and intent of the law.

Congress passed the law. The court disagreed with the way in which the Federal regulatory agencies and the State regulatory agency interpreted the law. But the court was wrong. There are 20,000 miners that come from the coal fields who say that the court was wrong. Its decision was completely contrary to the intent of Congress in passing those two laws, the Clean Water Act and the Surface Mining and Control and Reclamation Act.

While I disagree with the court, the ball is here. It is in our court now because the judge in his ruling said if application of Federal regulation prevents certain activities in the Appalachian coal fields “it is up to Congress.” That is this body and the other body. He said . . . “it is up to Congress”—and the legislature—to alter it.

So we have accepted the responsibility. The judge said it is up to Congress. We, who are supporting this amendment, have accepted that responsibility and we are trying to do something about it. We are being impeded and we are being undercut by the White House, by my own White House.

Almost immediately after the judge issued his ruling, confusion reigned.
There was coal in the coal fields. Layoff notices went out. Mining companies announced that they might not make significant investments in the state that had long ago been planned. That is real money that has to be spent. Those are real risks they take on. As a result of the court ruling, coal companies, truckers, barge operators, railroads—none of them had any certainty that the investments they might make today would be justifiable tomorrow.

Some say, it’s just a West Virginia problem. You tell the people of Kentucky that. Tell the people of Pennsylvania that. Too bad for West Virginia. But I am here to say to my colleagues it is a national problem. Look out. Look out. That cloud that is over West Virginia is headed your way next. Kentucky. And Mr. McConnell knows that. Why is it he is a cosponsor of this amendment. That cloud just over the border, that cloud is just over the horizon in West Virginia. You will be next. And they know it. Look out. It is coming your way next. But if you want to head it off, if you want to be part of the opportunity here, with this amendment. This is the time to head off this dragon. Beat it back. Take the sword that I offer, that Mitch McConnell offers, that Jay Rockefeller offers, that Senator Bunning offers, and all the other Senators whose names are on this amendment offer—take this sword. Take this sword, and fight for the working men and women of this Nation, and do it now.

Some may say, “I would like to. I would like to sign up. I am willing to put on the suit of armor—but what about the environment? We can’t upset the environment.’’

Mr. McConnell. So the Senator from West Virginia is referring to the sentence in a letter from John Podesta, from West Virginia. It provides no comfort for coal miners in West Virginia and hundreds of thousands of workers in mining and related jobs on the east coast are no longer threatened. The White House is wrong. The court, when it ordered the stay, said this stay has no legal basis. In other words, he said: The only reason I am issuing this stay is to pour a little oil on troubled waters, let the waters calm down a little bit. All this chaos and confusion flows from my decision; I am going to put a stay on that. You can have a little time to get your breath.

But he said there is no legal basis for it, which means that the court could lift the stay. When Congress gets out of town, he knows, the court may lift that stay. The court itself, as I say, noted that there is no legal basis for the stay, but, in fact, that the stay was issued in response to the uproar created by the court’s ruling. That is why we have a stay.

The administration, whose representatives had been working with me on the language of this amendment, said to me there is no need now for any legislation. Do not believe it.

The White House argues that because the district court ‘‘has stayed its ruling, the jobs of thousands miners in West Virginia and hundreds of thousands of workers in mining and related jobs on the east coast are no longer threatened.’’ The court could lift its stay. Let me say again, the court itself noted that there was no legal basis for the stay.

Mr. MCCONNELL. It does not change cur-

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Mr. MCCONNELL. I thank my friend.

Mr. BYRD. What other impression could one get?

Mr. MCCONNELL. Because we have made it clear to them, haven’t we, what this is all about? It does not change current law at all?

Mr. BYRD. It does not change current law at all. It doesn’t touch current law.

Mr. MCCONNELL. I thank my friend from West Virginia.

(Mr. ROBERTS assumed the chair.)

Mr. BYRD. Mr. President, the White House has pressed for changes in this amendment. The White House, according to Mr. Podesta’s letter to the Speaker and Mr. Podesta’s letter to me, wants a ‘‘time limited solution.’’ This amendment is limited to 2 years or to the completion of the ongoing Federal fact study which is by a court in December of last year and the issuance of any regulations resulting from that study.

The White House argues that because the district court has stayed its ruling, the jobs of thousands miners in West Virginia and hundreds of thousands of workers in mining and related jobs on the east coast are no longer threatened. The White House is wrong.

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We have no assurances as to how long that stay will remain in place. It provides no comfort for coal miners. It provides no comfort for mining companies who want to invest in new mines to employ more miners than their sons. It provides no comfort to others whose jobs rely on coal, such as the trucking
industry, the barge industry, the railroad industry, the suppliers. To them, the stay is a death. It is more like a weekend pass. That stay has placed a cloud of uncertainty, a cloud that hangs over the mining industry in West Virginia, a cloud that is sprouting long, gray tentacles that will stretch across the other States.

I ask my colleagues and those who are watching—and I hope the White House is watching—just how many companies do you think are going to sign up to any real commitment of financial resources and invest the millions of dollars that it takes to operate? How many of them are going to sign up with this stay hanging over their heads? Why would they want to?

The permitting process was going along swimmingly before the judge’s decision. It was going along under the regulations that were agreed to and created by the White House’s own regulatory agencies: the EPA, the U.S. Army Corps of Engineers, and the Interior Department through the Office of Surface Mining. Fifty-nine of 62 pending permits could not be approved under that stay. There are 62 pending permits; 59 of these could not be approved under that stay, according to the West Virginia Division of Environmental Protection as of Monday of this week.

If this amendment is not adopted, there will be no way to call it a victory for environmental protection, but those individuals have not lifted a finger—they have not lifted a finger, have not lifted the smallest finger—to help the many residents of Appalachia who do not have safe water, access to their modern homes for their little children to drink. They do not carry banners. They do not carry banners and placards and write letters and lobby Congress about the fact that they have no water, that they are living in rock and dirt and are being polluted by the wastewater of communities that are too poor to build sewage plants.

These head-in-the-clouds individuals peddle dreams of an idyllic life among old growth trees, but they seem to be ignorant of the fact that without the mines, jobs will disappear, the tables will go bare, the cupboards will be empty, schools will not have the revenue to teach the children, and towns will not have the income to provide even basics. But what do they care? They will have already thrown down their placards and their banners and gone off somewhere else.

These dreamers—I know, I have been down there. They have been carrying their banners around some of the meetings that I have addressed. They might as well talk to the trees. I am speaking for the coal miners. I lived in a coal miner’s home. I grew up in a coal miner’s home. I ate from a coal miner’s table. I slept on a coal miner’s bed. I lived under a coal miner’s roof.

Loretta Lynn sings the song “I’m a Coal Miner’s Daughter.” I married a coal miner’s daughter more than 62 years ago. My brother died of pneumoconiosis. He died of black lung, contracted in the coal mines. And his father died under a slate fall—under a slate fall. He died in the darkness. He died in the darkness.

Many times I have gone to the miners’ bath house and pulled back the canvas cover and peered into the face of a coal miner whom I knew and who had been killed under a slate fall or killed by being run over by an electric motor.

Many times I have walked those steep hillsides and helped to carry the heavy—and I mean heavy—coffins of miners who died following the edict of the Creator, when he drove Adam and Eve from the Garden of Eden, saying: “In the sweat of thy brow shalt thou eat bread. And those coal miners know what that means.

But this court ruling will take away the right of thousands of coal miners and their families to earn their bread in the sweat of their brow.

Hear me, coal miners! If you do not know now who your friends are, you soon will know. These dreamers would have us believe that if only our mountains—if only our mountains—remain pristine, new jobs will come. “Or,” they suggest, “perhaps coalfields residents should simply commute to other areas for employment.” To these individuals I say, “Get real!”

Those of you in the White House, who have been working behind my back on this amendment, go down there and talk to those coal miners. Tell them what you have done.

I propose a rule to drive the dangerous, winding, narrow roads over which these workers would have to commute each morning and evening.

When the picket signs are gone, when the editorials in the big city papers are lining bird cages, the people of the small mining communities will be left. You will be gone. You have thrown down your placards. You have thrown down your candelas. But those people of the small mining communities will still be there, and they will be left to repair the economic damage.

Mining will be part of the economic base of my State for the foreseeable future, and new ways must be explored to make mining practices more environmentally friendly. And I am for that. At the same time, we have to recognize that the amount of coal reserves in West Virginia is finite. We must continue to broaden our State’s economic base. But such change cannot happen overnight.

A new economic base cannot spring from the ocean foam. It cannot emanate from the brain of Jove, like Minerva, fully clothed and in armor. That effort requires time. And it requires money. And if you want to know the worth of money, try to borrow some. It takes money to lay down the 13,000 miles of road, to move the infrastructure, better highways, more modern highways, up-to-date highways, safer highways, like those Appalachian corridors that I have been trying for years to build, and for which I have been busily whipped orally and with the pen. I do not mind. I know for whom I am working. I am working for the people of West Virginia, and always will as long as the Lord lets me stand.

Water and sewer systems, accessible health care, safe schools—these are the kinds of basic facilities and programs that I have been promoting for many years. I do not carry my banner today and throw it down when the speech is over and go on somewhere else. Those dreams will be given. They will be back here a few months from now. And if you want to know the worth of dreams, try to sell one.

In a letter threatening a veto of legislation containing this amendment, the White House claimed to be prepared to discuss a settlement that would ensure that “any adverse impacts on mining communities in West Virginia are minimized.” Well, talk is cheap. But any real solution to minimize economic impact on these West Virginia communities won’t be cheap.

Back in July, the President of the United States appeared in Hazard, KY, where he delivered an address to the people of Appalachia. Appalachia is my home. I was married there. Our first daughter was born there. Our second daughter was born there. I went to school there. I graduated from high school there in Appalachia.

The President of the United States expressed great sympathy for the economic distress in those States. It was an uplifting speech. He is very capable of giving uplifting speeches. It was a speech that reached out to the human spirit and built great expectations. Calling on corporate America to invest in rural America, President Clinton said: “This is a time to bring more jobs and investment and hope to the areas of our country that have not fully participated in this economic recovery.” And I say: Amen, brother! Amen.

I agree with that message. It is the right thing to do. We should be bringing jobs to Appalachia. We should be bringing new businesses, too. But how can one peddle hope while undercutting the real jobs and businesses that do exist in Appalachia? If we don’t act now, if the court lifts its stay, we will be back here a few months from now battling this issue all over again. It may not just be West Virginia then. It may be your own States, Senators. It may be your people, Senators. It may be your families.

There may be an appeal of the judges ruling, and that appeal may lead to a more equitable outcome. However, that
Thanks to my friend from West Virginia, I had a unique experience last November when the proposal for zero rating from the AFL-CIO. I had never been invited to a rally by the United Mine Workers of America. Thanks to the distinguished Senator from West Virginia, who I assume warned the credit rating agencies that I would refrain from throwing anything. I joined him on the west front of the Capitol last Tuesday and had an opportunity to watch Senator Byrd in action in a different environment. I have watched him many times on the floor, always persuasive and always effective, but never before a rally largely of his people and my people who make their livelihood mining coal.

I must say, it was a memorable experience. If I ever do my memoirs, I say to my friend from West Virginia, that experience will be in it. We have joined together today. And there are many others on this side of the aisle, and I hope we will have some of the aisle, who have had enough of this administration declaring war on legal industries engaged in an honest effort to keep the engines of this country moving forward. We have a number of Republican Senators from the West, and they all informed us over the years about the war on the West. Senator Domenici and Senator Craig have educated some of us southerners about the problems they have had. And I am pleased to say I have supported them over the years, without exception, in their efforts to preserve those jobs in the mining industry out west.

Well, I would say the war on the West is moving east, and we are beginning to feel the sting. Even though this amendment was generated by a very poorly reasoned district court decision in the Federal court in West Virginia, let me say that is just the beginning, as the Senator from West Virginia has pointed out; it is just the beginning.

All the Byrd-McConnell amendment seeks to do—not just for coal mining but for hard rock mining as well—is to restore to us the existing law, at least with regard to coal mining, as the distinguished Senator from West Virginia has pointed out. The letter from the White House, from Chief of Staff John Podesta to the President, either lies or is woefully ill informed.

It is clear to this Senator that the people downtown don’t care what the facts are. They don’t care about the 20,000 coal miners in West Virginia and the 15,000 coal miners in Kentucky. They really don’t care. I don’t think they have bothered to read the amendment of the Senator from West Virginia because, as he pointed out a few moments ago with regard to coal mining, we are seeking to reestablish the status quo, agreed to and entered into by the most radical EPA in the history of the country. There is no question in my mind that whenever any environmental group in America hiccups, it is