

MAKING FURTHER CONTINUING APPROPRIATIONS

MOTION TO PROCEED

Mr. LOTT. Madam President, I ask unanimous consent the Senate now proceed to the short-term continuing resolution.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, reserving the right to object, I speak on behalf of 11 million Americans, at least, many of them residents of the State of Alaska. We haven't solved the satellite home viewer matter. I don't see why we can't. It is very simple. All we have to do is put that loan guarantee in, which is very simple. If there are any wrinkles, they can easily be worked out. It makes no sense for us to go home without passing the loan guarantee provision so that the satellite viewers can rest assured and so that those who are going to put up satellites and develop satellites for local-to-local coverage are able to do so. I cannot understand, on behalf of those 11 million Americans who can't understand, why in the world we don't do something that is pretty simple.

Mr. LOTT. Will the Senator yield to me to respond?

Mr. BAUCUS. Madam President, I reserve the right to object.

Mr. LOTT. I have not propounded a unanimous consent request other than to proceed to the short-term continuing resolution so that Senator BYRD may begin to discuss an issue of concern to a number of Senators. I intended to talk to the Senator from Montana and others about trying to enter into an agreement with regard to time.

On the issue to which he referred, I think it is very important that we do take action in this final bill we will be taking up in the next day or so, or today, that will make sure the satellite bill is passed so that people across this country will continue to receive service from the networks on their television sets in the future in order to have this so-called local-to-local service where you get your local station on your local satellite. We are going to have to have some process, some way to get that service into rural areas and smaller areas such as those in Montana, Alaska, and in Mississippi. I am committed to getting that done. So is the Senator from Alaska, Mr. STEVENS. We are going to get that done.

We are going to have to have a very carefully thought out loan guarantee system that will get the satellites up, to get the towers that are necessary to make sure that that is done. The problem we have, as with so many other issues we have been dealing with in the last week, is getting all of that done in the last few hours to make sure we get it done right without the whole process being held up as we go forward.

I will talk to the Senator privately, but he has my assurances—Senator

DASCHLE and I will put a colloquy in the RECORD—that we are going to get this done. We are going to get it done early next year. If there are dilatory tactics, we will have a bill that has been carefully massaged by all of the relevant committees, not just one. We will either get it done straight up or we will look for another vehicle. This is something to which we are committed, to which I am committed, and I know the Senator from Alaska is committed.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I believe the Senator from Montana—

Mr. BAUCUS. Madam President, I yield to the Senator from Alaska without losing my rights to the floor.

Mr. STEVENS. I certainly won't make a long statement. I still am very committed to the loan guarantee provisions that were in the Satellite Home Viewer Act. But I am also convinced that we would have a period of time to get the regulations ready to proceed with that guarantee program. It would take roughly 6, 7 months.

I am going to ask the FCC to start preparing those regulations now. We have the commitment that we will have a loan guarantee bill before us, and we will be voting on it sometime in April. We will not delay the loan guarantee program for rural America by what we have done. I was assured of that, and I am assured in my own mind that it will work. We will be right on time by the time we get this bill.

We have a commitment coming that we will either have an improved authorization for a loan guarantee or we will vote what was in the bill we took out last night. I urge my friend to understand that we have not abandoned the loan guarantee program. Coming from where I do, I would never abandon it.

When I came to the Senate, the Army ran the communications system of Alaska; the U.S. Government owned all of the telephones in Alaska. Now, when you look at the distance we have come in a relatively short time of my service in the Senate, we are going to do the same thing with satellite communications in a very short period of time, in a new way, consistent with private enterprise, on a guarantee program rather than a Government loan program.

We need to have certainty to what we are doing. I know it will take a long time to get the regulations ready. We did not agree to delaying the loan guarantee program last night; we delayed the authorization for it, and we will have that authorization by April of next year.

Mr. BAUCUS. Madam President, reserving the right to object, I hear my good friend from Alaska and the majority leader. They have States that have the same concerns as do we. Not for a moment do I doubt the intentions of both of the Senators. They are two of the most honorable men I have had the pleasure to know. They are wonderful people.

But I also know how the Senate operates. I also know that the best intentions often don't materialize and something happens. I also know that some of the regulations I suspect the Senator talked about—it is a lot easier for the FCC to write regulations than not knowing in the abstract what the regulations are. I don't know what they can really do that is substantive or effective in the next several months, or whatever it takes.

I also know that the only objection to us proceeding really is one Senator who, for some reason, thinks he should have jurisdiction over this. It is an "inside baseball" objection. It is not a substantive objection in any great way.

I also know there is a lot in this omnibus bill that was written pretty quickly, where many minds got together to get something done. I also know that necessity is the motherhood of invention. If we want to do this, we will find a way to get it in.

I am suggesting that a vast majority of Members of this body want to do it. I suggest that 90 percent want to do it. There is an objection not based on substance but based on another reason.

I very much appreciate the desire of the Senator from West Virginia to speak. But I might say that my objecting 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 and, 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 remedy the crisis in West Virginia's coal fields that was triggered by a recent Federal court ruling. But 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 otherwise. My proposal 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. Fie on the White House! fie 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 already 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 regu-

lations 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 who are involved directly or indirectly with mining. This proposal is an effort to stand up for the coal miners and the hundreds of thousands of jobs and the scores of other industries they support. Allowing this opportunity to slip through our fingers would be a grievous mistake.

We can't control what the people at the other end of Pennsylvania Avenue say. We can't control how they treat America's coal miners. But we can speak up for what we believe here in the Senate. We can send our message to the White House.

To get that message across, I hope to offer an amendment. I could speak at length on the omnibus appropriations bill when it comes before the Senate. We could be here another week. We could be here another 2 weeks.

They say time is running out for the continuing resolution. Madam President, time is running out for the coal miners and their families, and for the retired coal miners, and their wives, or their widows, and their families. Time 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 he 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 chance this year to protect the jobs and the livelihoods of thousands of working men and women in West Virginia and throughout America, and to give the White House one more chance to reverse its current position and protect the jobs of the coal miners.

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 riv-

ers. It isn't just the coal miners union that is concerned. The AFL-CIO is concerned. Take another look! Take another look at those who are opposed and who work against legislation that will benefit the working men and women of America.

On October 20, a Federal district court in West Virginia issued an opinion in a lawsuit involving Federal regulatory agencies that virtually set off an explosion in the coal fields. Mining companies immediately announced that there would be hundreds of coal miners who would be cut off, and new mines which were in the plans by companies to be built, would be scuttled.

In some instances, a new mine costs \$50 million; it costs \$75 million in some instances; and in some instances it costs \$90 million, or more, to open a new mine. What mining company is going to invest \$90 million in a new mine when the Federal judge issues a ruling such as this? There is no predictability at all in the future.

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 mountaintop mining? Who entered into the 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 agencies 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 you, my friends, really believe that the EPA signed agreements that weakened environmental protections?