

S. 27

Mr. MANCHIN. Madam President, once again, I stand here on behalf of our hard-working and patriotic coal miners. We have been here before, and we are going to stay here until we get the job done.

Right now, retired coal miners' healthcare, pensions, and black lung benefits are on the chopping block again, and, once again, there are 1,200 new coal miners and dependents who will lose their healthcare coverage due to coal company bankruptcies. This could happen later this month if the court, as expected, allows Westmoreland to shed their Coal Act liabilities.

This has happened time after time because of the bankruptcy laws—the inadequate bankruptcy laws—to protect the hard-working men and women who do all the work.

At the end of last year, Westmoreland indicated they would provide 8 months of healthcare funding to the UMWA, but there was a condition. It was dependent upon the sale of certain mines for which they have received no qualified bids, according to documents filed in court.

Our broken bankruptcy laws are about to let another coal company shirk their responsibilities and get out of paying for healthcare and pensions the coal miners have earned and deserved. They have worked for this. They have negotiated. They are not asking for a handout. They are asking to get what they paid for, what they negotiated for, and what they didn't take home to their families.

We have to keep our promise that was signed into law in the Krug-Lewis agreement. This goes back to 1946—1946. It is the only one of its kind. The agreement makes sure we protect our patriotic coal miners' healthcare and pensions.

We have the chance today to pass my bill that was cosponsored with my colleagues, the American Miners Act, that will ensure that none of these coal miners or their beneficiaries would lose their healthcare, pensions, or black lung benefits.

The American Miners Act uses the same funding mechanism that the Miners Protection Act did to protect retired miners' healthcare. It is the same funding mechanism Congress has used time and again to protect our miners' hard-earned healthcare after our bankruptcy courts have ripped them away. This is not going to be a drain on the Treasury. It does not cost the taxpayers money. We have pay-fors, and this will be taken care of, as we have taken care of our healthcare benefits.

I am asking you to keep the promise just the way we did when we passed the Miners Protection Act and saved the healthcare for 22,600 miners. We need to finish this job. Save the healthcare of these miners suffering from new bankruptcies, protect the pensions of 87,000 miners nationwide, and do it by passing the American Miners Act, which would also ensure the future of

the Black Lung Trust Fund, a lifeline for the growing number of miners with black lung.

I don't know if you all understand the background or if you have heard about what happened, but with the passage of the bills we are working on, it cuts the black lung fund from \$1.10 down to 50 cents. You would think that if you were reducing it, we had found a cure, and there is less need for the money to save our coal miners and to heal them. That is contrary to what is happening. If anything, it is exacerbating, and it is growing quicker, faster, and younger people are getting this horrible disease more than ever before.

What we are asking for—my colleagues on both sides of the aisle—is to join us here today to demonstrate our commitment to our promise. That is all it is.

I am asking the President of the United States, President Trump, please join in, Mr. President. I know you know the miners. I know you have spoken eloquently about the miners and your support for the miners. This is one way to truly support the miners, to make sure they get what they worked for and what they have earned—what they worked for and what they have earned. We have it paid for. It does not add one penny to the Nation's debt. Everything is ready to go. Please call Senator MCCONNELL and tell him to put this on the agenda. You put it on the agenda, Mr. President, and you have Senator MCCONNELL put in the amendment—a Senator from Kentucky who has an awful lot of coal miners in his State also. I will assure you we will get it passed, and we will do the job we should have done a long time ago for the people and families who have given everything they have, who have patriotically committed themselves to the energy this country has needed, and who have defended this country every step of the way.

With that, I yield to my friend from Ohio, Senator BROWN.

Mr. BROWN. Madam President, I say thank you to Senator MANCHIN. We are joined by Senator CAPITO, Senator WARREN, and I know, in spirit, a number of others. I think Senator CASEY will be here in a few minutes. I join them to remind this body—it is a constant reminder—that more than 86,000 miners—86,000 miners—are on the verge of facing massive cuts to the pensions and healthcare they earned.

This body doesn't always remember what collective bargaining is all about. Collective bargaining is when union members sit down and give up wages today to have something for the future, to have healthcare and to have retirement in the future.

Of those 86,000 miners, 1,200 miners and their families could lose their healthcare this month because of the Westmoreland and Mission Coal bankruptcies. The bankruptcy courts could allow these corporations to “shed their liabilities,” which is a fancy way of saying walk away from paying miners

the pensions and the healthcare benefits they absolutely earned.

Senator MANCHIN is working to fix this. I thank him for his efforts, and I thank others in this body. We know the mine workers aren't alone. The retirement security of hundreds of thousands of teamsters, ironworkers, carpenters, bakery workers, and so many other retirees is at risk.

We know this affects, in my State alone, 250 businesses, mostly small construction and transportation companies, 60,000 workers in my State alone, and the health of communities. Mine worker communities are especially hurt by this because so many of them live in the same community—local stores and local businesses.

As we know, Congress pretty much tried to ignore these workers and these retirees. Senator MANCHIN and I saw that day after day and week after week, but they fought back. We saw workers rally. They rallied in very hot weather on the Capitol lawn, and they rallied in very cold weather on the Capitol lawn. They rallied. They called. They wrote letters. We have seen those camo UMWA T-shirts around the Capitol. Many of them are veterans. They fought for their country. We owe it to them to fight for them.

We made progress on the bipartisan Pensions Committee that Senator MANCHIN and I sat on. Thanks to Senator PORTMAN, also from my State, and members of both parties who put in months of good work in good faith on this.

I am committed to these miners and workers. We will not give up. That is why I brought Rita Lewis as my guest to the State of the Union Address down the hall last week. Rita Lewis is the widow of Butch Lewis, the teamster who died from a heart attack a couple of years ago, in large part, we think—she thinks, his family thinks brought on by the pressure of fighting for his union, his Teamsters 100—1 million members around the country.

It is about the dignity of work. When work has dignity, we honor the retirement security people have earned.

As I said, people in this town don't always understand the collective bargaining process. People give up money today to earn those pensions. If you love your country, you fight for people who make it work, people like these mineworkers.

Mr. MANCHIN. Madam President, I want to mention one more thing and then I will turn it over to my colleague, my friend from West Virginia, Senator CAPITO.

The reason this is so urgent, our miners' pensions are in dire need. It goes first. They come to insolvency by 2022. What happens is we are one bankruptcy away—one bankruptcy from one coal company—of this thing tumbling down in 2019. When it starts tumbling, then you have the Central States that will come right behind it, the PBGC becomes insolvent, and then we have serious problems. That is why we are

working with urgency for this to be adopted and fixed now.

With that, I want to go ahead and turn it over to my friend and colleague, the Senator from West Virginia, Mrs. CAPITO.

Mrs. CAPITO. Madam President, I am really pleased to be here to join in the colloquy with my fellow Senators, Mr. MANCHIN, Senator BROWN from Ohio, and Senator WARNER from Virginia.

This is important. This is really important. I could say I look around the room, and it is important to us, but it is important even more granularly to some other folks who are right here watching what we are doing.

Many of us have worked together previously in order to save retiree health benefits for 22,000 retired miners in 2017, following the bankruptcies of Patriot, Alpha, and Walter Resources. Today we are back together to advocate for another over 1,000 retirees and beneficiaries whose healthcare is impacted by the Westmoreland Coal bankruptcy, as Senator MANCHIN described.

It is also critical that we redouble our efforts to find a solution to the 1974 UMWA Pension Fund. If we do nothing—if we do nothing, which I don't believe is an option—this pension fund, which provides 83,000 current beneficiaries with their pensions, will be insolvent by 2022. That is getting close, and insolvency can come even sooner, depending on market conditions.

So combined with the 20,000 people who have a vested right to future benefits, more than 100,000 people are covered by this pension plan. As Senator MANCHIN said, these are hard-working people who were promised and who, in the course of their working lives, gave up something so they could have a better peace of mind later on. They worked hard day in and day out. They powered our communities and industries and helped our country achieve greatness, even in the toughest times, and they did that with the promise of healthcare and a pension that would allow them to live with dignity in retirement.

We are not talking about lavish pensions. I think this is an important point. The average benefit paid by this fund is \$560 per month. These retirees are not getting rich on their pension plans, and they are not taking lavish expenditures, but without this monthly benefit, many of them would be living on the edge of poverty, if they are not already.

One miner from Logan, WV, who worked in the mines for 36 years wrote:

Please keep fighting for our pension. I receive \$303.34 monthly. We need this badly to help pay for food, medicine, and other bills.

Another retired miner from Richwood, WV, who worked in the mines for 17 years, wrote that his monthly check of \$192 “is not a lot of money, but it means a lot,” and on top of that, he earned it. It helps him make his ends meet.

Another miner from Kistler, WV, who mined for over 35 years, expressed concern that he might not be able to pay his expenses or help his daughter in college without that monthly pension check.

Failing to fix the pension fund would have a terrible impact on communities where many of these miners live. More than 25,000 pension fund beneficiaries live in the State of West Virginia, and they received \$200 million in benefits last year. If they didn't spend that money in their community supporting businesses and other jobs in our coal-field communities—if you subtract those funds out of the community, you would have a significant economic blow.

We have a solution that will prevent the insolvency of the pension fund and protect our retired miners, their families, and their communities. We should pass legislation that expands the use of the same transfer of payments used to support retiree healthcare to make the pension fund solvent. I have supported various forms of that kind of legislation over the years, but as we come closer to the time—2022—when the pension fund will become insolvent, we must redouble our efforts. That is why I appreciate Senator MANCHIN's advocacy. I appreciate his sense of urgency, and I share that.

At the same time, our West Virginia representatives, along with representatives from the States—DAVID MCKINLEY, ALEX MOONEY, and CAROL MILLER—are leading a bipartisan effort in the House to fix this problem as well.

I will keep fighting alongside all of you and all of them and others I see until we enact a solution that keeps the promise of our hard-working coal miners.

Thank you.

I yield back.

Mr. MANCHIN. Madam President, at this time, I would like for the former Governor of the Commonwealth of Virginia and the senior Senator from Virginia to please have the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. First of all, Madam President, I want to thank my colleague from West Virginia, Senator CAPITO, for her comments. I know shortly we are going to hear from the Senator from Pennsylvania. We heard from the Senator from Ohio.

This is sometimes hard for me to say as a former Governor of Virginia to a former Governor of West Virginia, but I want particularly those who are following this issue to know that no one in this body has fought for miners harder, longer, more passionately, more consistently than JOE MANCHIN.

It was only through his repeated efforts—and this man is like a dog with a bone in his mouth who will not let it go. At times he is stiff in the spine with folks on this side of the aisle when they wanted to say: Well, maybe no. We ought to move to something else. He has come back and back and back again.

So I am honored to stand with him one more time. Let me again say that it is with some challenge that someone from the Commonwealth of Virginia has to say these many nice things about somebody from West Virginia, but the folks in the Gallery ought to know there has been no one who has been a better advocate for miners than the Senator from West Virginia.

I don't think there is a Member of the Senate—I know at least on this side of the aisle—who has not heard at least a half dozen times about the promises Harry Truman made to the miners in 1946 and how it is our obligation to keep that word and to keep that promise.

The Senator from West Virginia has indicated why this is timely. Again, it is because we have the challenges around the pension fund. We have other challenges, but we have a crisis right now.

We talked about Westmoreland—the Westmoreland bankruptcy, 1,200 miners, 500 of those live in Virginia. If we can't get a solution on this deal right now on the American Miners Act, then a lot of those miners and their families are going to go bankrupt because their day of reckoning is already upon us.

I want to echo what the Senator from West Virginia said to urge the majority leader and, for that matter, the minority leader that there is a way—if we do the rational, sensible thing and not shut down the government on Friday, we ought to take advantage of making sure the American Miners Act is part of that provision. I can think of nothing better, as we go into the work period, than to try to give miners some certainty.

Let me just mention one other item that the American Miners Act had, and that is the strengthening of the Black Lung Disability Trust Fund. This is also an issue that, if we don't get it resolved, the amount of contributions that go into that trust fund will drop in half.

I don't think many folks realize—and I think this is particularly the case in West Virginia and Southwest Virginia—black lung is still a real, enormous medical challenge. As a matter of fact, we have now seen growth in large populations in my State, and I know in West Virginia, as well, of advanced black lung cases called complicated black lung, which has an even more devastating effect.

If this trust fund is cut in half, based upon legislation that took place at the end of calendar year 2018, the ability of the trust fund to meet the needs of these miners and their families, who are still hard hit by a debilitating disease—we are not going to be able to give them, again, the high-quality care they deserve. It is way past time to fix this problem. Let's take that step.

We have one of these large pieces of legislation, hopefully, that the President will not decide to veto, that we will get through. Wouldn't it be—I ask the Senator from West Virginia this

before I cede to the Senator from Pennsylvania, but sometimes, with these giant bills, strange things pop out at the end of the day, and you kind of wonder how they got in. Wouldn't it be great if, on this mini giant bill, one of the things that popped out might be the promised relief for our miners in terms of healthcare and their pensions? This is something I believe, we, as a country, owe to the miners—back, yes, to President Truman's promise in 1946.

I stand with all of my colleagues on this issue. I particularly thank, again, my friend the Senator from West Virginia for his great leadership and his willingness to stand tall time and again. Let's see if we can get it done this time.

With that, Madam President, I yield to the Senator from West Virginia.

Mr. MANCHIN. Madam President, I thank, first of all, the Senator from Virginia for fighting for his coal miners in Southwest Virginia.

They have been out there fighting in Westmoreland, and we have 1,200 miners about ready to lose everything that we had to fight for to gain. They are going to lose their pensions. They are going to lose, also, the healthcare. We have to get them in the bill. We have to get our trust fund on the black lung restored.

Mr. WARNER. Right, all we have to try to do with the trust fund is to get it back to the status quo.

Mr. MANCHIN. I am going to make one more plea to the President. I will do that after my good friend and senior Senator from Pennsylvania speaks about his miners, whom he supports.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I thank the senior Senator from West Virginia for his time today, but, more importantly, as the Senator from Virginia, Mr. WARNER, said, Senator MANCHIN has fought harder than anyone in this Chamber on behalf of men and women, whether they are coal miners or their families or their spouses.

This is a very simple debate. It is not a debate about some far-off, complex issue. This is about a promise—a promise that was made to coal miners and their families in the 1940s.

The only question—a real simple question—is that we are either going to keep the promise or not. It is as simple as that. Both parties, both Houses, and the administration—this is not complicated. We made substantial progress, but it took far too long, and there are some people in this Chamber who have been blocking it for far too long on healthcare. We got that done. That is the good news.

The bad news is, the pension issue is still unresolved. There is still a lot of suffering, a lot of uncertainty, a lot of trauma because two branches of government haven't done enough for these families.

I come from a State where large portions of our State were dependent upon the sweat and the blood of working

men and women, especially coal miners. Stephen Crane, the great novelist, wrote an essay in the early 1900s—actually late 1800s—about all of the dangers in a coal mine and all of the ways a miner could die. He described the mine as a place of “inscrutable darkness” and “a soundless place of tangible loneliness.” That is how he described the work of the coal miner.

I know we made progress in the intervening generation since then, but that work has always been difficult. It has always been dark and dangerous, but the people who did it kept their promise. They kept their promise to their employer to work every day and kept their promise to their family. Many of them kept their promise to their country when they served in World War II or Korea or Vietnam or any conflict after that, even up to the present day—but especially those who were serving in those years.

The only question is whether this government and all of us here—and both parties are on the hook here—whether we are going to keep our promise along with this administration and any future administration. It is as simple as that.

We have some work to do here to make sure that promise is fulfilled. These families, these miners have already kept their promise. They are done. This isn't something extra we are giving them.

All we are doing is our part. We are obligated here, and I am grateful that the senior Senator from West Virginia and others have worked together to make sure that this issue is front and center, even as we are dealing with a range of other issues.

I yield the floor.

Mr. MANCHIN. Madam President, I will wrap up now, and I want to, first of all, thank the Senator from Pennsylvania and the Senators from West Virginia and Ohio for speaking so eloquently for the people who have worked so hard for our country.

This has been a bipartisan movement. This has been bipartisan. I thank all of my Republican colleagues for supporting the hard-working people they all had in their States. We all benefited from the energy they produced for our great country, to defend ourselves in two wars. We had the greatest economy—the only superpower in the world—because of what they have done every day and the sacrifices they have made for us.

Mr. President, if you are watching, if you get a copy of this tape, I am pleading with you. I am pleading with you, Mr. President, on behalf of 87,000 retirees: Please help us. One phone call from you to Majority Leader MCCONNELL to support and adopt the American Miners Act of 2019, which is S. 27—ask him to take this up immediately. We can put it on the bill that we are about ready to open to keep the government open or he can take immediate action. But, Mr. President, you can make a difference. These are peo-

ple who supported you, and I know you support them, and this is the way you can show it.

They are only asking for what they worked for. It does not cost the government one penny of debt—not one penny of debt for the taxpayers. We have pay-fors. It has been bipartisan. It came out of the Finance Committee in a bipartisan movement under the leadership of Senator HATCH. I am very grateful for that.

You will see the miners going around; they make an effort every week, faithfully, to come here. There are real faces, real people, real families who are involved and affected by our inaction. We are asking for your help, Mr. President.

I yield the floor, respectfully.

The PRESIDING OFFICER. The Senator from Nebraska.

MAINTAINING AIR FORCE STRENGTH

Mrs. FISCHER. Madam President, I rise today to support the Air Force's plan to expand the 386 operational squadrons.

Since the earliest days of flight, the United States has been an aviation leader. From the time of the U.S. Army Air Corps through today's modern U.S. Air Force, our Nation has always been at the forefront of air combat.

From air-to-air combat to aerial refueling, to the intelligence, surveillance, and reconnaissance conducted by the planes of Nebraska's own 55th Wing, the U.S. Air Force is renowned as the dominant force in the sky.

Recent developments have put that advantage at risk. Around the world, nations are rapidly modernizing their capabilities by investing millions in their air forces and air defenses, threatening our ability to claim and maintain air superiority.

Rapid advances in anti-access/area-denial technology and a coordinated, calibrated effort by nations like China and Russia pose a significant threat to our ability to operate in contested airspace.

For decades, we have been accustomed to flying unconstrained, fighting adversaries on the ground that lack modern technology and the ability to seriously threaten our freedom to conduct aerial missions.

The face of 21st century warfare is changing. Competitors are rapidly closing the gap, and while our Air Force remains the most professional and effective air combat force in the world, these nations are pouring hundreds of millions of dollars into matching and exceeding our capability.

We have a choice. If we fail to react, we risk falling behind and losing the air dominance that has been essential to U.S. national security for decades. We cannot sit back and accept that possibility.

We must meet this challenge head-on. The United States must adapt, invest, and show the world that we will never cede control of the skies to our enemies.

Recently, the Air Force conducted a rigorous analysis of future air combat