

relevant agencies are in the process of conducting a thorough environmental impact study. At the conclusion of this process, if any of these agencies believe it is necessary, they may create new environmental regulations addressing the practice of mountaintop mining. Some might say that Senator BYRD and I and others are trying to delay the inevitable. I argue just the opposite. I argue that, by maintaining the status quo and allowing the EIS to move forward, you allow coal operators the ability to make the long-term plans essential to the viability of this industry.

So there are only two things you need to remember about our amendment: No. 1, it doesn't alter the Clean Water Act. No. 2, it doesn't alter the Surface Mining Act. It seeks to preserve the status quo.

I say to all of you who you are going to be down here asking us someday to help you save jobs in your State because of some outrageous action on the part of this administration—and some of you have done that already—we need your help. We need your help. This is an extraordinarily important vote to our States. The honest, hard-working people who make their living in the mines are under assault by this administration, and we would like to call a halt to it. We hope we will have your help in doing that.

Let me conclude by thanking again the Senator from West Virginia for his extraordinary leadership on this important issue to his State and to my State and, frankly, we believe, to a whole lot of other States because the principle is very sound. We call on our colleagues from the West—even those of us who have been voting with you over the years weren't quite sure what it was all about, but we have figured it out. This whole thing is moving its way east. We need your help.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized.

ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, I ask unanimous consent that following my statement, Senator ROCKEFELLER from West Virginia be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that morning business be extended until 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

BYRD-McCONNELL MINING AMENDMENT

Mr. BYRD. Will the Senator yield?

Mr. CRAIG. Yes.

Mr. BYRD. Mr. President, I forgot to mention the specific names of two Sen-

ators cosponsoring this amendment. The two are Nevada Senators, Mr. REID and Mr. BRYAN. I wanted to mention their names for the RECORD.

Mr. CRAIG. Mr. President, I am glad the Senator from West Virginia has included our two colleagues from the State of Nevada. Today, Nevada is probably the lead mining State in our Nation as it relates to the production of gold.

For the last hour you have heard probably some of the most eloquent statements spoken on this floor on the issue of coal mining. The Byrd amendment does not deal only with coal, although it is extremely important, and the public attention of the last week has been focused on a judge's opinion about coal, coal mining in West Virginia, Kentucky, Pennsylvania, and up and down the Appalachia chain of this country.

But the amendment also has something else in it that my colleague from West Virginia and I agreed to some time ago: When we talk on this floor about mining, when we talk about the economy of mining, the environment of mining, and the jobs of mining, we would stand together; that we would not allow our political differences to divide us. Because if you support the economy of this country, you have to stand together.

I am absolutely amazed that the Speaker of the House or the senior Senator from West Virginia would get a letter from the White House of the kind to which both he and the Senator from Kentucky have referred. Lying? I hope not. Uninformed? I doubt it. Here is the reason I doubt their lack of information.

For the last 7 years, this administration has been intent on changing current mining law. I am referring primarily to the law of 1872. I am referring primarily to hard-rock mining on public lands, because the laws that the Senator from West Virginia referred to that were passed in 1977, the Surface Mining Control and Reclamation Act, have become law, and established the principles and the policies under which we would mine the coal of America.

Then, on top of that, came the Clean Air Act, the Clean Water Act, and the National Environmental Policy Act—all of them setting a framework and a standard under which we could mine the minerals and the resources of this country and assure our citizens it would be done in a sound environmental way.

As the laws of West Virginia, which are the laws of America, which are the laws this Senate passed, apply to coal mining, at least in the instances of the Clean Air Act and the Clean Water Act, they, too, apply to the mining of the west—to hard-rock mining, to gold mining, to silver mining, to lead and zinc mining, and to open-pit gravel operations of America.

Yet there is an attorney—not a judge, not an elected U.S. Senator, but an attorney—who sits at a desk at the

Department of Interior and upon his own volition 2 years ago decided he would rewrite the mining law of this country—a law that had been in place since 1872, tested in the courts hundreds of times, and that in every instance one principle stood out and was upheld. That was the principle of mill sites and how the operating agency, primarily the BLM, could, upon the request of a mining operation under a mining plan uniform with its processes, ask for additional properties under which to operate its mine. Consistently, for over 100 years, the Federal agencies of this country have granted those additional mill sites.

The attorney I am referring to, prior to his job with the Secretary of Interior, was an environmental activist. In the late 1980s, he wrote a book. His book decried the tremendous environmental degradation that the mining industries of America were putting upon this planet. In that book, he said there is a simple way to bring the mining industry to its knees. "If you can't pass laws to do it, you can do it through rule and regulation." Those are his words. He wrote it in the book, which was well read across America.

When I asked that solicitor to come before the subcommittee I chair, which is the Mining Subcommittee, I quoted back to him his own words and said: If that is not what you said, then what are you doing now? He didn't say yes, but he didn't say no. Here is what he did say. He said: I have reached out to every State director of every BLM operation in this Nation, and I have asked them if the process I have overruled by my decision is a process that has been well used by the agency. He said they responded to him: Not so—very lightly used and only used in recent years.

The tragedy of that statement is that it was a lie because the Freedom of Information Act shows that every State director wrote a letter to the solicitor a year before I asked him the question and every State director of every State office of the Bureau of Land Management said this is a practice in our manuals and has been used consistently since the 1872 law was implemented.

What did solicitor John Leshy do before the Mining Subcommittee of the Senate? He perjured himself. That is what he did. And the Freedom of Information Act shows that.

I would say to the Senator from West Virginia and the Senator from Kentucky, my guess is that the informational mind that wrote the letter that John Podesta sent to you came from an agency that had already perjured itself before the U.S. Senate. I know that as fact. I give that to you on my word and with my honor.

Therefore, in the Byrd-McConnell amendment is a provision that said: Mr. Leshy, you cannot arbitrarily or capriciously overturn over 100 years of mining law. That is not your job. You are a hired attorney. You are not an