

**House Floor Remarks Representative Nick Rahall
January 25, 2005
Disaster on the Horizon**

Mr. Speaker, I cannot begin to guess how many times throughout my years of service in this institution I have heard my colleagues stand on this floor and pay homage to America's workers. I could probably paper these walls a dozen times over with the copies of speeches delivered here that have praised American working families for their contributions to our economy and our culture.

Patriotism, fairness, loyalty, a belief in hard work – these are just some of the qualities I have heard so accurately ascribed to America's working families. They are certainly traits deserving of public admiration. But I believe that they are also qualities that deserve the attention and protection of the Congress, because these are the threads that form the fabric of American life.

Today, the quality of life and the core values of America's working families are under siege, again, and the work of Congress faces unraveling. In particular, I raise the matter of a court decision last fall that knocked loose a core underpinning of the Coal Act.

In horrendous decisions, a federal judge thumbed his nose at Congress and its work to ensure that the federal promise to America's miners would be kept. In a wrong-headed decision, that court placed in jeopardy the health care of thousands of elderly and ill retired miners and their spouses. The case involved Horizon Natural Resources – the nation's fourth largest coal company – which had gone to court to seek a way out of its obligations to its workers.

This was not so much a matter of a company whose tills were empty and whose assets were gone. It was, more precisely, a matter of a company that wanted the books to look better for prospective buyers who could scoop of the existing mines and processing facilities free of the weight of Coal Act obligations.

So Horizon went to court and asked a judge to let it use bankruptcy loopholes to circumvent its legal duties to its workers under the Coal Act. The company, quite plainly, wanted a seal of approval to turn its back on the men and women who had devoted their lives to it. Then, in September, almost inconceivably, the judge gave Horizon the final nod. It was OK, it was ruled, for an American company to so

devalue the American worker and to go around the intent of Congress. Horizon could merely dump its obligations, and go along its merry way.

It is not just the workers of Horizon who will suffer. In turn, the cost of the benefits legally owed by Horizon have been thrown onto already financially strained benefits plans. Consequently, Horizon and the courts have sent a shock wave that jeopardizes the health care benefits of thousands of other retirees and beneficiaries. The weight of those obligations cannot long be managed in the current scenario. And if other companies follow suit, collapse will only be hastened. The need for a fix is urgent.

I have, therefore, joined with Senator Rockefeller in introducing legislation intended to address this court decision. My bill will make it clear that the benefits and obligations mandated by the Congress through the Coal Act cannot be modified by the bankruptcy courts. It will, as well, prevent additional companies from trying to circumvent the Coal Act through bankruptcy, while leaving others, who play by the rules, holding the bag.

I am all too familiar with the struggles of working men and women in our country. I have always believed that a fair day's labor deserves a fair day's wages. I believe, too, that a company has certain obligations to a faithful worker who has devoted his life to laboring for the good of the company. It has been here, in the halls of Congress, where these beliefs have found refuge in the form of legislation, such as the Coal Act. The bill I introduce today reaffirms a federal promise made to America's coal miners and helps to fulfill the duty of Congress to America's working families.