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## House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 20, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

### DOD EXEMPTIONS

Mr. BLUMENAUER. Mr. Speaker, I came to Congress with the goal to promote more livable communities, that the Federal Government should be a better partner with the State and local governments, with private sector to make our families safe, healthy and economically secure. My colleagues can imagine my dismay when this week we are given a proposal in the Defense reauthorization bill that is the

antithesis of this nature of partnership to promote livable communities.

It would exempt the military, not just the military actually, but all Federal agencies from certain aspects of the Endangered Species Act and the Marine Mammal Protection Act. The bill includes a proposal that eliminates critical habitat designation altogether on all lands owned or controlled by the military.

The bill includes a rider to exempt the Department of Defense at Fort Huachuca in Arizona from any responsibility for off-base ground water pumping that threatens the existence of the San Pedro River.

Mr. Speaker, this outrageous provision that was included in the reauthorization comes less than a month after the Secretary of the Army gave the fort an environmental award for solving it, and now Congress is going to undo this in the reauthorization.

The United States is the wealthiest and most powerful Nation in the world. Our Armed Forces are the most able, the best equipped, the finest fighting force, and they are people that can get the job done. We ought to be able to figure out how to address real problems with the environment without compromising the survival of what we are fighting to protect.

The legislation is unnecessary on so many different levels. First of all, there is already a waiver provision that has been in these laws for years. If there is a military necessity to waive environmental regulations, there is a provision that is available. There has never been an instance of military necessity where a waiver has been requested and not granted, never, not once.

It also misses a real threat to military readiness, what the military and those who are studying the issue term "encroachment." The same sprawl and unplanned growth that threatens farm and forest lands, pollutes our air and

water, and congests our roadways is a real threat to the ability to train and maintain the world's mightiest fighting force. Across the country, from Fort Stewart, Georgia, to Nellis Air Force Base in Nevada, development is threatening the Armed Forces' ability to fly planes, maneuver and conduct other readiness activities.

The State of California has recognized this and has worked out legislation with the Department of Defense to deal with the long-term operations of military installations to provide the military, environmental organizations, and local planning agencies the tools to work together to fight problems of sprawl and unplanned growth. This is ignored by the legislation before us.

It is also wrong on a fundamental level. It is missing the opportunity to use the Department of Defense to set the highest standards because we know, given adequate resources and the right orders, they can achieve any mission, and we should use this opportunity.

Finally, there is a fundamental arrogance and hypocrisy that the Federal Government's rules and regulations are necessary to protect the environment and will impose among small business, will impose among local government that we will not hold ourselves to that standard. That hypocrisy runs against the grain. It is obnoxious to people in the real world. It ought to be abhorrent to the people in this chamber. We ought to have the Federal Government lead by example.

In order to win the battle to protect the world's environment, we ought to provide some leadership, and a critical part of leadership in this country has always been the military. To send them a signal that environmental stewardship does not matter and they do not have to play by the rules is the wrong signal for them and the rest of America, and it is certainly the wrong

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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direction for our efforts to protect endangered species and the health of our oceans.

#### MOVING AN AGENDA FOR AMERICA

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates for 5 minutes.

Mr. DELAY. Mr. Speaker, faced with unprecedented challenges around the world and here at home, President Bush has taken the road less traveled. He has not hid behind his already strong record. Instead, he has laid out an agenda for America that answers history's call and meets those challenges on our terms, and in the last four weeks, the House has taken action on major legislation involving every aspect of the President's agenda.

Since we returned from recess in April, we have passed a robust tax relief package to create jobs and grow the economy. Over the long term, the President's jobs and growth package will help ensure our Nation has an economy strong enough to employ everyone willing to work and meet the emerging needs of the American people.

We passed the global HIV/AIDS bill, first announced in the President's State of the Union address, to provide \$15 billion to Africa over the next 5 years to stem the tide of the great plague of our age. We have an opportunity to ease the suffering of millions and save the lives of millions more, and thanks to the President's leadership, we will seize it and send a final bill to his desk this week.

Also this week, we will take up the Defense Department's reauthorization bill which will provide provisions to modernize the Pentagon's management and bring it into the 21st century. Rigid personnel restrictions will be updated, reflecting more flexible management models that have been so successful in the modern business world.

We have tackled adult education and job training and also reformed Federal special education law.

Last week, the House made several reforms to retirement savings law, giving employees more control over their 401(k)s, IRAs and their pensions, and this week we will pass another presidential initiative, this one to maintain our environment by reforming the management of our forests.

Much remains to be done, Mr. Speaker, but so far this House has answered the President's call to pass an agenda worthy of the American people.

#### MARINE MAMMAL PROTECTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Washington (Mr. McDERMOTT) is recognized during morning hour debates for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, it seems like not one week goes by without another outrage from this administration with respect to the environment of this country.

I rise today to submit an article from a recent newspaper in my city which I think everyone ought to read before they vote on this change in environmental regulations for the military. The column details a recent sonar test that was conducted by the navy near my hometown and the effects of the marine mammals that were observed by a University of Washington class who happened to be studying the area.

There is a lot of worry in my area about the orcas and about the porpoises, and there are a number of people who are involved in this kind of study, and they were up there watching, observing the sonar, what was going on and with cameras what was going on with these animals, and along comes a ship and sets off a sonic boom. They say they have to test it there. There is no reason why they could not call the University of Washington and say where are the animals, we have some concern, we do not want to kill porpoises, we do not want to kill whales, but no, they set off the boom, and soon, porpoises were floating to the surface, dead, and whales were beginning to act very strangely, and this is unnecessary.

The military should be held to the same account that everybody else is. A few weeks ago, they were out there shooting shells into the water with depleted uranium on the end of them. Everybody knows there are questions about the effects of depleted uranium and what it does to the human body. The salmon fishery off the Washington coast is right where they are shooting the shells. They could not even figure out how to get out far enough or something to get out of the fishing grounds.

To make it even worse, this issue of depleted uranium is a big issue in Iraq. We dumped 300 tons of depleted uranium over southern Iraq in 1991, and we have had recorded, at least by the Iraqi medical people, a 1- to 300-percent increase in cancer and deformities at birth in children. In the last 6 months, we dumped 600 tons, twice as much, and the military continues to put out the word that there is no problem.

The British Government, the Royal Society of Medicine in England said, there is a problem and we are going to clean up the area around Basra which is where the British are responsible, but the United States, in Baghdad, in Mosul and Kirkuk and all these places, we say no problem.

The military is unwilling to confront the environmental damage they bring about, and when called to account for it, they say, well, it is a national security matter. Look, we can test sonar devices 300 miles out in the ocean. We do not have to do it 50 yards, through a pod of whales. There is no reason for that, and they know they are there. It is not as though it is some mystery.

The science is very good. They simply did not think they had to worry about the environment. They are the military, and this bill that is going through here with an exemption for military from the environmental regulations is simply an absolute atrocity.

In all the places in the world where they have nuclear weapons, where they have all kinds of chemicals, in Anniston, Alabama, they put in a facility to burn the waste gases they have created from making the weapons of mass destruction in the United States, and they burn it right in Anniston, Alabama, 10 blocks from a school with no protection for that school. This kind of thing is unacceptable in the United States, and the United States Congress should not endorse it and make it okay. It is wrong.

I will enter into the RECORD an article from the Seattle Post-Intelligencer dated May 19, 2003, at this point.

[From the Seattle Post-Intelligencer, May 19, 2003]

#### IN THE NORTHWEST: SONAR TESTS' EFFECTS ON WILDLIFE SHOULD SET OFF ALARMS

(By Joel Connelly)

Lovers of Washington's inland waters, including this part-time Whidbey resident, enjoy a living tip sheet in [www.orcanetwork.org](http://www.orcanetwork.org), a Web site filled with recent sightings and locations of killer whales, gray whales and other great marine mammals.

Last week, however, the customary light-hearted dispatches yielded to a gripping account of the extreme distress of marine creatures during a Navy sonar test earlier this month.

The episode, on May 5, raises major new questions about whether Congress should roll over for a Pentagon campaign designed to exempt the military from complying with landmark federal environmental laws.

Without these laws, the natural systems and marine life of our Puget Sound-Strait of Georgia region would possess no defense against the Department of Defense.

Orcanetwork's dispatch came from David Bain, a University of Washington faculty member. With students, he witnessed what happened when the Everett-based guided missile destroyer *Shoup* conducted a midfrequency sonar training exercise off San Juan Island.

"The passage of naval vessel 86 (*Shoup*) was observed by me and the marine mammal class at Friday harbor laboratories," Bain wrote. "Collectively, we observed effects on three species: These were:

Porpoises: Bain and students watched Dall's porpoises in a bay north of Lime Kiln Lighthouse, an island landmark. "After the (Navy) ship passed, they were observed traveling away from the ship at high speeds," Bain wrote. "This is similar to the behavior of Dall's porpoises in the presence of other loud sounds, such as air-gun blasts."

Since the sonar tests, bodies of seven porpoises have been found—three beached in the Strait of June de Fuca near Haro Strait, and three more in the San Juan Islands.

A number of porpoise deaths have occurred in recent months, Bain noted, some predating the *Shoup's* passage through Haro Strait.

"Midfrequency sonars were heard in April as well, although they seemed to be coming from Juan de Fuca Strait or points south," he wrote. "Thus, these earlier strandings were potentially related to sonar activity."

Minke whales: During the test, a minke whale was spotted porpoising (coming out of