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No. 111

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we are grateful for the assurance of Your presence, available at all times, dependable in all circumstances, bracing when we need correction, and inspiring when we need courage. Lead on, Lord, as we press on. The day stretches out before us filled with debate, deliberations, and decisions. Keep us calm as we trust You and reassured as You replenish our reserves. You have promised never to leave or forsake us. Grant the Senators a renewed assurance of Your wisdom for each complex problem. You are the source of creative insight, inventive solutions, and decisive intentionality. Fill this Chamber with Your presence, each Senator with an acute sense of accountability to You, and all of America with the privilege of being one Nation under Your providential care and Your protective concern. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 5, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, the two managers of the bill will be here shortly to continue with this most important Interior appropriations bill. Debate will continue until 12 noon, at which time we will have an hour of morning business, with the Republicans controlling the first half and the Democrats controlling the second half.

At 1 p.m., the Senate will resume consideration of the Homeland Security Act.

There have been amendments laid down—both on the Interior bill and the homeland security bill.

Today will be the last business day of the Senate this week because of the ceremony in New York tomorrow. I hope we can make progress on both of these most important pieces of legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leader time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

The legislative clerk read as follows: A bill (H.R. 5903) making appropriations for the Department of the Interior and related agencies for fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd amendment No. 4472, in the nature of a substitute.

Byrd amendment No. 4480 (to amendment No. 4472) to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Daschle modified amendment No. 4481 (to amendment No. 4472), to provide emergency disaster assistance to agricultural producers.

Mr. REID. Madam President, until we hear from Senator BYRD, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

Mr. BYRD. Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Madam President, I apologize to the distinguished Senator from Minnesota, Mr. WELLSTONE, for my having objected to his calling off an earlier quorum. My reason for doing that was so that we, the two managers, could get certain amendments in order

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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that were agreed to, with respect to the amendments, on both sides. We would like to go forward with these at this point, after which I certainly hope the distinguished Senator from Minnesota will then proceed. I thank him for his characteristic courtesy.

Madam President, I shall offer three or four amendments for Members on my side of the aisle. My colleague, Mr. BURNS, will offer amendments for Members on his side of the aisle. These amendments have been agreed to on both sides.

AMENDMENT NO. 4493

Mr. BYRD. Madam President, I send, therefore, an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mrs. MURRAY, proposes an amendment numbered 4493:

(Purpose: To provide funds for the Vancouver National Historic Reserve in the State of Washington, with an offset)

On page 22, line 23, strike "\$62,828,000" and insert "\$63,228,000, of which \$400,000 shall be made available for statutory and contractual aid for the Vancouver National Historic Reserve in the State of Washington".

On page 24, line 13, strike "\$361,915,000" and insert "\$361,515,000".

Mr. BYRD. Madam President, I have offered this amendment on behalf of the distinguished senior Senator from Washington, Mrs. MURRAY. The amendment, as the clerk has read, would provide funds for the Vancouver National Historic Reserve in the State of Washington. The amendment has been fully offset and has been agreed to by both managers. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4493) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was adopted.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, I yield to my colleague to offer an amendment, after which I will, hopefully, get the floor to offer another amendment.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

AMENDMENT NO. 4494

Mr. BURNS. I thank my chairman.

Madam President, I send to the desk an amendment on behalf of Mr. CAMPBELL of Colorado and ask for its consideration.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. CAMPBELL, proposes an amendment numbered 4494.

Mr. BURNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the provision relating to transportation services to include Rocky Mountain National Park)

Beginning on page 62, strike line 22 and all that follows through page 63, line 2, and insert the following:

of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year.

Mr. BURNS. Madam President, this is a technical change in the transportation and contractual authority for Rocky Mountain National Park in Colorado. It has been cleared on both sides. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4494) was agreed to.

Mr. BURNS. Madam President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4495

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Madam President, I have an amendment which I offer on behalf of Senator LEAHY. I send it to the desk. These amendments are short, so I would like for the clerk to read them.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. LEAHY, proposes an amendment numbered 4495:

(Purpose: To permit the use of a single procurement contract by the Smithsonian Institution for a multi-year repair and renovation of the Patent Office Building, subject to the availability of annual appropriations)

On page 102, at the end of line 26, add the following:

"Provided, That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Patent Office Building may be issued which includes the full scope of the project. *Provided further*, That the solicitation of the contract and the contract shall contain the clause 'availability of funds' found at 48 C.F.R. 52.232-18."

Mr. BYRD. Madam President, this amendment, which is proposed by Mr. LEAHY, would allow the Smithsonian Institution to use a single procurement contract for multiyear repair and renovation work at the Patent Office Building. This amendment will result

in the saving of time and the saving of money and has, therefore, been agreed to by the managers.

The ACTING PRESIDENT pro tempore. Is there further discussion?

If not, without objection, the amendment is agreed to.

The amendment (No. 4495) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, on these remaining amendments, when they are offered, I ask unanimous consent that the pending amendment be set aside until our series of amendments have been taken care of.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana.

AMENDMENT NO. 4496

Mr. BURNS. Madam President, I send an amendment to the desk and ask for its immediate consideration on behalf of Senator COLLINS of Maine.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Ms. COLLINS, proposes an amendment numbered 4496:

(Purpose: To redistribute funds allocated for Atlantic salmon recovery)

On page 13, line 19, insert the following after the colon:

"*Provided further*, That of the funds available for endangered species recovery, \$1,500,000 is for Atlantic salmon recovery activities administered by the National Fish and Wildlife Foundation and \$500,000 is for the United States Fish and Wildlife Service to undertake Atlantic salmon recovery efforts in Maine."

Mr. BURNS. Madam President, I congratulate the Senator from Maine for submitting this amendment. What it does is provide for the reallocation of funds for recovery activities of the Atlantic salmon. As you know, we have ongoing recoveries for all kinds of species across the country. Of course, one of the big ones is the Pacific salmon. Now she has offered to pick up and accelerate the programs on the Atlantic salmon. I ask for its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4496) was agreed to.

Mr. BURNS. Madam President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4497

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Senators GRAHAM and NELSON of Florida.

The PRESIDING OFFICER (Mr. MILLER). The clerk will report.

The legislative clerk read as follows: The Senator from West Virginia [Mr. BYRD], for Mr. GRAHAM and Mr. NELSON of Florida, proposes an amendment numbered 4497:

(Purpose: To direct the Corps of Engineers to construct a portion of the modified water delivery project in the State of Florida)

On page 127, between lines 2 and 3, insert the following:

SEC. 3 —. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA.

Notwithstanding any other provision of law, the Corps of Engineers, using funds made available by this Act and funds made available under any Act enacted before the date of enactment of this Act for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled "Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement" and dated July 2000.

Mr. BYRD. Mr. President, this amendment I have offered on behalf of Senators GRAHAM and NELSON of Florida will expedite the important environmental restoration work currently underway in and around the Everglades National Park.

The amendment has been agreed to by both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4497) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, the remaining amendments will be offered by my colleague, Mr. BURNS.

AMENDMENT NO. 4498

Mr. BURNS. Mr. President, I send an amendment to the desk on behalf of Mrs. HUTCHISON of Texas and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] for Mrs. HUTCHISON, proposes an amendment numbered 4498.

Mr. BURNS. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make a technical change with respect to the Lower Rio Grande Valley National Wildlife Refuge)

On page 14, lines 11 and 12, strike "\$42,182,000, to remain available until ex-

pendent;" and insert "\$42,682,000, to remain available until expended, of which \$500,000 shall be made available for the World Birding Center in Mission, Texas:".

On page 14, line 26, strike "\$89,055,000" and insert "\$88,555,000".

On page 15, line 5, insert ", of which \$500,000 shall be made available for the Lower Rio Grande Valley National Wildlife Refuge" before the colon.

Mr. BURNS. Mr. President, this is a reallocation of funds to make sure the Birding Center in Texas is maintained and it is fully offset. It has the approval of both sides of the aisle.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 4498) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4499

Mr. BURNS. Mr. President, I send an amendment to the desk on behalf of Senator KYL of Arizona.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. KYL, proposes an amendment numbered 4499.

The amendment is as follows:

(Purpose: To require the Director of the National Park Service to report to Congress on the status of the Colorado River Management Plan)

On page 64, between lines 15 and 16, insert the following:

SEC. 1 —. COLORADO RIVER MANAGEMENT PLAN.

Not less often than annually, the Director of the National Park Service shall report to Congress on the status of the Colorado River Management Plan.

Mr. BURNS. This amendment has the approval of both sides of the aisle. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 4499) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank my distinguished friend and colleague, the ranking member. This completes the series of amendments to which I alluded earlier.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

AMENDMENT NO. 4481

Mr. WELLSTONE. Mr. President, I thank the Senators for their fine work. We are now debating an amendment that was laid down by a number of Sen-

ators. Senator DASCHLE took the lead and I am proud to be an original cosponsor. It deals with the question of disaster relief.

I have to say, as the Senator from Minnesota, I take this debate in the next hour, hour and a half, or 2 hours as serious as any debate I have ever been involved in because I think literally this is at least an economic life-or-death question for many farmers in Minnesota, specifically northwestern Minnesota.

Before I talk about my State, I want to make this appeal to all of my colleagues. There was a front-page story in the Washington Post today—and I know Senator NELSON and Senator HAGEL have spoken about this—about the drought in Nebraska. It is heart-breaking to read about that. It is just almost unprecedented drought conditions. For these ranchers, cattlemen, and farmers, the time is not neutral. Time moves on. If we don't take any action and get help to them, the farm bill becomes irrelevant because they don't have any crops and they are not going to be able to produce to get a price.

They didn't ask for the drought. It is the same thing in South Dakota. Then I read about the fires in Colorado and in Arizona. They didn't ask for that. During the years that I have been here in the Senate, we have also had Senators come to the floor from different States where there have been hurricanes or tornadoes. Certainly, that has happened in Minnesota. It is devastating, these natural disasters. It has nothing to do with whether people work hard or are good managers.

As I have said, there but for the grace of God go I. Nobody knows, in our part of the country, when you could be hit by a tornado. In other parts of the country, it could be a hurricane, drought, fire, or flooding.

So I think this vote is a test of our goodness. I am not going to bash away at the administration. I hope the administration is changing its view and not working strongly against this amendment. Frankly, I will give all the credit in the world to anybody who helps. It doesn't really matter to me. If the White House is going to show flexibility and support, and we pass this amendment on the floor, and it is kept in conference, I will applaud everybody and give credit to everybody. I hope that is the way it will be because, frankly, I think disaster relief is really—look, people say I have been in a lot of intense debates on the floor and probably will be in one this afternoon about these scoundrel companies that go to Bermuda and set up sham headquarters and don't pay their fair share of taxes.

I don't think the whole question of emergency disaster relief has any party label to it. Certainly, the people whose lives are destroyed are Democrats, Republicans, Independents, or none of the above. Certainly, this is about our States and the people we represent and

doesn't have a lot to do with party identification, period.

As I said yesterday—and I will get to the specifics about Minnesota—I know I have never voted against disaster assistance moneys for any part of the country because I think it is an example of there but for the grace of God go I. We are grateful that I can help other parts of the country, and we are grateful it wasn't our homes or farms or that it didn't happen in our State. We are grateful that it didn't happen in our communities. But sometimes it does happen in our State and in our communities, in which case we come to the floor and ask colleagues for support.

Really, on the whole question of offsets, we haven't done offsets for disaster relief before. This is just something that happens and we know when it happens that we provide the help. So in the case of Minnesota, we are talking about 17 counties in northwest Minnesota. We are talking about rich farmland and about having been really massively damaged and devastated by the flooding. FEMA does good work. I love the work they do. They have been to Minnesota many times. They are an amazing group of men and women. It is an interesting job they have. They come in crisis situations and help with temporary housing, and the Small Business Administration tries to help with additional funding; and if there is damage of infrastructure, public infrastructure, they have helped us rebuild schools in our State.

As my colleague from Montana and all Senators who are from farm country know, they do not provide assistance to the farmers. We need help for these farmers—the wheat growers, corn growers, soybean growers, you name it. Everything that is in the farm bill will be irrelevant. We are lucky if it covers 70 percent of the cost. We would be very lucky. The farmers cannot afford a 30-percent loss.

I call on our colleagues for their support. The past is the past, and the present is the present. I am interested in the present. We had in the Senate bill farm money for disaster relief assistance. I wish it had been kept in conference. It was not. That is beside the point. It is in the past. We tried to put it on the emergency supplemental bill, and there was opposition.

My hope today is that we will come together, Democrats and Republicans, and we will do it because we know this is what we always do. When people are faced with these kinds of crises—this does not have anything to do with low prices; it does not have anything to do with countercyclical payments or dairy payments; it does not have anything to do with the Conservation Reserve Program.

This has to do with weather-related disasters that have literally devastated so many people in farm country in America today and/or in other parts of our country today. I think of the fires again.

I come to the Chamber to urge my colleagues, to appeal to my colleagues to please support this amendment. Please support it. This amendment will provide much needed help to many wonderful, hard-working people in northwestern Minnesota and, for that matter, around the country.

The vote we are going to have, which will probably be sometime before noon, will be a critically important vote. We will need 60 votes. I hope we get the 60 votes. I say to the Chair, having been to northwest Minnesota several times, these have been some of the toughest meetings I have ever attended. The farmers are at their wits end. It is not like they are asking for help. The Presiding Officer knows some of the people about whom I am speaking. They are not comfortable asking for help. They know they have to have help or there is no tomorrow; they will have no future at all.

If they can get the good news today that the Senate said, We are going to provide you with the help, we are going to provide the disaster relief money, it will make all the difference in the world. If we get over 60 votes, I really believe we will have a good chance of keeping it in conference. I think the White House will support us, and we can do this together.

As a Senator from Minnesota, having a pretty clear picture about when we talk about \$300 million worth or \$350 million worth of damage and number of acres, I translate that all into personal terms. I think of all the husbands, wives, children, and families with whom I have met. The farmers are not here, but they are counting on us to represent them well.

I say to all Senators, please represent well the people in the country who have been hit with these natural disasters, and please vote for this amendment. I yield the floor, and I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 5 or 6 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

IRAQ

Mr. MURKOWSKI. Mr. President, as we contemplate military action against Iraq, I wish to bring to the attention of my colleagues the rationalization, in the opinion of the junior Senator from Alaska, of the circumstances surrounding the risk to allow Saddam Hussein to continue to develop weapons of mass destruction.

It is no secret that over an extended period of time, Saddam Hussein and Iraq have been developing this capability. It not only includes chemical weapons and biological weapons, but a delivery system. Clearly, we have seen as a consequence of the Persian Gulf war the capability of a delivery system reaching Israel. In addition to that, we have every reason to believe he is developing his nuclear capability.

The question to which we have to relate is, of course, the obligation as to how to thwart this exposure from the standpoint of the United States' role as not only the peacekeeper of the world but the recognition that if the United States does not do it, it probably will not be done.

I bring that reference up to simply highlight a comparison. Had we known in advance of 9/11 the contemplated exposure—not only to the United States, but the peace of the world, as we knew the world prior to that time and the recognition that a number of aircraft was going to be used as weapons and the consequences associated with the aircraft that went into the World Trade Center in New York, the Pentagon, and, of course, the exposure in Washington and other areas of the United States associated with the activities at that time—we would have taken some action, Mr. President. There is no question about it because we knew the ramifications of not taking such action.

What I am saying is we have a dilemma in the sense of a recognized concentration of weapons of mass destruction being controlled by an individual who is not only uncontrollable but one who has, over an extended period of time, initiated actions such as we have seen during the Persian Gulf war where he saw fit to invade Kuwait with the intention of going into Saudi Arabia with the objective of controlling the wealth of the oil provinces of that part of the world. That was his objective, make no mistake about it.

If he could have prevailed in Kuwait and gone into Saudi Arabia, he would have controlled a good portion of Middle East oil and, hence, the wealth and cashflows of the area.

The consequences of that, as we see Saddam Hussein again amassing this threat as a consequence of his development of weapons of mass destruction, brings us to the evaluation of what action we should take. Is it inevitable that sooner or later Saddam Hussein will use these weapons of mass destruction, and against whom?

We have had an opportunity to observe a pattern of Saddam Hussein in the time since the Persian Gulf war. If one can perhaps simplify it, we have initiated a no-fly zone over Iraq since about 1992. In initiating that no-fly zone, we have taken out some of his targets. He has attempted to shoot some of our aircraft down that are patrolling the area.

There is another inconsistency that stands out even more openly, and that