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Senate

The Senate met at 9:30 a.m., and was called to order by the Honorable CONRAD R. BURNS, a Senator from the State of Montana.

The PRESIDING OFFICER. The morning prayer will be recited by the Senate Chaplain, Lloyd John Ogilvie.

PRAYER

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

The prophet Isaiah asks some very penetrating questions that put everything in order:

Who has directed the Spirit of the Lord, or as His counselor taught Him? With whom did He take counsel, and who instructed Him? Who taught Him in the path of justice? Who taught Him knowledge, and showed Him the way of understanding?—Isaiah 40:12-14.

Gracious Father, we humbly fall on the knees of our hearts as we answer these questions. You alone are the ultimate source of wisdom, knowledge, and guidance. Forgive us when we use prayer to try to manipulate Your will. It is not for us to instruct You, make demands, or barter for blessings. We confess our total dependence on You not only for every breath we breathe, but every creative or ingenious thought we think. You are the Author of our vision and the instigator of our creativity.

So we begin this day with thanksgiving that You have chosen us to be leaders. All our talents, education, and experience have been entrusted to us by You. The need before us brings forth the expression of supernatural gifts You have given us. We thank You in advance for Your provision of exactly what we will need to serve You and our Nation this day. By the power of the Holy Spirit. Amen.

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. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 2, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CONRAD R. BURNS, a Senator from the State of Montana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. BURNS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for up to 20 minutes.

PROGRAM

Mr. MURKOWSKI. Mr. President, the leader has asked me to communicate this news to the Senate this morning. I am told that there will be a period for the transaction of morning business until 12 noon.

Following morning business, the majority leader has stated that it will be his intention to begin consideration of S. 1372 regarding the Social Security earnings limit.

The Senate may also be asked to begin consideration of the legislative branch appropriations bill during today's session.

As usual, all Senators should anticipate rollcall votes throughout the day and possibly well into the night.

THE ARCTIC NATIONAL WILDLIFE REFUGE LEASE SALE

Mr. MURKOWSKI. Mr. President, there is, in the reconciliation bill passed, in both the Senate and the House, an item known as ANWR, the Arctic National Wildlife Refuge lease sale. There have been many views, versions, and interpretations of just what this is all about. I think it is appropriate that a Representative from Alaska, again, highlight the facts concerning this very important issue relative not only to the reconciliation package, where it is anticipated to result in a lease sale of about \$2.6 billion, but its contribution to the national energy security interests of our country.

Mr. President, let me attempt to put the issue in an understandable perspective relative to the size of the area that we are concerning ourselves with and the actual footprint anticipated.

First of all, there is a bit of a misnomer associated with ANWR, the Arctic National Wildlife Reserve. I hope the Chair can see this chart. Perhaps I should put it up a little higher. This does a pretty good job of describing the area in question. ANWR itself covers, basically, this top area, which is the coastal plain, about 1½ million acres; there is this wilderness area in green here, about 8 million acres. It covers the Arctic National Refuge—this portion here, which is in an area that is in refuge. That is about 9 million acres. It covers this up in the Arctic coastal plain. This is 1.5 million acres. The point is that the Refuge is about the size of the State of South Carolina.

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



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When we talk about allowing an oil lease sale, there are a lot of misconceptions relative to just what the footprint will be. As I have indicated, the wilderness area, the green area, is not in jeopardy. That has been put in a wilderness status by Congress permanently, and that was initiated back in 1980.

The area of the refuge, which is the color orange—roughly 9 million acres—was also set aside in a permanent refuge in 1980. This area in yellow, the small area at the top, consists of 1½ million acres. That is the 1002 area that was left out of the permanent designations in 1980 by Congress for Congress to address the appropriateness of allowing oil and gas leases in the area.

So what we have here is, out of the 19 million acres, an area of 1½ million acres where the Congress is now making a determination on whether or not a lease sale should take place. This little area up here, as you see in the red or maroon color, is Kaktovik. That is an Eskimo village. The proposal is to lease 300,000 acres out of the 19 million acres of ANWR. In reality, it is 300,000 acres out of the coastal plain, a very small area. People have indicated that the Canadian border is right in here—that this area has virtually never had a footprint in ANWR. Obviously, that is incorrect. There is an Eskimo village. There is a radar site at Barter Island. Two abandoned radar sites are along the coast. So there has been a footprint, but it has been very negligible.

Geologists tell us that this is the most likely place in North America where a major oil discovery might take place. We really do not know whether the oil is there, and you do not know where to look for it; and when you look for it, you usually do not find it. When you look for it in Alaska and find it, you better find enough because of the cost of developing and transporting the oil.

It is rather curious to note that on this chart we have the area to the west, Prudhoe Bay. Prudhoe Bay, as most Members know, has been supplying this Nation with 25 percent of its total crude oil production for the last 18 years. The significance of Prudhoe Bay is that, while it has continued to flow at a rate much higher than predicted, and the recovery is much higher today, that field is in decline.

Production has been as high as 2 million barrels a day. Today it is down to 1.5 million barrels a day. As a consequence, we are importing more oil from overseas sources.

To give you an idea, Mr. President, and many Members really do not reflect on this, but in 1973 we had an oil embargo in this country—the Arab oil embargo—and the significant thing at that time, we were 36 percent dependent on imported oil—36 percent.

Today, our Nation is just a little over 50 percent dependent on imported oil. For those of you who have perhaps forgotten, in 1990 we had a war in the Persian Gulf. That was a war over oil. It was also an environmental catastrophe

in Kuwait. You recall the burning of the oilfields.

Now, earlier this year, our Department of Commerce put out a report that said the national energy security interests of the United States were as risk as a consequence of our increased dependence on imported oil. Several years ago there was a great deal of discussion in the Nation relative to the increased dependence on imported oil, and there were those who suggested we would have to take steps—positive steps—to decrease our dependence on imported oil if we ever approach 40 or 45 percent dependence on imports. Here we are today at 50 percent.

We hear a lot about our trade deficit. We are buying more overseas than other nations are buying from the United States. It is interesting to look at the makeup of that. Roughly half is our trade deficit with Japan. Mr. President, the other half is the cost of imported oil.

Now, about 25 to 30 years ago when they were contemplating whether to open Prudhoe Bay, they made the initial discovery. They had a question of how to transport the oil to market. Some may recall the *Manhattan*, a U.S. tanker that had been reinforced to move through the ice through the fabled Northwest Passage, taking the oil from Prudhoe Bay, AK, over the top of the world, but they found the ice conditions were such it was an impractical alternative and proceeded to initiate the Trans-Alaska Pipeline—an 800-mile pipeline from Prudhoe Bay to Valdez.

It proved to be one of the engineering wonders of the world. It withstood bombs. It withstood dynamite. It withstood rifle shots. It withstood earthquakes. There was a bad accident in Valdez with the *Exxon Valdez* when it went aground, but certainly it had nothing to do with the integrity of the pipeline.

What we have here is a situation where the arguments used against this were very vocal—national preservation, environmental groups said this would be a hot pipeline. The oil comes out of the ground hot. You were putting the pipeline in permafrost, permanently frozen ground; therefore, you will melt the ground from the heat of the pipeline; that will cause the pipeline to break.

What about the animals, the caribou, the moose? Are they going to cross the pipeline? You will have an 800-mile fence across Alaska. Clearly, that was not the case. The pipeline did not thaw the ground.

As a matter of fact, many of the moose and caribou feed upon the pipeline because there is more vegetation. As the Acting President pro tempore from Montana is very much aware, any heat in an area where you have vegetation causes the grass to grow. We have the animals browsing in the spring on top of the buried pipeline because the grass grows more profusely in those areas.

The point is, the same arguments used against opening up the ANWR, or

arctic oil reserve, are the same arguments used 25 years ago. They were predicting doom. You could not do it safely.

What about the people of the area? We have the Inupiat Eskimos in Point Barrow, Wainwright. The Eskimos were concerned because there was a question about their dependence on subsistence. What would happen to the caribou? Here is a picture, Mr. President, an actual picture of a very small portion of the central Arctic herd. Can you see the caribou? There are lots of them. They are all real. There are males and females. You see the pipeline in the background, and you see an oil rig under drilling. Once this area is drilled, this rig will be removed. Clearly, you see they are compatible.

Now, the Eskimos were fearful this development would harm the caribou and their dependence on subsistence. They are, today, advocates of opening up the Arctic oil reserve because they have seen for themselves, they have satisfied themselves that this activity has provided them with another alternative to subsistence. That is, jobs. They have jobs in huge areas of northern Alaska where jobs did not exist any before. They have a choice of jobs or subsistence.

Today, Point Barrow—at the top of the world, you can cannot go any further north—without a doubt, has the finest schools in the United States, without exception. They have indoor recess areas. They have been able to do this because they have the taxing capability, they have a revenue stream from the oil activities. They have jobs.

There is a concern being expressed by a group of our Native people in Alaska called the Gwich'ins, and this chart shows what this issue is all about, involving another caribou herd. The caribou herd that moves in this general area of the Porcupine River is called the Porcupine caribou, named for the Porcupine River that flows in and out of Canada and affects the villages of Arctic Village and Venetie.

The particular native people in this area are not the Eskimos of the North Slope but are very dependent on the Porcupine caribou herd for their livelihood and subsistence. This is the line that separates Canada from the United States up at the top of the world. This caribou herd is about 165,000.

As far as caribou are concerned, in Alaska we have 34 herds. We have about 990,000 caribou in the 34 herds. Two-thirds of the herds are increasing in numbers and 15 percent are in decline, and the rest are relatively stable. The herds fluctuate.

As the Senator from Montana well understands, they can overgraze their particular area and their numbers decline. There can be a concentration of predators in an area and numbers decline. There can be hard winters and the numbers decline.

This particular herd is the Porcupine caribou herd—about 152,000 animals.

The people that are dependent on this herd are the Gwich'ins, and they are in Canada and Alaska. Three quarters of them are in Canada and the rest are in the villages of Venetie and Fort Yukon. They are fearful they will lose this subsistence dependence as a consequence of activity associated with the lease-sale development and hopefully discovery.

I point out, Mr. President, a footprint is pretty small. The proposed lease sale in the Arctic oil reserve—this is a term I use—because it differentiates from the 19 million acres of ANWR, the actual area under consideration, the 300,000-acre lease sale out of the 1.5 million is pretty small in comparison to the entire area.

But the facts are, these caribou migrate in from Canada, come up into this area, and many of them calve. They calve where they calve; not in one spot, necessarily. It depends on the winter. Sometimes very few of them calve in America. They calve in Canada. But they come out here by preference, if they can, because they come to the coastal areas where the wind blows and there are fewer flies and mosquitoes and it is just a lot more pleasant.

As a consequence, the question is, can we have development compatible with migration?

If the Prudhoe Bay case is any evidence, we think we can. But what we are anxious to do is work with the Gwich'ins on both the Canadian and Alaskan side to form an international caribou management system to ensure that these animals are not disturbed.

The theory behind that would be that development, in the sense of exploration, drilling and so forth—which occurs in the wintertime, I might add—would not take place during the calving time, which is 3 to 4 weeks during the early summertime. So we can address that adequately. But that is one of the major issues that is used to suggest that the Porcupine caribou herd is at risk by this development.

Interestingly enough, these dots on the Canadian side represent sites of actual drilling for oil that took place in the 1970's. It is interesting to note also that there is a highway here, the Dempster Highway in Canada. It goes from near Dawson up to Fort McPherson. These caribou in their migration cross that highway. The Canadian Government did not see fit to do an environmental impact statement when they built that highway on the effect it would have on the caribou. The reality is it had very little if any effect, just as any activity in the coastal plain will have very little if any effect. We can take steps to ensure that it does not have an effect.

The argument that the Porcupine caribou herd is in jeopardy because of this activity is a bogus argument. It is a bogus argument fostered by some of the national preservation, environmental groups, that look upon this issue as a cause celebre. It generates

membership, it is idealistic, it generates dollars. The American people cannot see for themselves just what kind of a footprint there would be. The American people cannot communicate, if you will, with the Eskimo people, as to what the advantages have been for them with the associated development and employment in their area.

I might add, for those who are not familiar with this area, because of the permafrost in these areas it is almost impossible to have underground utilities. So the tradition in these villages is no running water. The water is hauled in. There are no sewage facilities. You have what you call honey buckets. The honey bucket man comes around two or three times a week and you dump your honey bucket in the honey bucket wagon. A lot of people do not know that in many parts of rural Alaska that is the standard way of life.

As a consequence of having a tax base, these villages are getting running water, they are getting sewage capability, things that we take for granted and have never questioned. But if you do not step in another man's shoes and appreciate how he lives, you will never know what it is like—not to have running water and sewage.

Mr. President, I ask unanimous consent for another 10 minutes.

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

Mr. MURKOWSKI. Mr. President, as a consequence, the merits of this, what this means to the people of the area, are significant. The people in the area, the Eskimo people, are speaking for themselves and they are speaking against the interests as enunciated by the Gwich'ins, who are very much opposed to this.

I visited one of the Gwich'in villages, Arctic Village. I was up there in August. I was also in Venetie. I went into the meeting hall in Arctic Village and was cordially hosted. They had a big poster, a Hollywood poster of the buffalo. The sign under the poster said, "Don't let happen to the Porcupine caribou herd what happened to the buffalo." Mr. President, they were out to shoot the buffalo and that is what they did. This activity has nothing to do with going out and shooting the Porcupine caribou. The caribou are very adaptable, unless you run them down with a snow machine or begin shooting them and so forth. So, as a consequence, there is absolutely no suggestion that this herd is going to be affected by this activity.

The Eskimos have invited the Gwich'ins to come up to Barrow, at their expense, to see for themselves what the alternative advantages are for jobs, tax base, and so forth. Unfortunately, there are tremendous pressures by the environmental groups that are funding, through the Gwich'in Steering Committee, ads in the New York Times and other efforts in opposition to this. We have also seen, unfortunately, the Secretary of the Interior,

who is very much opposed to this development, side with the Gwich'ins.

The Gwich'ins are a relatively small population in Alaska, somewhere in the area of 400 to 500 people at most. Most of the Gwich'ins live in Canada. Of course, Canada is a competitor of the United States, a competitor to Alaska in the sense that Canada supplies a lot of energy to the world, a lot of energy to the United States. So the official position of the Canadian Government is very much opposed to the development of energy in Alaska because they see us as a competitor against their market which provides energy into the United States—gas, oil from Alberta, and so forth. As far as the Porcupine caribou herd and the dependence on that, about 300 to 400 animals are taken each year by the Alaskan Gwich'in people, about 4,000 by the Canadian Gwich'in people.

So, this is the environmental issue: Whether or not this area can be opened safely without harming the Porcupine caribou herd and the Gwich'in people.

To suggest that American technology and ingenuity cannot open up this area and do it safely is really selling short America. This pipeline was one of the construction wonders of the world. Prudhoe Bay is the best oilfield in the world. You may not like oilfields, but it is the best. The environmental oversight, permitting requirements are higher than anywhere else in the world. It is suggested by industry that they can have a very small footprint in this coastal plain, if allowed to initiate drilling. People have said, "Senator, you are from Alaska. Obviously you have a position on this issue. How do you know that? How do you know that footprint is going to be small?"

About 8 years ago we came out and found another field adjacent to Prudhoe Bay called Endicott. That came on production as the 10th largest producing field in the United States, at about 110,000 barrels a day. Today it is the seventh largest at nearly 130,000 a day. They put a little island offshore here. And the footprint is 56 acres—56 acres.

Mr. President, this area is 19 million acres, as I said. The coastal plain up here is 1.5 million acres. We are talking about a 300,000-acre lease sale. Industry tells us now that their footprint, if the oil is there, can be as little as 2,000 acres. Four or five years ago industry said our footprint might be 12,500 acres. Do you know what 12,500 acres is? It is like the Dulles International Airport complex if the rest of the State of Virginia were a wilderness.

Remember, this area we are talking about is as big as the State of South Carolina. So to suggest that this footprint is going to jeopardize the coastal plain, is going to jeopardize the porcupine caribou herd, is absolutely a fabrication of reality.

This is an important issue for the Nation just as Prudhoe Bay was because Prudhoe Bay has been contributing 25 percent of the total crude oil produced

in the United States for the last 18 years. It is in decline. What do we replace it with? More imported oil? Export more jobs? And \$57 billion dollars is the cost of imported oil. We have an opportunity, and the opportunity is now because this issue is in the reconciliation package.

There has been tremendous pressure on the White House on this issue. But not once has the White House addressed the national security interests. What has happened in the Mideast, Mr. President? What has happened with Libya, our friend Qadhafi? We all know Saddam Hussein, Iraq, and what is going on in Iran today, and the threat against Israel's national security. The Mideast is going to have a crisis. It is just a matter of time. We have heard from a number of statesmen. Larry Eagleburger, former Secretary of State, Schlesinger—many, many others saying do not put your eggs in one basket. That Middle East situation is going to explode, and our increased dependence on that market is going to result in the United States being held hostage because of our increased dependency on imported oil.

Mr. President, this would be the largest single job producer in North America. It would not cost the Federal Government 1 cent. There is no subsidy. There is no appropriation. The private sector will bid this in at an estimated bidding price to the Federal Government, the State of Alaska, at \$2.6 billion.

In addition, there is approximately \$80 million or more that is anticipated as a revenue stream to be contributed to refuge maintenance in our national parks and refuges. And as a consequence of the increased need for these facilities, I would like to do see more funding put in for our parks and other areas.

I appreciate the extension of time. Let me just make a couple of more points because I do not see other Members who wish to speak at this time.

There is some suggestion that this is going to have an effect on the polar bear. Anyone in Alaska can tell you the polar bear do not den in ANWR. They do not on land. They den at sea on the Arctic ice. You talk about the polar bear. We do not allow the polar bear to be hunted by Caucasians. You cannot take a polar bear in Alaska unless you are a Native. You can only take it for subsistence. You cannot take a hunter out for hire. In Canada, you can take a \$10,000 bill, and you can go out and shoot a polar bear; anybody.

So we are taking care of our polar bear. We are taking care of our renewable resources.

So the environmental community is selling America short on our technology. And I would look forward to an extended debate on the factual realities associated with this issue because what we have seen is rhetoric, rhetoric, rhetoric, rhetoric, rhetoric; no factual information of any kind.

Mr. WELLSTONE. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I would be happy to yield for a question without losing my right to the floor.

Mr. WELLSTONE. I thank my colleague from Alaska.

I wanted to ask the Senator. In the committee I had an amendment which said that if we go forward with oil drilling in the Arctic Refuge there ought to be at least an environmental impact statement that is filed. Can the Senator explain why he disagrees with that? I know in fact we have not had one since 1987. Much has changed since then, and the Secretary stated that an environmental impact statement will be necessary for each new lease sale. This is certainly a new lease sale. Even if you are for drilling in ANWR, I think there is a big argument against it. It is not rhetoric. Why will the Senator at least not be willing to go forward with environmental impact statement?

Mr. MURKOWSKI. As the Senator from Minnesota knows, there are different views. The Senator is coming from the point of view of an obstructionist. We had an environmental impact statement prepared for the first lease sale. The application of updating that is certainly appropriate. But to suggest we have to go back and start the process over means you are simply putting it off, and as a consequence we will simply import more oil from overseas.

So this is just another obstructionist proposal because we have already had an adequate EIS. If you are going to bury this thing, then you have to take the responsibility for it.

The Senator from Alaska simply is fed up with these arguments that have no foundation. They are simply obstructionist views, and as a consequence it is not relevant.

Mr. WELLSTONE. Will the Senator yield?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MURKOWSKI. I thank the Chair, and wish the President a good day.

Mr. WELLSTONE addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, time is set aside for Mr. HATCH to speak for up to 15 minutes.

Mr. WELLSTONE. I wonder whether the Senator from Utah would be willing to give me 2 minutes.

Mr. HATCH. I need the full 15 minutes.

I will be happy to yield 1 minute. I yield a minute to the Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from Alaska that I would have been pleased to go on with this debate. I think the national environmental law requires an environmental impact statement. It is not obstructionism to say so. I think for the vast majority of the people in the country, First, they do not believe on environmental

grounds, or on energy grounds, that we need to do oil drilling which could threaten the pristine wilderness area, a real treasure for this Nation; and, Second, I think people believe, if you are going to go forward with it, you at least ought to be willing to file an environmental impact statement so we can know what in the world it is going to do. We had the *Exxon Valdez* oil spill. A lot has happened since 1987. That is not, I say to my colleague, obstructionism for me to come to the floor and to make that clear.

I thank the Senator from Utah.

Mr. MURKOWSKI. Mr. President, the environmental impact statement was completed in 1987, and it took 5 years to complete. There were full public hearings and extensive studies. The record speaks for itself.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. This would have been an interesting debate for me too. I have to say that with the debate around here this has been studied, and it has been unbelievable. We had all the same bizarre and extreme claims with regard to the caribou up there, and now we have more caribou and more wildlife than ever before. Alaska is just such a vast place. Maybe it is time we started thinking about the country, and about how we can stay independent and have national security.

Mr. WELLSTONE. I think my colleague should give me a minute to respond.

Mr. HATCH. I would like to finish my other statement. I would like to shift. I just had to make that comment because I hear this all the time, and I get kind of tired of it.

DRUG SENTENCING

Mr. HATCH. Mr. President, in the past month there has been much discussion about penalties for crack cocaine and about whether we should lower them. Of course, on Tuesday, President Clinton signed legislation preventing reduced sentences for crack cocaine from taking effect. That was the responsible course of action to take, and he should be commended for taking it.

So I was disturbed to read, in Saturday's New York Times that:

*** in Miami, some Federal prosecutors say they have chosen not to charge some crack suspects because they believe the punishment they will face is unduly harsh. [NY Times, October 28, 1995]

I am sure most Senators will agree that those who violate the law must be vigorously prosecuted. Congress enacts the laws and penalties, and the Justice Department enforces them. I have written to the Attorney General asking whether there is any evidence that crack prosecutions—or any other type of prosecutions—are being foregone because Federal prosecutors feel the penalties are too harsh.

The Times's unattributed statement is also troubling in light of the fact