

without this procedure women would have died. 'I would dispute any statement that this is the safest procedure to use,' he said. Turning the fetus to a breech position is 'potentially dangerous,' he added. 'You have to be concerned about causing amniotic fluid embolism or placental abruption if you do that.'

"Dr. Hern said he could not imagine a circumstance in which this procedure would be safest. He did acknowledge that some doctors use skull-decompression techniques, but he added that in those cases fetal death has been induced and the fetus would not purposely be rotated into a breech position."

Dr. Harlan R. Giles, a professor of "high-risk" obstetrics and perinatology at the Medical College of Pennsylvania, performs abortions by a variety of procedures up until "viability." In sworn testimony in the U.S. Federal District Court for the Southern District of Ohio (Nov. 13, 1995), Prof. Giles said: "[After 23 weeks] I do not think there are any maternal conditions that I'm aware of that mandate ending the pregnancy that also require that the fetus be dead or that the fetal life be terminated. In my experience for 20 years, one can deliver these fetuses either vaginally, or by Cesarean section for that matter, depending on the choice of the parents with informed consent. * * * But there's no reason these fetuses cannot be delivered intact vaginally after a miniature labor, if you will, and be at least assessed at birth and given the benefit of the doubt. [transcript, page 240]

"I cannot think of a fetal condition or malformation, no matter how severe, that actually causes harm or risk to the mother of continuing the pregnancy. I guess one extremely rare example might be a partial hydatidiform mole. But that's a one-in-a-million situation. In most cases, mothers carrying an abnormal fetus, such as with Down's syndrome, anencephaly, the absence of a brain itself, dwarfism, other severe, even lethal chromosome abnormalities—those mothers, if you follow their pregnancy, have no higher risk of pregnancy complications than for any other mother who's progressing to term for a delivery. [court transcript, pp. 241-42]

"There is no need to perform a D and X ['dilation and extraction,' i.e., partial-birth] procedure. That is not part of the required teaching of the D and E ['dilation and evacuation,' the technique of dismembering the baby inside the uterus]. [court transcript, p. 260.]"

Dr. Pamela Smith, Director of Medical Education in the Department of Obstetrics and Gynecology, Mt. Sinai Hospital, Chicago, told the Senate Judiciary Committee that the partial-birth abortion procedure is an adaptation of the "internal podalic version" procedure that obstetricians occasionally use to purposely deliver a baby breech (feet first)—but that this procedure is risky to the mother, and its use is recommended only to deliver a second twin. "Why, if it's dangerous to the mother's health to do this when your intent is to deliver the baby alive, that this should suddenly become . . . the safe method when your intention is to kill the baby?" Dr. Smith said.

Dr. Smith also gave the Judiciary Committee her analysis of a sample of 175 cases, selected by Dr. McMahon himself, in which he claimed that he had used the procedure because of maternal health indications. Of this sample, the largest group, 39 cases (22%) were for maternal "depression," while another 16% were "for conditions consistent with the birth of a normal child (e.g., sickle cell trait, prolapsed uterus, small pelvis)," Dr. Smith noted. She added that in one-third of the cases, the conditions listed as "mater-

nal indications" by Dr. McMahon really indicated that the procedure itself would be seriously dangerous to the mother.

What would be the effect of adding to the bill an exception to allow partial-birth abortions for "health" reasons, as proposed by pro-abortion Senator Barbara Boxer (D-Cal.) and others?

In the context of abortion-related law, "health" is a legal term of art. In *Doe v. Bolton* (the companion case to *Roe v. Wade*), the Supreme Court defined "health" to include "all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient." Thus, the bill with a "health" exception would permit abortionists to perform partial-birth abortions at will—even for "depression," as Dr. James McMahon did (see page 4). Adding the word "serious" before "health" changes nothing, because it is the abortionist who would determine whether the "depression" or other distress was "serious."

Does the bill contradict U.S. Supreme Court decisions?

In its official report on HR 1833, the House Judiciary Committee makes the very plausible argument that HR 1833 is not an "assault" on *Roe v. Wade*, but rather, could be upheld by the Supreme Court without disturbing *Roe*. In *Roe*, the Supreme Court said that "the unborn fetus is not a person" under the Constitution (even during the final months of pregnancy). So, in the Supreme Court's doctrine, a human being becomes a legal "person" upon emerging from the uterus. But a partial-birth abortion kills a human being who is four-fifths across the 'line-of-personhood' established by the Supreme Court. Thus, the Supreme Court could very well decide that the killing of a mostly born baby, even if done by a physician, is not protected by *Roe v. Wade*.

What position has the American Medical Association taken on H.R. 1833?

On September 23, the national Council on Legislation of the American Medical Association (AMA) voted unanimously to recommend AMA endorsement of H.R. 1833. (*Congress Daily*, Oct. 10.) The Council on Legislation is made up of about 12 physicians of different specialties, who are charged with studying proposed federal legislation with respect to its impact on the practice of medicine. A member of the Council told *Congress Daily* that "this was not a recognized medical technique" and that "this procedure is basically repulsive."

However, meeting in October, the AMA Board of Trustees was divided on this recommendation, and therefore took no position either for or against the bill. According to an October 23 letter from AMA headquarters in Chicago, "The AMA Board of Trustees has determined that it will not take a position on H.R. 1833 at this time."

From the perspective of those who believe that unborn children should be protected from all methods of abortion, what is the point of supporting a bill that would ban only one method?

Each human being is a unique individual with immeasurable worth. Pro-abortion advocates often try to dismiss the significance of partial-birth abortions by observing that they appear to account for "only" less than one percent of all abortions. But for each and every human individual who ends up at the pointed end of the surgical scissors, the procedure is a 100 percent proposition.

Should Congress be in the business of banning specific surgical procedures?

Some prominent congressional opponents of the bill to ban partial-birth abortions, including Rep. Schroeder (D-Co.), argue that Congress should not attempt to ban a specific surgical procedure. But Rep. Schroeder

is the prime sponsor of HR 941, the "Federal Prohibition of Female Genital Mutilation Act." (The Senate companion bill is S. 1030.)

This bill generally would ban anyone (including a licensed physician from performing the procedure known medically as "infibulation," or "female circumcision," which is practiced by some immigrants from certain countries. The bill provides a penalty of up to five years in federal prison. Supporters of this bill argue, persuasively, that subjecting a little girl to infibulation is a form of child abuse. But then, so too is subjecting a baby to the partial-birth abortion procedure.

WHY DID THE BILL PASS THE HOUSE OF REPRESENTATIVES BY A MORE THAN 2-TO-1 MARGIN?

In the House, the bill won support from more than a few lawmakers who generally favor legal abortion. Once they had the facts, a significant number of those self-described "pro-choice" lawmakers experienced an authentic moral revulsion regarding the procedure. In certain other cases, the revulsion was probably more political than moral. For whatever combination of these reasons, HR 1833 won support from a broad spectrum of House members, including: 73 Democrats and 215 Republicans (37% of voting Democrats, 93% of Republicans); nearly one-third of the women in the House (15 of 47); Democratic Leader Richard Gephardt (Mo.); Democratic Whip David Bonior (Mi.); Rep. John Dingell (Mi.), ranking Democrat on the Commerce Committee; Rep. Lee Hamilton (D-In.), ranking on the International Relations Committee; Rep. Dave Obey (D-Wi.), and Congressman Patrick Kennedy (D-RI), the son of Sen. Edward Kennedy (D-Mass.).

THE ARCTIC WILDLIFE REFUGE

Mr. STEVENS. Mr. President, I come to the floor once again to talk about the appearance that I had on "Nightline" with the Secretary of the Interior, Mr. Babbitt. In that program, which I call a debate, on "Nightline," the Secretary claimed that the development of the coastal plain of our arctic for its oil potential would mean the end of that wildlife refuge.

He referred to the Arctic National Wildlife Refuge, which is some 19 million acres of our northern part of Alaska. It is above the Arctic Circle, as indicated. As a matter of fact, there are 21.2 million acres of wilderness in this whole area, and that area is larger than Vermont, New Hampshire, Connecticut, and Rhode Island put together.

Of this area, in 1980, 1.5 million acres of the arctic plain was set aside for development for oil and gas exploration, subject only to an environmental review to determine whether that type of development would result in irreparable harm to our arctic plain. That is what we call section 1002 of ANILCA, the Alaska National Interest Lands Conservation Act. That 1.5 million acres was the only area in the 1980 bill, that dealt with over 100 million acres, that provided for any development in our State. The Secretary says that proceeding as was intended in 1980 would be the end of that wildlife refuge. That is what I am here to talk about today.

If we proceed with oil and gas exploration, as is intended by the Balanced Budget Act of 1995, this area will be

leased. There will be bonus bids that will bring in some \$2.8 billion, we estimate. It will be at least that because one small area offshore here, the Mukluk, brought in over \$1 billion—\$1 billion—in a very small area. It was a dry hole.

But this leasing will take place. As the exploration takes place, the total area that will be used out of that 1.5 million acres is about 12,000 acres. That is about the size of Dulles Airport. And, after that exploration takes place, the actual area of development, for the roads, the buildings, the rigs that will be in place for the period of development, will be about 2,000 acres; 2,000 acres of the 1.5 million which is part of 19 million acres total in that refuge.

I come to speak about this rhetoric because the administration is trying to leave the impression with the American public that, if this leasing takes place, it is the end of this whole refuge. As a matter of fact, Mr. President, the wilderness area selected by the Interior Department is in the area south of the arctic coastal plain and just at the slope of the Brooks Range. We call it the North Slope of the Brooks Range. It is not in the arctic plain.

You know, Mr. President, it is a very difficult thing for people to understand that this is an arctic desert. The oil exploration will take place in an area which is an arctic desert. The problem comes that the porcupine caribou herd, which lives approximately 9 months of the year in Canada on the Porcupine River area, migrates into Alaska and goes 150 miles up onto the North Slope. It is present on the plain maybe 6 to 8 weeks when it decides to go up there. Some years it does not go at all, as I will mention. But when we were debating the oil pipeline—this is the area of the oil pipeline up to the Prudhoe Bay. This is the Prudhoe Bay development right there. It is on State land. The land belongs to the State of Alaska. The claim was made 20 years ago that approval of that pipeline would lead to the destruction of the caribou herd. We call it the central arctic caribou herd. One person actually stood on the floor here and said that, if we got the approval to build the Alaska oil pipeline, all of the caribou would die, that it would be the end of the central arctic herd that lives near Prudhoe Bay.

Did the caribou disappear? Did the pipeline, this tremendous pipeline that has brought us 11 billion barrels of oil so far—cause the caribou to disappear? Have they been injured? As a matter of fact, at the time we debated that pipeline, the caribou herd was about 6,000 animals. It went up to 23,400 animals by 1992. As we came to 1992, the development was over, and really man's presence started to be reduced in this area. The caribou have actually reduced in number as the number of people involved in the Prudhoe Bay area has been reduced. They are down to about 18,100 this year. But that is still more than three times the size of the

caribou herd at the time the prediction was made that they would all die if the oil pipeline was put in place.

The health of the caribou has very little to do with man's presence. As a matter of fact, that caribou herd is a very healthy herd. I have been up there. I would be glad to one of these days bring some photographs showing the caribou standing next to oil rigs, caribou rubbing up against the pipeline to scratch their backs, caribou coming up on top of the crosswalks to go over the pipeline because they are trying to get away from the mosquitoes. They are trying to get in a breeze, get high enough to get rid of the mosquitoes.

That is a very flat area—the arctic plain. It is an area that has so many mosquitoes that very few animals or people spend much time there. If they do, they are very heavily loaded down with mosquito dope. I mean real, real mosquito dope.

But technology is different now than 20 years ago when that pipeline was developed. There is no question, as I said, that the size of the actual development in the arctic plain will be quite small. We are looking now at the problem of what will human activity in this area do that might affect the caribou that might be different from this area around Prudhoe Bay. The answer is nothing.

This will not be the end of the wildlife refuge. That assertion cannot be supported by any facts. It really is not only misleading; it is wrong. It is not truthful.

This herd, as I said, does not stay there permanently. The central arctic herd stays there—in Prudhoe Bay—permanently. The central arctic herd is a very migrating herd. Sometimes it does not go up there. Our records show that in 1973, 1974, 1982, and 1988 the caribou did not come into this area at all. The caribou wander around in terms of this whole area.

It is the fact that the caribou sometimes actually come over and go back into Canada into the area where there is substantial presence of the oil and gas industry over by the Beaufort Sea.

Our arctic plain is, as I said, a desert. It is almost perfectly flat. It is treeless. That might surprise people because they see the photographs that are in the brochures of all of these extreme environmental organizations saying "save this place from development." They show you beautiful lakes and hills, trees, bear, and caribou, and even, one time, an elk. There has never been any elk up there. It is a frozen desert.

It has about 5 to 7 inches total of precipitation, snow and rain, in a 12-month period. Think of that—5 to 7 inches. This ground is permanently frozen. Water will not even penetrate it. Whatever melts from the snow gathers in small pools. They become shallow and stagnant. That is where we get the mosquitoes. It is probably the best breeding ground for mosquitoes in the whole United States. There is no ques-

tion that the animals that are there, particularly the caribou, are driven nuts by the mosquitoes. They are very vicious. As I said, the mosquitoes drive these caribou so that they go under and on top of the pipeline. They try to get away from them by getting into the breeze that may be caused by wind blowing under the pipeline or over the pipeline.

The wilderness area that we have is here. It is south of the 1002 area. When you listen to the Secretary of the Interior, it sounds like we are trying to lease a wilderness area. That again is not true. It has never been true.

This area once was the Arctic Wildlife Range. It was created by a secretarial order, and that order specifically stated that oil and gas leasing could take place on the range subject to stipulations to protect the fish and wildlife.

At the time we considered this enormous act that withdrew all of these areas that are outlined in either blue or green or red, the Congress looked at all of them. And this is the only area, as I said, where the natural resources were so significant that the area was set aside, specifically stating that it would be subject to oil and gas leasing. The only thing that had to happen was that there had to be an environmental study made.

It came to Congress not for the purpose of trying to open it. It has always been open. The question is, Should Congress approve the finding of the Secretary of the Interior that there would not be irreparable harm to this area if oil and gas development took place?

It is 1½ million acres. Out of all of this area, as I said, of the whole area that belongs to the Federal Government up here, some 21.2 million acres of the arctic is set aside as wilderness. As a matter of fact, Mr. President, 65 percent of all wilderness in the United States is in our State. Sixty-five percent of all the wilderness in the United States is in our State. Fifty-six million acres total have already been set aside as wilderness.

In addition to that, we have 70 percent of the national parklands. We have 85 percent of all the national wildlife refuges in Alaska.

That is the only area that Congress has ever designated as being set aside for oil and gas development. The Secretary tries to let the American public believe that this Senator is trying to authorize drilling in a wilderness area. It is not a wilderness area. It never was a wilderness area. It has never been withdrawn from oil and gas leasing. Oil and gas leasing was subject to this environmental impact statement that was made and has been presented to Congress. Two Secretaries of the Interior have recognized that and recommended to Congress that the oil and gas leasing proceed as was intended by my good friend, the late Scoop Jackson, in 1980.

Mr. President, I am going to come back again and again and talk about

all the statements the Secretary made that night on "Nightline" that were not true. I think the American public should know. And I intend to find some way to be sure that cabinet officers that discuss pending legislation speak the truth.

Thank you very much, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, was leader's time reserved?

The PRESIDING OFFICER. The Senator is correct.

TRIBUTE TO TROOP 7 OF TOPEKA, KS, ON THEIR 75TH ANNIVERSARY

Mr. DOLE. Mr. President, today I take great pride in recognizing Boy Scout Troop 7 from Topeka, KS, for 75 years of honorable Scouting service.

If ever a troop has exemplified the high ideals of Scouting, Troop 7 has. These young men have not only been of great service to their community since 1920, but 147 of them have risen to a rank few achieve, that of Eagle Scout.

The young men of Troop 7 have dedicated themselves to becoming conscientious and responsible citizens with the help of their adult volunteers. The Scout oath and law instill moral uprightness and the precious selflessness of duty to others, while the motto, "Be Prepared," entreats them to never rest on their laurels. This untiring endeavor to personal fulfillment and service to others is a standard of excellence that will challenge them throughout their lives.

Mr. President, it is only fitting that we honor the young men and the adult leaders of Troop 7 on the occasion of their diamond anniversary. After all, Scouting has only been in the United States for 85 years, which makes Troop 7 one of the oldest in the country.

With their record of excellence, I am confident that Troop 7 will continue to embody the spirit of Scouting for many years to come.

TRIBUTE TO CONGRESSWOMAN JAN MEYERS

Mr. DOLE. Mr. President, anyone who has been to the Kansas City and Johnson County area during any of the last 6 election years could not go far without seeing campaign signs that said "Jan Can."

The signs were referring to JAN MEYERS, who, since 1985, has represented the Third District of Kansas in the U.S. House of Representatives with great ability.

Congresswoman MEYERS announced this week in Overland Park that this will be her final term in Congress, and

I wanted to take a moment to pay tribute to my friend and colleague.

JAN MEYERS' dedication to public service extends nearly 30 years. Before her election to Congress, she served 5 years as an Overland Park City councilwoman, and 12 years as a Kansas State senator.

Throughout her years in the political arena, JAN MEYERS has earned a reputation as a public servant of great competence, compassion, and common sense.

During her years here in Washington, she has devoted a great deal of time to fighting the scourge of illegal drugs. She successfully fought to ensure that operators of common carriers involved in accidents that cause death and injury while under the influence of drugs and alcohol would face tough criminal penalties.

Congresswoman MEYERS also spoke out on the need to reform welfare and to return power to the States well before those causes gained favor here in Washington.

But perhaps Congresswoman MEYERS' greatest sphere of influence involved issues affecting small business. Kansas is a small business State, and as ranking member, and now chairman of the House Small Business Committee, JAN MEYERS never stopped fighting to reduce the regulatory and tax burdens on America's small businessmen and women.

I look forward to working with Congresswoman MEYERS in the year ahead, and wish her, her husband Dutch, and their family many years of health and happiness.

TRIBUTE TO SENATOR MARK HATFIELD

Mr. DOLE. Mr. President, 45 years ago a young political science professor went to Silverton, OR, to announce his candidacy for the Oregon State House of Representatives.

In the years that followed, MARK HATFIELD would return to Silverton to announce his candidacy for the Oregon State Senate, for secretary of state, for Governor, and for U.S. Senator. And each and every time MARK HATFIELD put his name on the ballot, Oregonians responded by voting for him in overwhelming numbers.

Not only did MARK HATFIELD never lose an election, he never lost the total trust and respect of Oregonians.

Last Friday, Senator HATFIELD returned again to Silverton.

Only this time, he did not announce his candidacy for a sixth term in this Chamber—even though he would easily have been reelected.

Instead, Senator HATFIELD announced that he will retire from the Senate at the end of the 104th Congress so that he can return to Oregon. And I might say, I had the pleasure of watching much of his retirement speech on C-SPAN.

And when Senator HATFIELD leaves this Chamber for the final time, he will

leave behind an enduring legacy of statesmanship, leadership, dignity, and integrity.

No matter if any Senator agreed or disagreed with MARK HATFIELD, no one could ever doubt that he was standing up for what he believed was right for Oregon and for America.

And just as Oregonians have grown to count on Senator HATFIELD's leadership, many Senators have also grown to count on his friendship.

Many of us will never forget the day when our late colleague Senator Stennis was shot in a burglary attempt, and how Senator HATFIELD raced to the hospital to be with Senator Stennis, and how he personally manned the telephone lines, responding to inquiries about the condition of Senator Stennis.

Senator HATFIELD also served his country during World War II, where he saw battle at Iwo Jima and Okinawa, and was among the first U.S. servicemen to enter Hiroshima following the atomic explosion.

With Senator HATFIELD's retirement, the Senate will also be losing one of the Nation's leading scholars of the life of Abraham Lincoln. And those colleagues who have not seen Senator HATFIELD's Lincoln collection are now on notice that they have about a year to do so.

In one of the last letters that Lincoln wrote, he said that his goal was not just that America be a Union of States, but also a "Union of hearts and hands."

That goal has also been the life's work of MARK HATFIELD, and the Senate, Oregon, and America, are all better because of him.

TRIBUTE TO SENATOR ALAN SIMPSON

Mr. DOLE. Mr. President, finally Saturday night another of our colleagues announced his retirement.

Mr. President, 40 years ago, then-Senator John Kennedy wrote a best-selling book called "Profiles in Courage." It consisted of biographies of a number of U.S. Senators who took courageous positions in their time.

If a similar book was written today, I have no doubt that it would include a biography of our colleague, Senator ALAN SIMPSON.

As my colleagues know, Senator SIMPSON returned to his home town of Cody, WY, this weekend to announce that he would not be a candidate for a fourth term in the U.S. Senate.

Again, I had the pleasure of watching about 45 minutes of his retirement speech to the Cody Chamber of Commerce on C-SPAN.

In his announcement, however, Senator SIMPSON left no doubt that his final year in the Senate would be no different from the first 17—from immigration to entitlement reform, he will continue to courageously tackle the toughest and most controversial of issues, calling them as he sees them, and letting the cards fall where they may.

AL SIMPSON is a man of strong opinions, but he also is someone who knows