

warming at all. As I said, that information has not been disputed in any way.

Not many years ago, the prediction was that we were going to show a 4-degree increase in climate temperature in the next 100 years; 4 degrees growth would be the average increase in temperature in the next 100 years.

Now, those numbers have dropped to 2 degrees. The experts have reduced those already just in the last few years to 2 degrees.

Dr. Patrick J. Michaels, professor of environmental sciences at the University of Virginia and senior fellow of environmental studies at the CATO Institute, testified before the Senate Foreign Relations Committee on June 26, 1997. This is what he said:

Critics argued some years ago, as I did, [he said] that this would have to be a dramatic reduction in the forecast of future warming in order to reconcile fact with hypothesis.

In other words, he realized that the people who were predicting this 4-degree increase were wrong, and some time ago he predicted they would have to modify this.

By 1995, [he said] in its second full assessment of climate change, the IPCC [the U.N. panel] admitted the validity of the critics' position [his position]. When increases in greenhouse gases only are taken into account, most climate models produce a greater warming than has been observed to date—

In other words, we predicted a greater warming than we were actually seeing, than nationally has been observed.

unless closer climate sensitivity to the greenhouse effect is used.

In other words, we were predicting too high a sensitivity to the greenhouse effect.

The IPCC continued:

There is growing evidence that increases in aerosols are partially counteracting the warming.

There are many things that are involved there.

Dr. Michaels then added this comment. I thought it was very instructive, Mr. President. He said:

I believe the secular translation of this statement is that either it is not going to warm up as much as was previously forecast or something is hiding the warming. I predict every attempt will be made to demonstrate the latter before admitting that the former is true.

I thought it was interesting he used those words: "I believe the secular translation of that document." I thought about why he did that, why he used those phrases. He is a scientist, a University of Virginia scientist. Why would he say that? I think he is saying that because he senses in many of the people who are promoting this agenda almost a religious bent, a commitment beyond rationality, a commitment beyond science, a sort of supernatural belief that we have to clean this Earth, and nothing we do as human beings here is healthy, and it is all bad. It goes beyond rationality. I tend to agree that we have some things that are said, that I have observed on our committee, that would indicate that that is true.

Let me add one more thing before I conclude.

The other thing we have learned is that global warming is hard to fix obviously if 97 percent of—by far, the No. 1 problem of greenhouse gas—CO<sub>2</sub>, is from natural causes. So we have a problem.

We had testimony recently from four scientists before our committee. And I would like to share with you one of the exchanges that took place there.

One professor thought that even though he was supporting the treaty, he thought we should take only modest steps at this time. And he believed that a significant tax on fuel and carbon products would be the way to do it. That is what he proposed. He said, "I think we need to start moving in that direction."

Dr. Richard S. Lindzen was a member of that panel. He is an Alfred P. Sloane Professor of Meteorology at the Massachusetts Institute of Technology. When testifying before the Senate Committee on Environment and Public Works on July 10, 1997, Dr. Lindzen said, "I'm saying more than that. I'm saying that Dale"—talking about the professor—"that what he's proposing, take the scenario that you expect, an increase of 4 degrees"—so Dr. Lindzen is saying, OK, let us assume that you are predicting a 4-degree increase in temperature in the next century, what affect would this tax, a significant tax on oil and all carbon products, have on our environment?

This is what he said, "... take the scenario that you expect an increase of 4 degrees, if we imposed his tax, that would knock the temperature down over 100 years to 3.95 degrees. Only five one-hundredths of a degree would be affected by a tax to reduce that kind of emission of gases."

We are dealing with a very serious problem. I am concerned about American economic growth. I want the American people to have good jobs and be competitive in the world. I want a healthy environment. I believe in that. I am willing to invest some money in that. But I am not willing to invest money in a project that will have almost no effect and perhaps is dealing with a problem that may not even exist.

We need more science, more study before we ask the people of this Nation to commit their resources into an effort that we could do somewhere else; \$10 billion, \$100 billion spent on this is \$100 billion we could spend on child health care, emergency room admissions, and a lot of other things that we desperately need in this country.

So, Mr. President, I appreciate the opportunity to share those thoughts with you. I think we are dealing with an important issue. And I hope that the American people will pay close attention to it as we go forward.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

## MILITARY SERVICE AND HOMOSEXUALITY

Mr. COATS. I want to take just a few moments to put something in the RECORD that has not really been high profiled recently but which is I believe important.

I picked up the Washington Post earlier this week and was reading through the Post, and in there was a small story detailing what the President's press secretary, Mike McCurry, had to say about an earlier statement made by the White House relative to the law which governs the service in the military of people with homosexual persuasion.

The administration had issued the comment in response to some court rulings that they thought that the law was working as intended. And then Mr. McCurry, after admitted pressure from the gay rights lobby, issued a clarification which changed the response or at least was intended to change the response. I quote from the Washington Post article which said:

After protests from gay rights groups, McCurry yesterday said that contrary to an earlier statement, the Clinton administration does have concerns about how its [so-called] "don't ask, don't tell" policy [so-called] is my emphasis on homosexuality is being enforced in the military.

First of all, let me state that this, the current policy which is described by many as a "don't-ask, don't-tell policy," is not descriptive of the particular policy. Therefore, I think it is important that we understand that what we are dealing with here is a law enacted by this Congress on a bipartisan basis, signed into law by the current President of the United States, and not subject to different interpretations but subject to exactly what is printed in the statute.

Mr. McCurry needs to understand and the White House needs to understand that the prohibition against homosexuals serving in the military is a statutory requirement that was passed overwhelmingly by Congress and signed into law by the President, his President.

The true test of whether the Department of Defense is faithfully executing the law is whether those who have engaged in or who have a propensity to engage in homosexual conduct are being separated from military service. That is the statute. That is the intent of the statute. That is the intent of the Congress, as enacted into statutory language and signed by the President.

And that standard is that those who have engaged in or have a propensity to engage in homosexual conduct find themselves at a great inconsistency with longstanding military policy and are therefore eligible and should be separated from military service. That is the law of the land.

Just a little bit of history.

In January 1993, just days after his inauguration, President Clinton announced his intent to reverse the military's longstanding prohibition against

homosexuals serving in the Armed Forces. That decision was uniformly opposed by our military commanders, and decisively overturned by the Congress after months of careful deliberation.

Just to reiterate here, the President, very shortly after taking office, reversed longstanding military policy, and even though the President serves in his constitutional capacity as Commander in Chief, the leaders of our military unanimously opposed, publicly opposed the President's position saying that it would undermine morale, undermine the cohesiveness, undermine the very essence of what the military was designed to do.

The Congress' consensus—after very considerable examination, hearings and debate—the Congress' consensus on the issue was clear, it was bipartisan, and it was broad. And the President ultimately signed a statutory prohibition against homosexuals serving in the military. He signed that into law.

The law clearly sustained the Department of Defense longstanding policy and was based on several key findings of fact by the Congress. Those findings of fact are also law. And I would like to repeat those so that there is no confusion in this administration about either what the intent of Congress was or what the law was that passed the Congress and was signed by the President and now is operative.

Let me just state some of these key findings.

(1) Section 8, article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a navy, and make rules for the Government and regulation of the land and naval forces.

As the committee report noted:

The framers of the Constitution expressly vested the powers to raise and regulate military forces [they vested this power and authority] in the Congress.

The statute goes on to say, with the findings:

The President may supplement, but [he may] not supersede, the rules established by Congress for the Government and regulation of the Armed Forces.

(2) There is no constitutional right to serve in the Armed Forces.

The committee amplified:

The primary mission of the Armed Forces is to defend our national interests by preparing for and, when necessary, waging war. . . . Responsibility for the awesome machinery of war requires a degree of training, discipline, and unit cohesion that has no parallel in civilian society. . . . The Armed Forces routinely restrict the opportunities for service on the basis of circumstances such as physical condition, age, sex, parental status, educational background, medical history, and mental attitude. . . . The fundamental precept [is] that the rights of the individual service member must be subordinated to the needs of national defense.

And so in the instance, in the case where we formed our military, we do not follow the same rules, the same civil rights, the same rights that are available to Americans in other endeavors because of the unique function

of the military, its unique calling and unique requirements for those individuals to serve in it. The many, many otherwise appropriate rights exercised by Americans are not rights granted to people who voluntarily agree to serve in the military or even if they are involuntarily called up, which we do not do anymore.

(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the Armed Forces.

(4) The primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise.

(5) The conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

A critical element in this fact finding:

(7) One of the most critical elements in combat capability is unit cohesion, that is the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

(8) Military life is fundamentally different than civilian life in that the extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a special society; and the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

(9) The standards of conduct for members of the Armed Forces regulate a member's social life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces.

(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

(11) The pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment.

(12) The worldwide deployment of the United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

(14) The Armed Forces must maintain personnel policies that exclude persons whose presence in the Armed Forces would create an unacceptable risk to the Armed Forces' high standards of morale, good order and dis-

cipline, and unit cohesion that are the essence of military capability.

(15) The presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

These are the facts as determined by the Senate Armed Forces Committee, by the Congress, both the House and the Senate, certified by us, written into law, signed into law by the President of the United States. These findings are as operative today as they were when they were passed. They are not subject to interpretation by the President. They are not subject to modification by the administration.

The law of the land is clear: Homosexuals may not serve in the military. That is the law of the land. That is not the opinion of this Senator from Indiana. That is not subject to the opinion of the President's press secretary or people in the administration. It is the law of the land. The military has always defined, and continues to define, a homosexual as one who is engaged in or has a propensity to engage in homosexual conduct. Unfortunately, while the law speaks clearly, its popular title, "don't ask, don't tell," is often confusing to the press and the public. It seems to imply that a homosexual may serve in the military as long as he or she is discrete. This is simply not the case and it misinterprets the law.

The Senate Armed Services Committee report language is clear about the intent of the law, and again I quote:

It would be irrational to develop military personnel policies on the basis that all gays and lesbians will remain celibate or that they will not be sexually attracted to others.

Jamie Gorelick, then general counsel to the Department of Defense, testified:

The military is not required to take the risk that you will not engage in the act.

At a later hearing, she stated further:

When someone makes a statement, it is reasonable to conclude that they will act, and the military is not required to take the risk that someone will not restrain a propensity.

I want to remind the White House that its constitutional obligation is to enforce the law of the land. After a prolonged national debate on the question of homosexuals serving in the military, the President's position failed. Recognizing that defeat, he signed the National Defense Authorization Act of 1994 into law. In that act is the language now codified into law that clearly states the law of the land relative to homosexuals serving in the military. It is the obligation of the Department of Defense to separate those who engaged in, or have a propensity to engage in, homosexual conduct in the Armed Forces. Now, if the President wishes to reopen this debate, which I don't believe he does, he can look at modifying this law. But until that time, the administration has a constitutional duty

to uphold that law, regardless of what pressure is politically applied upon the administration by any one group or number of groups or any one individual or group of individuals.

So I wanted to put this in the RECORD so there was no misunderstanding about what the Congress had done, what the President had signed into law, and what the current law of the land is. This was the result of extensive—perhaps some of the most extensive—hearings the Senate Armed Services Committee has ever held. There were hundreds of witnesses, thousands of pages of testimony, site visits, testimony from people on all sides of the issue, representing every perspective. This was a carefully fashioned conclusion that was presented, approved by the committee, presented to the Congress and overwhelmingly approved by the Congress on a bipartisan basis, sent to the White House and signed into law by the President.

I think it would behoove the President and the people speaking for him to understand clearly what this law is and to fulfill their constitutional responsibilities to uphold the law and not make vague clarifications of statements and policies simply because one or more particular group protested their particular position on the issue.

I yield the floor.

#### GLACIER BAY MANAGEMENT

Mr. MURKOWSKI. Mr. President, I have one more item, relating to legislation addressing several important aspects of the administration and management of Glacier Bay National Park in my State of Alaska.

As many of you know, Glacier Bay National Park, west of Juneau in southeastern Alaska, has been named as the No. 1 national park in our country's National Park System. It is a unique tourist destination. It can only really be reached by cruise ship. The season runs roughly from Memorial Day to Labor Day, the season for the cruise ships that visit southeastern Alaska.

For the most part, these are the same ships that traverse the Caribbean in the wintertime, then move to Vancouver, BC, in order to sail to Alaska in the summer. There are probably 30 ships. I believe the number of tourists who visit Alaska by cruise ship is somewhere in the area of 600,000 in that short 90-day period.

Because of the popularity of this unique tourist destination, the legislation I have introduced would encourage the continuation of the Park Service's ongoing efforts to work with concession operators to try to improve visitor services, as well as deal fairly and finally with the longstanding dispute over the status of the commercial and subsistence fishing that has gone on in that park from time immemorial.

The footprint that any of these activities leaves in this park is pretty insignificant in relationship to other

park, because the park is seen, for the most part, by visitors on a cruise ship. You might get an occasional candy wrapper blown overboard, but the ships are very good at keeping their impact to a minimum. The point is, compared to impressions left in other national parks by visitors, the footprint left by visitors who come to the park on a ship—and never get off—is extremely small. That's part of what makes the park so unique—access by cruise ship.

In any event, this bill reflects the progress of several years of discussion with local interests and the Park Service. The efforts, I think, are positive. But we have been hampered from achieving consensus by some groups who seem to be unwilling to compromise for reasons we can only guess at—perhaps they don't want to see other visitors during that short summer season.

Insofar as possible, this bill represents an attempt to stake out some reasonable, responsible middle ground that would respect the wishes of all concerned. The issue of commercial fishing is one where, historically, fishermen have plied the waters of Glacier Bay and the outer coast, the Gulf of Alaska area now included in the park, for over 100 years. Local Native villagers, the Huna Tlingit people, have been doing so for thousands of years. At no time have their activities damaged the park or its resources, nor have they harmed the area's wild and scenic qualities in any way. Their presence has provided a colorful backdrop to the mystique of the park, as a matter of fact. This simple fact I don't think can be overemphasized.

To put it another way, commercial fishing and local villagers have continually fished in Glacier Bay since long before it became a park or a monument. The fact that we value it so highly today is proof that they have not had an adverse impact on the species in the bay. Unfortunately, some interests do not seem to be concerned about fairness, or the obligation to the Native people of Alaska, and would like to see fishing and gathering banned, no matter how environmentally benign or how critical to the local livelihoods it may be.

On subsistence, this bill corrects inconsistencies in the Alaska National Interest Lands Conservation Act, known as ANILCA. Villagers living near Glacier Bay, whose ancestors have used the bay continually for at least 9,000 years, must be allowed to continue to use the bay's resources to feed their families, to fish for halibut, salmon, crabs, collect clams, seaweeds, berries, and other foods that are part of their traditional culture.

Let me emphasize, we are talking about a relative handful of families—most from the local Native village of Hoonah, which has a population of about 900 or so, and a few people from other nearby communities such as Elfin Cove, Gustavus, and Pelican. We are not talking about thousands of peo-

ple. These Alaskans do not have the convenience of supermarkets or strip malls. They deserve consideration and respect. They deserve to have their historic use recognized and provided for by this Congress.

My bill also addresses commercial fishing in the park. For generations, commercial fishermen caught salmon, halibut and crabs in Glacier Bay and have fished the rich grounds of the outside coast as well. And there is no biological reason, none whatsoever, for restricting commercial fishing activity anywhere in the park. The fishery resources are healthy, they are diverse, they are closely monitored by the State of Alaska Department of Fish and Game, and they are very carefully regulated. It should also be noted that, of the park's approximately 3 million acres of marine waters, only about 500,000 are productive enough to warrant real, significant interest.

There are few anadromous streams in the park—that's streams where the salmon go up and spawn—because most of the fresh water that comes down comes down from the glaciers and there is simply no place for the salmon to spawn.

In any event, the fisheries are restricted both as to method as in the number of participants, and are carefully managed and controlled to assure continued abundance. There is nothing in the bill and there is no desire by the fishing industry to change these controls or increase the level of this sustainable activity. Alaska is a very careful steward of its resources. Commercial fishing does not harm the environment in any way. In spite of what you hear, Alaska fisheries are in very good shape. We have had record runs 8 of the last 11 years. Under Federal management, things got so bad there was one year when we only took 25 million salmon, but when we became a State that began turning around. I think last year we put up 218 million. That's because we don't open our season until we have had adequate escapement, that is, enough fish to go up the streams to spawn so that we are guaranteed renewability of the resource.

So, in the grand scheme of things, and recognizing consideration of the Nation's economy, these fisheries are small potatoes. But to the fishermen, the natives who depend upon them, to the families of small remote communities in which they live, these fisheries are of the utmost importance. They are harm free. And those who partake in them deserve this Government's help, not the destruction of their simple lifestyle.

This bill authorizes traditional fishing throughout the park for subsistence users as well as historical commercial activities. However, because there are special, sensitive areas inside Glacier Bay itself, it also designates the waters inside the bay as a special