



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, WEDNESDAY, FEBRUARY 28, 2001

No. 25

Senate

The Senate met at 10:01 a.m. and was called to order by the Honorable JUDD GREGG, a Senator from the State of New Hampshire.

PRAYER

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

O God of spiritual fire, set us aflame with true passion. Your presence burning in us gives us empathy for others and enthusiasm for our calling to be servant leaders. Your love in us is like a fire. It sets us ablaze with moral passion and social responsibility. You give us devotion for social justice. Our commitment to fight for what is right consumes us. On fire with patriotism, we love our Nation and serve with radiance. Your fire also burns out the chaff of negativism, divisiveness, and judgmentalism. You purify our motives with Your holy fire.

Lord, Your fire galvanizes us into oneness. Here are our hearts. If they have burned out, relight them; if the flame is low, stoke it with Your Spirit; if our fires are banked, set them ablaze again.

Today, we especially thank You for John W. Euill II, Detective and Crime Specialist for the U.S. Capitol Police, who has recently retired after faithfully serving this body. Bless John and his family. May his retirement years continue to be joyful and purposeful. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG 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. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JUDD GREGG, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. MURKOWSKI. Mr. President, let me take this opportunity to wish you and my good friend, Senator REID, good morning.

I announce on behalf of the leader, today the Senate will be in a period of morning business until 1 p.m., with the time between 11 a.m. and 1 p.m. under the control of Senator DURBIN and Senator THOMAS. Following morning business, the Senate may consider the bankruptcy legislation or any nominations that are available for action. Members should be aware that votes are possible during today's session. Notification will be given to all offices as those votes are scheduled.

I thank my colleagues for their attention.

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 1 p.m. with Senators permitted to speak therein for up to 10 minutes each.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, I have been given a few moments this morning to share with you a concern I have over legislation that undoubtedly will be introduced at some time in the Senate. It involves the issue of ANWR, which is an area in my State of Alaska that is looked upon by many as a partial solution to our energy crisis and to others as a sacrifice of our environmental character and quality. Let me, just for reference, identify the ANWR area because, again, I think we need to keep things in perspective.

This is ANWR. It is about 19 million acres, the size of the State of South Carolina. You see this area way up in the corner, that is a proportion, the proportion of how it looks in relation to the entire landmass of the State of Alaska. The point I want to bring out to my colleagues is that roughly half, 8.5 million acres, are in wilderness in perpetuity. The other portion is refuge, leaving a coastal plain of about 1.5 million acres about which only Congress can make a determination whether or not it could or should be opened.

As a consequence, in our energy bill which we introduced yesterday, I found there was very little focus on the bill itself. Most of the focus seems to be on the issue of ANWR. I want to make sure everyone understands, as we look at this energy crisis, ANWR is not the answer. It is not intended to be the answer. But it is part of the solution to our energy crisis for specific reasons. A, we are 56-percent dependent on imported oil. B, as a consequence of that, one has to question at what time, at

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



Printed on recycled paper.

S1657

what point we begin, if you will, to jeopardize our national energy security because of our increased dependence on imported oil.

I was asked the other day: Senator what was our dependence in 1973 when we had the Arab oil embargo; it was 37 percent, it is 56 percent now. The Department of Energy says if we keep going the way we are, we will be over 62 percent or 63 percent by the year 2006 or 2007. At what point do we really compromise our national security by being so dependent on outside sources: Do we rely on Saudi Arabia, Venezuela, Mexico, and other areas?

Let's look back to 1991–1992. We fought a war over oil. We stopped Saddam Hussein from going into Kuwait. He had his eyes on Saudi Arabia as well. He wanted to control the world's supply of oil. So we have already pretty much made the commitment of just how far we will go. Now the question is, As we become more dependent, when does our national security really become jeopardized? I think we are there already.

As a consequence, any effort, in my opinion, by Members to consider introducing legislation that would put ANWR in a wilderness in perpetuity really puts our national security at risk. I ask Members who obviously have a sensitivity concerning the environment—which we all do—to reflect a little bit on the merits of this legislation. At a time when we have an energy crisis in this country, is it appropriate that Members, who obviously are extremely sensitive to the pressures by the environmental community, would yield to those pressures and suggest we put the area where we are most likely to make a major discovery, in North America, off limits at a time when we have an energy crisis? At a time when we have previously fought a war over oil?

Let me share a couple of other observations because I think they reflect meaningfully on the message I would like to deliver briefly today. That is the myth associated with ANWR, that somehow this is the last untouched area in the United States. That is absolutely incorrect.

Let me show a beautiful picture of this 1002 area. This is the million and a half acres that, indeed, are part of ANWR. There are probably 100,000 caribou in that picture. It is a little bit difficult to see it. But it is interesting to reflect the place from which the picture was taken.

I ask unanimous consent that the certification from the photographer, Kenneth Whitten, in a letter to Senator BARBARA BOXER, be printed in the RECORD. It was June 20, 2000, and it identifies specifically where the picture was taken.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAIRBANKS, AK,
June 20, 2000.

Senator BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: Following are specific answers to questions you asked about photographs I took that were produced as a poster by the Porcupine Caribou Management Board.

1. The photos were taken at Beaufort Lagoon, an abandoned DEW line station on the arctic coast east of Kaktovik, Alaska. Beaufort Lagoon lies within the 1002 area, about 6–8 miles from its eastern boundary. The photos were taken July 4, 1991. About 100,000 caribou walked past Beaufort Lagoon that day.

2. The photos were taken from a rooftop, looking south and southwest across the lagoon toward the mainland and the coastal plain. All the flatter terrain in the foreground of the photos and all of the visible caribou are within the 1002 area. The Brooks Range mountains in the distance are south of the 1002 area, but are readily visible from all parts of the 1002 area on clear days. The snowcapped peaks in the photo are the highest peaks in the Brooks Range. In the far western part of the 1002 area, the mountains are even closer to the coast, but the peaks are not as high. East of the 1002 area the mountains are also lower, but closer to the coast.

3. The image is typical of the 1002 coastal plain. However, a person standing at ground level on flat terrain would not have quite as good a view. There are many low hills or bluffs along watercourses in the 1002 area that offer similar overviews of the coastal plain, but the old buildings at Beaufort Lagoon may be the only place right on the coast in the 1002 area where one can get high enough to see so much of the plain at once. Similar or better views are readily available throughout the 1002 area from aircraft.

4. All of the lower, flat terrain in the photo (where the caribou are) is within the 1002 area and potentially available for oil and gas development.

5. The coastal plain within the Arctic Wildlife refuge and the 1002 area is generally narrower than the coastal plain further west on the North Slope. Thus wildlife tends to be more concentrated than elsewhere, with waterfowl and shorebird nesting, other migratory birds, caribou calving, muskoxen, land predators, and marine birds and mammals all in closer proximity and denser concentrations than elsewhere on the North Slope. Some other areas of the North Slope have higher abundances of one or a few species, but the ANWR coastal plain has the greatest variety and concentrations for such relatively small area.

6. I was the Alaska Department of Fish and Game research biologist in charge of Porcupine Caribou Herd research and monitoring from 1978–1997. I spent 2–6 weeks each summer working on the ANWR coastal plain, plus additional time throughout the rest of the year following the caribou elsewhere on their migrations through northern Alaska and Canada. I served on the Porcupine Caribou Technical Committee (now advisory to the International Porcupine Caribou Board) from about 1979–2000 and I represented the State on the International Porcupine Caribou Board at most meetings from about 1993–2000. From 1996–2000 I was the Regional Research Coordinator for the Alaska Department of Fish and Game for interior and northeastern Alaska, but I still maintain an active role in Porcupine Caribou matters. During the late 1970s and most of the 1980s I was also involved in research on the Central Arctic Caribou herd in the Prudhoe Bay area. I retired after 24½ years with the Alas-

ka Department of Fish and Game on May 31, 2000.

If I can be of any further assistance in your efforts to protect the ANWE coastal plain, please don't hesitate to contact me.

Sincerely,

KENNETH R. WHITTEN.

Mr. MURKOWSKI. "The photos were taken from a rooftop looking south and southwest across the lagoon." And it is in the area of the lagoon.

The significance of it is, if it is in wilderness, what is a rooftop doing there?

The reality is that also within this area is the village Kaktovik, which is in the 1002 area, which is often overlooked. This is the same part of the land, and it shows the village of about 227 people. It shows a radar station, an airport, the ocean, and so forth. It is a pretty harsh environment.

Let me show you another contrast, and the contrast is caribou browsing in the Prudhoe Bay area. There is moderate activity. There happens to be a drilling rig in that particular picture. You see a pipeline. The realization is if the caribou are undisturbed and they are not threatened, why do they have a tendency to become used to activity?

The point of these two pictures I think shows the contrast that, indeed, we are talking about two different areas. We are talking about the Coastal Plain. We are talking about two different herds of caribou. But we are still talking about caribou, and we have been able to protect those caribou as a consequence of not allowing any harassment, shooting, or otherwise as opposed to the Porcupine herd which is subject in that area to subsistence hunting, which is traditional among the Native people.

I want to show you the contrast, and I want you to recognize that this picture was taken from a roof in a wilderness and in a wilderness there is not supposed to be any rooftop. Part of that wilderness includes the village where 227 people live. They have children. They have schools and so forth.

Again, I refer to the reality of how Alaskans live in the Arctic. I want to show you pictures of some children. This is the little village of Kaktovik. These are kids going to school in the morning. You notice how they are dressed in their parkas. It is pretty bleak and harsh. The realization of that kind of a lifestyle relates to a friend of mine named Oliver Leavitt, who is with the Arctic Slope Regional Cooperation. The last time I was in Barrow with a group of Senators he took us to the new school in Barrow. He said: I use to come to school to keep warm. He said: I had to pick up driftwood on the beach early in the morning, take it home to our sod home, and then I went to school to keep warm.

I quote a friend of mine by the name of Jacob Adams, who is the president of the Regional Corporation:

I love life in the Arctic. But it is harsh, expensive, and for many, short. My people

want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation.

There is another side to this; that is, the residents who live there, and their attitude and their commitment to their lifestyle that depend on the caribou.

We recently had comments by former President Carter. President Carter signed the Alaska national interest lands bill in 1980. Alaskans assumed at that time that the land issue was resolved. We have put 59 million acres in wilderness in the State of Alaska. These are the areas. I don't expect the President to really reflect on where these are. But when you talk about wilderness and talk about ANWR, you also talk about other areas that are larger than ANWR that are wilderness in Alaska. The question is, How much? Under statehood in 1959, we thought we could get a commitment from the Federal Government as to how much would be enough. In 1980, we signed an agreement basically under the Alaska National Interest Lands Conservation Act. Here is a two-page list. The point I want to make is that the Wrangell-St. Elias wilderness has 87 million acres. We have 8 million in ANWR. Gates of the Arctic has 7 million acres. It goes on and on to total roughly 58 million acres.

I simply point this out to counter those who suggest that we need some area of wilderness in Alaska that is untouched. ANWR is not untouched. Gates of the Arctic, for all practical purposes, is untouched. Wrangell-St. Elias, for all practical purposes, is untouched. Let's keep the arguments in perspective.

I will conclude with the statement from President Carter in signing the Alaska National Interest Lands Conservation Act in 1980.

This act of Congress reaffirms our commitment to the environment. It strikes a balance between protecting areas of great beauty and value and allowing development of Alaska's vital oil and gas and mineral and timber resources.

Mr. President, I quote from the same signing ceremony Mo Udall, the chief sponsor of the legislation.

I'm joyous. I'm glad today for the people of Alaska. They can get on with building a great State. They're a great people. And this matter is settled and put to rest, and the development of Alaska can go forward with balance.

There you have it. That is what Alaskans believed in at the time this was accomplished.

Let me also advise you that in the President's budget, which came out today, on page 69 the President also proposes linking near-term and long-term approaches by encouraging new oil and gas production on Federal lands and using Federal income from that sale to support increased efforts to develop solar, and to develop renewable energy sources. The administration's legislative proposal will include opening a small part of the Arctic National Wildlife Refuge.

Let me show you again that chart because it suggests that we are opening only a sliver. You have to keep these things in perspective. This is 19 million acres—the size of the State of South Carolina. This sliver up here is 1.5 million acres. Industry says that the oil is there and they can develop it in less than 2,000 acres.

The percentage is something that is very hard to communicate to people, but it is very real. It is a sliver we are proposing, and it is not the total answer to our energy crisis, by any means. But what it does is send a very strong signal to OPEC that we mean business about reducing our dependence on imported oil. I am convinced once we come to grips with that, you are going to see OPEC relax a little bit. They are going to increase their production.

I think you will see the price drop. If we don't do this, they are going to get the message. And the message is to reduce production and keep the high prices up.

Again, I encourage my colleagues and the staff listening to recognize the significance of any effort to put this permanently away at a time when we have an energy crisis that would send terrible signals to OPEC and would jeopardize our national energy security. I said this on this floor time and time again.

But as we look at our increasing dependence on imported oil and where that oil is coming from now that we are seeing about 750,000 barrels a day coming from Iraq that we fought a war with in 1991 and 1992, we are forgetting that we lost 147 lives. We are forgetting that as we buy Saddam Hussein's oil we are putting it in our airplanes and going over and bombing it. That may be an overly simplistic statement. But it is factual. We have had over 20,000 sorties where we have enforced the no-fly zone over Iraq.

What is he doing with our money? He is developing a missiles and biological capabilities. And at whom are these weapons aimed? They are aimed at Israel, our greatest ally.

I hope the American people and my colleagues will reflect a little bit on this. Again, this isn't the answer to the energy crisis. This is one small part, but it is, I think, fair to bring this up to my colleagues and recognize that as we look at the comprehensive energy bill that we put in, along with Senator LOTT and a number of other cosponsors, nobody seems to be paying any attention to the merits of this broad, comprehensive bill. It is like you go to a bullfight and you want to see some blood. The media and attention seem to be focusing on one single thing, ANWR.

I think it is appropriate that we respond in some detail. We have letters from organized labor. This isn't a benefits issue for labor; this a job issue for labor. It is estimated there would be about 750,000 jobs in the United States associated with the development of

this if, indeed, the oil is there. So it is very real.

Let me show you what this area looks like in wintertime because it is tough, it is harsh. The winter is roughly 10 months of the year. This is a picture of it. There it is. That is the tundra in the wintertime. In the summertime, why, it looks a little different. I will show you a picture with one well to give you some idea of the technology we have because we have been able to use ice roads. I think we have a picture associated with development in the Arctic. This picture shows that is the kind of footprint there is because of technology we have been able to develop.

Let me close with one other observation to my friends from California, Washington, and Oregon specifically. The oil production out of Alaska goes to the west coast of the United States—virtually all of it. We used to export a little of that oil only when it was surplus to what the West coast could use. We have not had an export since April of 2000. If we do not develop a replacement for declining Prudhoe Bay, then California, Washington, and Oregon are going to get their oil overseas—from Saudi Arabia, from Venezuela, from the rain forests of Colombia, these are places where there is no environmental oversight. They are going to get it in foreign tankers.

As a consequence, I think the risk is much higher than getting it here in our own country where we can contribute meaningfully to the balance of payments, keep jobs in the United States, and have the environmental oversight that is appropriate.

One of the things that bothers me is how many people are concerned about developing oil and gas in the United States; yet we have environmental laws, both Federal and State, and the highest technology in the world. But they do not reflect on the oil coming from overseas and what kind of an environmental oversight is associated there. In many cases there is virtually none.

It is manageable. We do have the technology to develop it. And we should listen, I think, to the people who live in the area with regard to their concerns in relation to the opportunities for a choice of a lifestyle, education, and so forth.

Mr. President, I do appreciate the time allotted to me today. Again, I want to emphasize ANWR is not the solution to the energy crisis, but it can make a significant difference because as we commit to reduce our dependence on imported energy to less than 50 percent by opening ANWR alone, if the volume is in the area of a million barrels a day, we would be able to achieve that.

Mr. President, obviously, I will have other opportunities to speak, and there are time commitments this morning. But I think the timeliness of the matter, and some Members contemplating the merits of going to a wilderness bill,

that they consider the merits of the points I have brought up today.

Indeed, we have the capability to open up this sliver—and it is a sliver—it is a very small fraction of a huge area the size of the State of South Carolina. We have 30 years of experience in the Arctic. As a consequence, nothing is risk free, but we have learned how to eliminate the risk dramatically.

I hope Members will visit ANWR when we take our Senate trip up there on March 30, 31, and the first day of April because I think it is necessary to see it, to talk to the people, to look at the old technology, reflect on the new technology, and get an appreciation for a very unique part of our great Nation, but a very, very harsh environment that is blessed with extraordinary resources in the oil and gas reserves that exist in the area.

Mr. President, I conclude my remarks and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

PRESIDENT BUSH'S ADDRESS TO THE NATION

Mr. WELLSTONE. Mr. President, I know there will be other Democrats coming to the floor to respond to President Bush's address last night to the Nation. I thought I might just take a few minutes. First of all, I want to start by congratulating the President. When it comes to delivery and a sincere presentation, he deserves very high marks.

I am more worried about the substance. I am more worried about what the President was not very explicit about; in other words, what was left out of the speech, what were some unpleasant realities that were kind of put in parentheses.

I would like to just make a couple of points—because I think the people in the country ultimately, where this budget debate becomes most important and where the rubber meets the road and how all of these priorities affect people where they work, where they live, where their children go to school—about what wasn't in this speech last night.

In focusing on families and the benefits for families and children, the President neglected to say yesterday that one-third of all children in the United States of America live in homes that will not see one penny of the tax cut; about 56 percent of Spanish children in homes will not receive one penny of relief from the President's tax proposal, to the fact that over 40 percent of the benefits go to the top 1 percent.

That doesn't meet the Minnesota standard of fairness. I don't think it meets the standard of fairness for people in the country.

What the President didn't really focus on was whether or not in his budget proposal he is committed to having the Federal Government live up to its commitment on a very important program called the IDEA program for kids with special needs.

Governors talked about this at the conference. Our Governor from Minnesota talked about it. Every school, on demand, about every 2 weeks people talk about it. This is the program for children with special needs, the IDEA program that Senator HARKIN and others fought so hard on.

We are really supposed to be contributing 40 percent of the costs. I believe Minnesotans and people around the country, when they see the President's budget, are going to see a Robin Hood in reverse; a tax cut of 40 percent-plus of the benefits going to the top 1 percent, and crowding out any money or any investment or any commitment on our part to dramatically expanding our funding for the IDEA program. It is not going to be there. You are going to see no new significant investment of Federal resources in the IDEA program. The President didn't talk about that.

What was left out? The President did not focus on his proposal to drill for oil in the Arctic National Wildlife Refuge.

In just a few minutes, I will be at a press conference with Senator LIEBERMAN and others at which we are all going to support preserving 125 million acres of the Coastal Plain, a very precious area, as a wilderness area. We are going to be proposing that we not drill our way to energy security. Drilling for oil in the Arctic National Wildlife Refuge would be similar to doing it in the Boundary Waters Conservation Area in Minnesota. It really defines the very value that we should have as to preservation and conservation. We are all but strangers, I guess, on this land, and we ought to leave it better for our children and our grandchildren.

The President did not talk about his proposal for oil drilling in the ANWR, and he didn't talk about the cuts that are going to take place. Because if you have huge tax cuts, to be really honest about what it will cost and the surplus, and if you are not willing to raid the Medicare and Social Security trust fund—the President didn't talk about the fact that in order to make his numbers add up, they may very well have to do that—we are going to see some reductions.

There was a piece yesterday in USA Today that the President intends to cut the budget for renewable energy policy by 30 percent. For States such as Minnesota, a cold weather State at the other end of the pipeline, we are interested in the environment. We are not interested in importing more barrels of oil or millions of cubic feet of natural gas. We are interested in biomass, electricity, wind, saving energy, and fuel

efficiency standards which are clean technology, and where small business is more respectful of the environment and, indeed, where it would enable our country to be more energy independent. The President didn't focus on that in his speech last night.

There were rumors—only rumors because we don't have the numbers yet—that the SBA is going to take a huge cut. I tell you that small businesses are similar to family farms. We love them in the abstract. But when it comes to actually making the commitment to small businesses, that is where we fall short. The 504 program has leveraged a tremendous amount of money in the State of Minnesota to enable people to start a small business and to grow that business. I feel an outrage in just telling you that when people get a chance to look at the specifics of these numbers, they are going to see a set of priorities that is not going to be pretty. And I don't think they are going to be consistent with what most people believe.

Most people are saying tax cuts for all families. Don't do it disproportionately for the wealthy. Please make sure there is help for people who need help, and let's do it based on the standard of fairness. Most people are saying don't touch the Social Security and Medicare trust fund. Most people are saying we are interested in whether or not for our parents and grandparents we can cover prescription drug costs. We are committed to education and children. We want to see a commitment. What happened with expanded health care coverage?

All of that prioritizing goes out the window when you get rigorous in your analysis. It is the Yiddish proverb, "You cannot dance at two weddings at the same time." You can't have a tax cut over \$2 trillion and do what the President says he wants to do and make these investments. It won't happen.

Finally, I was at a joint congressional hearing where the VFW testified. There was a huge delegation of VFW representatives from Minnesota.

I would like to put all Democrats and Republicans on alert. The veterans are already very focused on this budget. They came up with an independent budget proposal. We fell short. Senator Johnson and I had some comments on this. We were only partially successful.

I will tell my colleagues that the veterans community wants us to live up to our commitment to them. This is a community that is getting older, and the issue is long-term care. In my State, it is an issue of whether or not our region gets its fair share of resources. There are too many veterans—about 2 percent of the homeless population in the United States—who are homeless, and many of them are Vietnam vets. That is a national disgrace.

They are interested in the commitment to those veterans. They are interested in making sure we can do good outpatient care. They are interested in