

votes on that. And we will also be voting, I presume, on the Internet tax bill tomorrow. And we cannot say right now, but I expect we will go beyond the normal hour of 9:30 or 10. We will work toward 12. And if we have to go beyond that, I would hope we would get cooperation because there is a meeting going on right now on the Internet tax matter with interested Senators from both sides of the aisle. We could complete that bill. And we should be prepared to stay as late as it takes to get that done.

I urge the Senators that are involved in this, Senator MURKOWSKI, Senator FEINSTEIN, and others, if you can do it in less than 3 hours, there would be a lot of appreciation. If you can do it in an hour, hour and a half, we would appreciate it because we have a lot of work to do.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

#### PRIVILEGE OF THE FLOOR

Mr. MURKOWSKI. I ask unanimous consent that privileges of the floor be granted to the following members of my staff: Mr. Brian Malnak, David Dye, Joe Meuse, Jim Beirne and Mark Rey during the pending debate on S. 1092.

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

Mr. MURKOWSKI. Mr. President, my understanding is that the Senator from California would like to take a few minutes to discuss a matter of great importance to her. And since we have not addressed the time, I have no objection with the assumption that I be recognized upon the conclusion of her remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair and thank the distinguished Senator from Alaska for his courtesy.

#### THE 40TH ANNIVERSARY OF NASA

Mrs. FEINSTEIN. Mr. President, the 40th anniversary of NASA is historic. It does have an impact on my State of California. I want to take a moment and wish NASA a happy birthday. I want to salute the fact that they have captured the world's imagination with missions such as the Mars Pathfinder and the Hubble Space Telescope. Experiments and technological feats performed on Space Shuttle missions are paving the way for a permanent presence in space.

Mr. President, as I said, I join my colleagues in recognizing the many historic achievements that the National Aeronautics and Space Administration has made in its forty years of service.

This is a particularly exciting period for our space program, not simply be-

cause NASA is celebrating its 40th Anniversary but more importantly because of the major advances being made in the exploration of our solar system.

As I said, in recent years, NASA has captured the world's imagination with missions such as the Mars Pathfinder and the Hubble Space Telescope. Experiments and technological feats performed on Space Shuttle missions are paving the way for a permanent presence in space.

One of the most telling signs of our changing world is that, NASA, whose original mission was national defense in the cold war with the Soviet Union, is now working with Russia to develop the first International Space Station.

I am very proud to say that some of NASA's most valuable research has been accomplished in my home State of California. In 1958, the Jet Propulsion Lab in Pasadena built and controlled the first United States satellite sent into orbit. In the four decades that have followed, JPL has contributed to the exploration of most of the known planets in our solar system.

The full list of JPL's role in planetary exploration is far too long to address here. But I want to mention one recent accomplishment. In December of 1996, NASA launched the Mars Pathfinder, another JPL built and controlled spacecraft.

The Pathfinder successfully placed a rover on the surface of the red planet that beamed-back pictures that were viewed around the world with awe. I actually had the unique pleasure to visit JPL last year and was actually able to send commands up to the rover and then watch and see the rover move based on the command. It was rather amazing because the computer I was on actually went to a station in the desert which then beamed it directly to Mars, and so a few minutes after I pressed the command into the computer, I actually watched the rover move on the planet Mars. It was an amazing experience.

California is also home to one of NASA's premier research laboratories, the Ames Aeronautical Laboratory. NASA Ames provides research in the fields of supercomputing, software development, and automated reasoning. As the lead center for Aviation Operations Systems, Ames manages the research effort in air traffic control and has the major responsibility for wind tunnel testing and simulation.

As California has been a major partner in NASA's success in the past, we will continue to lead as we move into the 21st century. NASA has developed a strategic plan that will build on its accomplishments with a renewed focus on scientific research and the application of a new cutting-edge technology. I am confident that California will continue to provide the backbone for this program.

I want to take a few moments to talk about what I believe is one of the most remarkable feats in the history of a space program filled with remarkable

feats. Later this month, the Space Shuttle *Discovery* will be embarking on Mission STS-95. As we know, our colleague, Senator JOHN GLENN will be making his second trip into space on this flight. While his presence will certainly be missed here in the Senate, I know my colleagues share my pride in his achievements and wish him the best on his historic return to space.

On February 20, 1962, JOHN GLENN piloted the "*Friendship 7*" spacecraft on the U.S.'s first manned orbital mission. During the almost 5 hour flight, Senator GLENN worked on some of the first technical and medical experiments ever performed while orbiting the Earth.

Now, more than 35 years after that first flight, Senator GLENN will soon be returning to space. It is interesting to note some of the advancements that have been made since that first ground breaking flight.

The shuttle's flight will last 9 days instead of 5 hours, it will orbit the planet at 345 miles an hour rather than 16, and it will circle the Earth 144 times rather than 3. The comparison between these two flights capsulizes the advancements that have been made in the space program and it is remarkable that one man will experience both.

Senator GLENN has done more to promote our space program than perhaps any other person. Millions of people held their collective breath as he led the country into orbit of the Earth in 1962 and the world will again watch as he leads NASA into the next century.

Mr. President, it is with great pride and respect that I pay tribute to the many achievements NASA has made in its first 40 years. I know that I stand with the rest of the nation in anticipation of what will be accomplished in the next 40.

#### KING COVE HEALTH AND SAFETY ACT OF 1997

The Senate continued with consideration of the bill.

#### AMENDMENT NO. 3676

(Purpose: Amendment in the nature of a substitute)

Mr. MURKOWSKI. Mr. President, I send an amendment in the nature of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 3676.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "King Cove Health and Safety Act of 1998".

#### SEC. 2. FINDINGS.

The Congress finds that—

(a) King Cove, Alaska is a community in the westernmost region of the Alaska Peninsula with a population of roughly 800 full-

time residents and an additional 400 to 600 workers who are transported in and out of the community a number of times a year to work in the local fish processing plant and on fishing vessels;

(b) the majority of the full-time residents are indigenous Native peoples of Aleut ancestry that have resided in the region for over 5,000 years;

(c) the only mode of access to or from King Cove is via small aircraft or fishing boat, and the weather patterns are so severe and unpredictable that King Cove is one of the worst places in all of the United States to access by either of these modes of transportation;

(d) the State of Alaska has initiated the King Cove to Cold Bay Transportation Improvement Assessment to confirm the need for transportation improvements for King Cove and to identify alternative methods of improving transportation access with comprehensive environmental and economic review of each alternative;

(e) the State of Alaska has identified a road between King Cove and Cold Bay as one of the alternatives to be evaluated in the transportation planning process but for a road to be a viable option for the State of Alaska, the Congress must grant a legislative easement within the Izembek National Wildlife Refuge ("Refuge") across approximately seven miles of wilderness land owned by the Federal Government;

(f) there are fourteen miles of roads within the wilderness boundary of the Refuge which are currently traveled by vehicles;

(g) any road constructed in accordance with such easement would be an unpaved, one-lane road sufficient in width to satisfy State law; and

(h) the combined communities of King Cove and Cold Bay have approximately 250 vehicles.

#### SEC. 3. PURPOSE.

The purpose of this Act is to establish a surface transportation easement across Federal lands within the Refuge and to transfer 664 acres of high value habitat lands adjacent to the Refuge in fee simple from the King Cove Corporation to the Federal Government as new wilderness lands within the Refuge in exchange for redesignating a narrow corridor of land within the Refuge as nonwilderness lands.

#### SEC. 4. LAND EXCHANGE.

If the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation in and to all land owned by the Corporation in Sections 2, 3, 4, 5, 6, and 7 of T 57 S, R 88 W, Seward Meridian, Alaska; and any improvements thereon, the Secretary of the Interior ("Secretary") shall, not later than 30 days after such offer, grant the Aleutians East Borough a perpetual right-of-way of 60 feet in width through the lands described in sections 6 and 7 of this Act for the construction, operation and maintenance of certain utility-related fixtures and of a public road between the city of Cold Bay, Alaska, and the city of King Cove, Alaska and accept the transfer of the offered lands. Upon transfer to the United States, such lands shall be managed in accordance with Section 1302(i) of the Alaska National Interest Lands Conservation Act, shall be included within the Refuge, and shall be managed as wilderness.

#### SEC. 5. RIGHT-OF-WAY.

Unless otherwise agreed to be the Secretary and the Aleutians East Borough, the right-of-way granted under section 4 shall—

(1) include sufficient lands for logistical staging areas and construction material sites used for the construction and maintenance of an unpaved, one-lane public road sufficient in width to meet the minimum requirements necessary to satisfy State law;

(2) meet all requirements for a public highway right-of-way under the laws of the State of Alaska; and

(3) include the right for the Aleutians East Borough, or its assignees to construct, operate, and maintain electrical, telephone, or other utility facilities and structures within the right-of-way.

#### SEC. 6. CONFORMING CHANGE.

Upon the offer of Corporation lands under section 4, the boundaries of the wilderness area within the Refuge are modified to exclude from wilderness designation a 100 foot wide corridor to accommodate the right-of-way within the following land sections—

(1) Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska.

(2) Sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska.

(3) Sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

#### SEC. 7. RIGHT-OF-WAY LOCATION.

Unless otherwise agreed to by the Secretary and the Aleutians East Borough, the right-of-way granted under section 4 shall be located within—

(a) sections 2, 3, 10, and 11 of T 59 S, R 86 W, Seward Meridian, Alaska;

(b) sections 27, 28, 29, 30, 31, 32, 33, 34, and 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

(c) sections 3, 4, 9, 10, 13, 14, 15, 16, 23, 24, 25, 26, and 36 of T 58 S, R 87 W, Seward Meridian, Alaska;

(d) sections 5, 6, 7, 8, 9, 16, 17, 20, 21, 27, 28, 29, 32, 33, and 34 of T 57 S, R 87 W, Seward Meridian, Alaska;

(e) sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska;

(f) sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska;

(g) section 6 of T 37 S, R 88 W, Seward Meridian, Alaska; and

(h) sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

#### SEC. 8. TECHNICAL AMENDMENTS.

The following provisions of law shall not be applicable to any right-of-way granted under section 4 of this Act or to any road constructed on such right-of-way—

(1) section 22(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(g)).

(2) title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.), except as specified in this section; and

(3) section 303(c) of title 49, United States Code.

SEC. 9. The Secretary and the Aleutians East Borough shall jointly prepare a plan setting forth—

(1) the times of the year a road may reasonably be constructed when there are not high concentrations of migratory birds in Kinzarof Lagoon; and

(2) limitations on non-emergency road traffic during periods of the year when there are high concentrations of migratory birds in Kinzarof Lagoon.

SEC. 10. If within 24 months of the date the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation lands set forth in Section 4 of this Act, the Secretary and the Aleutians East Borough fail to mutually agree on the following—

(1) a final land exchange and a grant of a right-of-way pursuant to Section 4; and

(2) the right-of-way specifications, and terms and conditions of use set forth in sections 5, 6, 7 and 8 of this Act.

then the Aleutians East Borough shall have the right to select a 60 foot right-of-way for the construction, operation, and maintenance of certain utility-related fixtures and of a public road from lands described in Sec-

tion 7 of this section, and to identify logistical staging areas and construction material sites within the right-of-way. If an agreement is not reached within 6 months after the Aleutians East Borough notifies the Secretary of its selection, then the right-of-way is hereby granted to the Borough.

Mr. MURKOWSKI. Mr. President, I will proceed under the theory that one picture is worth 1,000 words, although I am not suggesting that you are not going to get 1,000 words, as well. In any event, in order to set the stage for the debate on King Cove, I think it necessary to educate and familiarize the Members of this body as to what this issue is, where it is, and why it is so important to the residents of the small community of King Cove, on the Aleutian Islands, population 700, who have no availability of surface transportation for medical care. As a consequence of the lack of surface transportation for this community, 11 of the residents of that small community have perished in medevac flights out of the area over the last decade.

I think I should also identify Senate bill 1092 that is before this body, specifically, the substitute that I have offered, which exchanges surface estate.

The substitute that I offer exchanges the surface estate of some of the higher value wetlands privately owned by one of the Native village corporations in King Cove within the refuge in exchange for a simple grant of right-of-way across Federal lands that would allow the residents of King Cove reliable access to the Cold Bay Airport; hence, medical care when emergencies exist.

Further, we are not asking for an appropriation. I think it is fair to note that there are no funds requested. This is simply an authorization for land exchange, something that is ordinarily done within the Committee of Energy and Natural Resources, which I chair, on a daily basis.

The real concern here is the people of King Cove. Now, many of the Members of this body have had an opportunity to meet with the Aleut residents of King Cove as they visited Washington, DC, as they visited Members' offices and made a unique appeal, an appeal based on the rigors of living in a wilderness area with a harsh environment, and the experiences they have had in not being able to avail themselves of the transportation system that ensures that they can safely get to hospitals for medical assistance when there is an emergency.

As I said, 11 residents of my State have already died flying into or out of the area. Many of them were seeking to get badly needed medical attention in an emergency. Still others died while waiting on the ground for weather to clear enough to attempt to make these potential life-saving flights.

Let me show Members what part of Alaska we are talking about. Alaska is a pretty big chunk of real estate. We have 33,000 miles of coastline. Of course, Juneau, our capital, sits here. Anchorage, our largest city, is at the

head of Cook Inlet, roughly in this area. Fairbanks, where my home is, is in the interior. Point Barrow is adjacent to the Arctic Ocean. Prudhoe Bay is on the Beaufort Sea. But we have another area on the Aleutian Islands and this area extends almost to Japan. This area includes the community of King Cove which is on the Pacific Ocean side. Across a small base is the area where we have a large airport that was left over from World War II. To identify the specific area on a scale map, we can see Cold Bay here, and then King Cove here.

We have unique weather patterns spawned as a consequence of the Japanese current moving along the Aleutian Islands and clashing with the cold, interior Bering Sea, creating some of the worst weather in the world. No question it has been documented as such.

We have the village of King Cove, 700 people year-round, and a small industry associated with fish packing, freezing and processing. Then we have a large complex built during World War II, consisting of crosswind runways. I will show pictures of runways in Cold Bay and King Cove.

Let me show the first picture which shows a gravel strip, about 3,700 feet, which is the access for the residents of King Cove. There is a road that goes along the side of the mountain. That is the road that comes in from the village. The interesting thing about this and the location is this is the best they could do for an airfield because of the topography and the realization that the winds are extraordinary in this area. There are numerous cases of pilots landing in small single or twin-engines with the wind sock at one end blowing one way and the wind sock at the other end blowing the other way. That is the harsh reality because the wind from the Bering Sea comes one way, the winds from the Pacific Ocean come the other. They simply clash over this area and create this extraordinary complexity of winds. It is not necessarily fog, it is not necessarily heavy snowfall, it is tremendous turbulence in wind.

Here is another airfield located at Cold Bay. This was part of the effort during the Second World War in preparation for the invasion of Japan, to build this large facility, over 11,000 feet, the main runway. The population here is about 130 people. Most are Government employees with the FAA, operating this runway. This is also a backup for an emergency, should any of the space shuttles have to land in this particular area based on their orbits.

The point is, there is daily jet service into Anchorage from here. I think there was only 1 day last year where the winds were such that they couldn't bring in aircraft.

This is how you go from King Cove to Cold Bay to start your visit to Anchorage to visit with friends or to get out, if you will, of King Cove to go virtually

anywhere. You have to go over here. The only way to get there is to fly. If you are in an emergency situation, you have another set of facts. The point is this runway represents reliability in transport. You see these little roads here around Cold Bay that have been in existence since the Second World War.

It is interesting to note that there are some 32 to 47 miles of roads that are in the wilderness. Make no mistake. I have driven the roads. They are there. They are not maintained because there is little maintenance necessary for them. But they are drivable. They are drivable by the U.S. Fish and Wildlife Service and others.

Let me proceed with some more pictures because I promised to give you an opportunity for a feeling for this area relative to pictures that have been taken over an extended period of time.

Now, I want to show the land area and the proposed road so we can get an idea of what we are talking about here in relationship to the issue. The colors in solid brown are the Izembek National Wildlife Refuge. That is this area here. Then we have the wilderness areas in the checkered brown with the white in it. You can see it is extensive, but it is not conclusive in that it connects. There is the major portion here, and then over toward Cold Bay there is another area, and there has been an area that has been left aside down here. So the wilderness areas don't connect together.

The existing roads are worth evaluating a little bit, Mr. President, because they cover roads not only in the wilderness up here, which are drivable, but they go into the wildlife range where you can go and photograph and you can hunt geese. They go into the wilderness area here.

The proposal now is to have a road from King Cove to Cold Bay. That is the issue. In order to bring that road around, you have to go into that area of wilderness because you can't cross the bay because of the water depth and the costs associated with the bridge, and we are really dealing with 700 people now.

So what are the alternatives? I am prepared to discuss those later. It is important to know what the quid pro quo is here, because we think it is a win for the environment, with the recognition that the Native association is prepared to give their land, which is colored here in the basic green areas and the yellow areas, in exchange for access through this area. The quid pro quo is they are proposing that about 580 acres to be added to the wilderness in return for this 7 miles of road, which would be through this wilderness area. The only difference is that we are not putting it into wilderness. I have a difficult time trying to communicate this to some of the other Members and the public because we are proposing a land exchange.

By this 580 acres entering into the wilderness in the exchange, as a consequence of that, we would have a situ-

ation where there would be the road in a refuge but not a wilderness. By adding to the wilderness, we have done just that, taken land that the Native corporations have—and that is private land—and added that to the wilderness, and then exchanged with these specific areas designated in white—a land exchange—putting this in a refuge. So the road will not go through a wilderness; it would go through a refuge.

We have numerous occasions where there have been similar land exchanges and roads are going in refuges. This is not unique or a precedent. If you look at this area and you are concerned about waterfowl, note these two peninsulas that are privately owned by the Native corporation. They are proposing to give those and add to the wilderness. These are integral points inasmuch as they represent peninsulas and, as a consequence, the waterfowl primarily dominate through those particular areas. So this is the route of the proposed road.

We are not asking for funding. No appropriation here. This is a land exchange only to benefit the people of King Cove. And, hopefully, the question is, how many more lives do we have to lose before we get some relief?

I want to go through some of the other charts, in general, to give you an idea of why some of the alternatives suggested by others simply don't work.

This is a photo of Izembek when there is a storm. I don't know if you have ever been terrified, but I have. I have been out in boats in some of these storms. This is how you get from King Cove to Cold Bay across Izembek when there is a storm. And these are real storms. We have cases where a pregnant woman is put aboard a fishing boat in a storm like this. She gives birth to the child in the galley, and they have to open the oven and make an incubator out of tin foil and the child survives. I will show other pictures of just what kind of bodies of water we are talking about.

Mind you, the uniqueness here is that you have Bristol Bay and the Bering Sea on one side and the Pacific Ocean, and this is the area where all the storms basically are initiated on the west coast and down to California. This photo shows Izembek Bay in a storm. How would you like to subject yourself to that? You and I are accustomed to taking a road to the hospital and having access to some reasonable way, without having to subject yourself to conditions like this.

Somebody said, "Well, what happens on a clear day?" That depends on what season you are in. This photo happens to depict the wintertime when the bay is frozen over. That is factual. There is your ambulance in the wintertime. How would you like to try that? That is the harsh reality that happens at certain times in the winter. You are not going to move a Hovercraft over that, and you are certainly not going to move a boat. What happens sometimes is that they do have a vessel in,

and they try to move people from a small boat up to the dock, and they move them in a cargo net. How would you like to get off your boat and into a cargo net under those conditions?

That is living in rural Alaska today. It is the harsh reality. We have some other pictures that I want to show you relative to the harsh reality of living in Alaska.

These are people who have died because there was no access out of King Cove. This is Tom Phillips, who lost a leg in a boating accident. He died in a plane crash in a medevac airplane trying to fly into Cold Bay. Christine Dushkin suffered a heart attack and died of exertion while climbing onto a Cold Bay dock from a small boat. Mary Dobson suffered from frequent seizures but could not get timely medical care during bad weather. Darien Gorsinger, a community leader, died in a plane crash while evacuating an injured Seattle fisherman. Walter Samuelson waited 3 days after a heart attack to get out of King Cove. Sarina Bear, who was born prematurely on a fishing boat, lost half of her body weight on a 3-hour fishing boat trip to Cold Bay. Earnest Mack died in Anchorage after 4 days of delay while trying to get out of King Cove. Kathy Hoff, a King Cove nurse, died in a plane crash on a Medicare mission out of King Cove. John Datolli, a bush pilot, died in a plane on a medical mission to King Cove.

This is the harsh reality and the situation as it exists. Some suggest, let's do another study, let's look for another alternative. In the meantime, my constituents are dying. I know how you would feel if they were your constituents.

Here are some headlines from some of our Anchorage newspapers, the Anchorage Daily News and the Anchorage Times: "Six Killed in a Plane Crash," "Plane on Mercy Mission Crashes; 4 Believed Dead," "Four Die in Cold Bay Crash," "Plane Hits Hillside at King Cove; 6 Die," "Pilot Dies In Crash."

This happens because it is really tough out there. It is so tough, as a matter of fact, that the people are saying, let us have the opportunity that other Americans enjoy, which is access by road. This is the road in this photo, Mr. President. That is what they look like. These were roads that were built during the Second World War. There is so little traffic that there is very little maintenance. This sign over here is a U.S. Fish and Wildlife sign. That goes over to Outer Point. I go out there virtually every Columbus Day, unlike my good friend, whom I have the utmost respect for, who has never been there. He has never experienced it. I have. This is what we are talking about. These are the roads that are out there.

Here is another picture. This is the topography of the area, what the country looks like. It is flat. It is barren. There are no trees. There is grass. There are lots of ponds. There are lots of birds that come through in the fall. They move on.

You can go on these roads. You can take an old 4X4 and wander around and see the country. Mind you, these roads are in the wilderness, 47 miles of them.

When you say we are driving through the heart of the Izembeck Wilderness with this road connection, you are not facing reality. These roads are already there. They are not all of the wilderness.

I will show you where these roads are, because we have a detailed map which shows the road in and out of the wilderness. It gives you an idea.

These aren't highways we are building. They are not superhighways. They are just an adequate road that you can take a 4X4 over, recognizing that when you put a little gravel around and maybe have four or five cars a week, it is not very much traffic. But depending on the circumstances, at least somebody can get out.

This is an aerial picture of the topography of the general area and what we are looking at. I think it is important that you reflect on what the area looks like today. This is a little difficult to see, but I am going to do the best I can, because it is in black and white. It is an aerial photograph. It is an official photograph. It is not something that has been doctored up or lines have been drawn in.

But this general area down here is the edge of the Cove Bay runway, and these are the roads in black that go through the general area. These are the roads that wander in through the wilderness designation. This is the line right here, the boundary. The wilderness is on this side. All of these roads are in the wilderness. They are already there.

What we are proposing is simply an extension of this road of 7 miles to go in with a land exchange—taking the area out of the wilderness, putting it in the refuge, and putting a road extension in. We are not asking for any money, we are simply asking for an exchange and an authorization; that is it.

Here are the existing roads that wander over here. Here is another wilderness boundary over here, a little chunk over here. There are roads to the west of that. When I go out there goose hunting, we usually wander out here, or wander up through here in the wilderness, and go out over here—any number of places that are there. To suggest that we are creating something that is not there is totally unrealistic and unfounded.

Again, I want to go through the remainder of the charts, because I think you are beginning to get a feel for what the country looks like and what we are up against. Hopefully the staff, who has not practiced this, will make sure that we show all the other charts before we get into some of the things that the Senator from Montana and the Senator from Arkansas take for granted that are unavailable in Alaska.

While they are going through some more of the visuals, let me make a couple more points.

What has happened to our Native people when wilderness boundaries and refuges have been designated is that the concerns of the people have basically been overlooked. The Aleut people have lived in King Cove for over 5,000 years. The substitute that I offer today would provide relief for access. That is really all we are talking about. We are talking about appealing to real people who have a need that others in the United States enjoy.

We are somewhat isolated in Alaska. We have four time zones down here. We have three. I think we are about 5,000 miles from Washington, DC, to Alaska. The area of King Cove is about 1,700 miles from Seattle, 632 miles west of Anchorage. In fact, it is interesting to note that it is twice as far from here to King Cove as it is from Tokyo to King Cove. That gives you some idea of the isolation.

I have indicated that the weather conditions out there are such that we have the uniqueness of wind sheer turbulence and what we call venturi wind conditions, which makes flying a real experience. When you add this to the fact that it is a mountainous area with sharp valleys, you find conditions for what we have had in a series of disasters. As I have indicated, on that 3,300-foot runway you have wind blowing at either side.

You might say, "Well, the Senator from Alaska is exaggerating. That can't occur all the time." It occurs almost every day, Mr. President. It can occur for days on end. It can occur for weeks on end. Sometimes a week or 10 days will go by before they can get a flight in and out of King Cove, if one can wait. This is simply an inconvenience which Alaskans accept, however, since the main livelihood of the Aleutian people is derived from fishing in the treacherous seas of Bristol Bay.

Medical evacuations are a common occurrence. Surprisingly enough, they happen twice as much in this community as any other place in Alaska. With only the help of midlevel practitioners, help in an emergency must be sought in other locations. This is not a concept that many in this body are familiar with. We take for granted health care. It is only a few steps away. Certainly this is the case where we are right now in most of our hometowns. But out in the Aleutian Chain, it is not that simple.

Let me interrupt for a moment to comment on a few things.

This is a sign that the U.S. Fish and Wildlife puts out as an advisory. This is our Government speaking, not me. It says:

Visitors [to the area] should bring extra food and rain gear should weather close in.

This is in the refuge advisory:

The refuge is famous for inclement weather, usually in the form of wind, rain, and fog. Fog, drizzle, and overcast skies are often succeeded by violent storms and bitter cold snaps that slow down all activity. It is not unusual for an entire year to go by with only a few days of clear skies.

I don't know what that means to anybody. But it puts you on notice.

Let's see how residents of Arkansas and Montana access health care. I readily admit I do not know all the specifics of health care in these states, but I do know how to make up a chart. I do know how to make a point.

Here are the major hospitals in Montana and their accessibility by State and Federal highways. The green lines are the U.S. interstate highways, the red lines are the U.S. highways, and the black are the Montana State routes. Every place you see an "H," you see a major hospital. Hopefully, I haven't missed any. But I am sure my friend from Montana would be happy to correct me if I have.

But the point is, the people of Montana have access to health care in an emergency.

Let's wander over to a Southern State. My friend from Arkansas and I have had conversations about this. I know how he feels about equity.

Here are the major hospitals in Arkansas accessible by Federal highway. I would be happy to show this a little closer if there is any difficulty in seeing it. These are the hospitals in the State of Arkansas on the road systems. There are 10 hospitals, I am told, in Little Rock. The point is the residents in the State of Arkansas have access by road to health care. Now, these are hospitals that have facilities to take care of emergencies.

Let's look at Alaska when we talk about cases of dire emergencies. We have Anchorage. Here is health care in Alaska. These are hospitals with critical care units. We have one in Anchorage, AK, an area one-fifth the size of the United States, and an area that has 33,000 miles of coastline—a big hunk of real estate. The Senator from Texas is not here so I won't comment that it is two-and-a-half times the size of Texas. I might lose his support.

This is our road system—a little bit on the Seward Peninsula around Nome, Teller, a road from Prudhoe Bay down through Fairbanks, down to Valdez, Anchorage, Homer, Kenai, a little bit of road in southeastern Alaska. Anchorage is our area of primary critical care. So when you have a situation in a village out here at King Cove in the Aleutian Islands, you need access to it. You need access to an airport where you can get an airplane, a jet airplane into Anchorage which is 600 miles away.

So things are not that simple in Alaska. They are tough. We have a first-rate Alaska Native hospital available to the Aleut residents of King Cove in Anchorage, but it might as well be on the dark side of the Moon if you can't get there.

As I have indicated, we have had 11 air crash fatalities flying residents out of King Cove, trying to get some of them to lifesaving medical attention.

We talk a lot about telemedicine, and I am an avid supporter of telemedicine. But the realities of telemedicine are

that it depends on whether you have adequate personnel where you need it to communicate the symptoms and take action, and then if it is too bad you need more than telemedicine. If it is bad, you need access.

How are you going to cross a bay that is uncrossable by boat in the wintertime because it is frozen or the storms are so great you can't cross it because of the high winds?

Well, let's talk about helicopters. I have nothing but the highest admiration for our Coast Guard, National Guard and those courageous people who are out there providing rescues, but there is some uniqueness associated with the Cold Bay area, and that is something that the helicopters have a problem with, and that is extreme turbulence. The helicopters do very well in heavy winds, but it is the turbulence that creates problems. And it is important to note that threatening conditions in King Cove arise at unknown times. Pregnant women in King Cove often leave the village 6 weeks before they are due in order to make sure they are able to be near medical facilities in case complications arise.

A woman by the name of Carol Kenezuroff went into premature labor. She was unable to fly out of King Cove due to weather conditions. She decided to make the treacherous trip by boat. It took 2½ hours in an 80-foot crab boat. One hour into the trip Carol gave birth to a 2-pound-3-ounce girl on the galley table of that crab boat in a 10-foot sea. The baby's name was Sirena. She lived only because someone on the crab boat had presence of mind to make a makeshift incubator out of aluminum foil and put it near the oil stove.

The story isn't over yet, Mr. President, because the mother had to be offloaded twice from the boat in a sling because her IV tubes had got caught in the dock pilings of the unprotected harbor of Cold Bay. Do you know of anybody who had that kind of situation?

Well, it happened in the State of Alaska. By the time the baby made it to Anchorage, it had already lost half its body weight and barely survived the ordeal.

This is the harsh reality of life in King Cove, but it does not have to be that harsh. There is a solution to assure safe travel and a solution that is opposed by some of the special interest groups. I really question their justification because you cannot say that this is a road through the heart of the wilderness. This isn't a road through the wilderness. We are doing a land exchange. It is a road through a refuge, isn't it? It is a plus for the wilderness, isn't it, because we are adding 580 acres. This is a win-win-win, but the special interest groups on the other side can't see it that way because they have gone off, in my opinion, the deep end and simply said, no, we are not going to allow this exchange—not because it is not good for the environ-

ment by adding 580 acres to the wilderness. I can only assume for one selfish reason, they have a cause that generates money and membership. But I am not going to spend a lot of time on that.

The point is 30 miles as the crow flies from King Cove is the all-weather runway at Cold Bay, and all these people want is access to that 10,400-foot runway where a Reeve Aleutian Island Jet 727-100 comes in every day, except once last year when it could not get in because of weather conditions. And I might add, in deference, the only day they don't fly is Sunday. But medevac aircraft from Anchorage can get in there.

This road would total only about 29 miles. Now, remember, where would the road be? Whose land would it be on? Well, here it is, the green area. It is on land owned by the King Cove Native Village Corporation. Just roughly 7 to 8 miles of the road would be in the massive 300,000 acre—there it is, 300,000 acres. Only if this bill passes, it is not 300,000. It is 300,580 because we are adding to the wilderness. That is what makes this thing a win-win-win for the wilderness—only 7 miles—this portion here—would not be in wilderness, but the refuge.

Again, I want to make it clear because those who don't want to understand it refuse to acknowledge we are not putting a road in a wilderness. We are doing what we have done hundreds of times before, a land exchange—allowing a road in the refuge where we have numerous roads in this country.

Now, because the 7 or 8 miles of the proposed right-of-way are currently located in the wilderness, I think it is pretty clear that is why some of the groups have opposed it. But what they fail to tell you again—and I would emphasize, and I hate to be repetitive—this area already has 42 miles of existing road.

Of that 42 miles of existing road—and I want to bring that chart back up again, because I want to make this point—of the 42 miles of existing roads, we already have 12 or 14 that are already in the wilderness. You can drive on them. Take a 4x4—that is a 4-wheel-drive vehicle, all-terrain—and wander out in them anytime you want. Mr. President, 13.7 miles, to be exact, of road, are already in the wilderness. You can go out and drive on it, and I am going to be driving on it over Columbus Day.

What they fail to tell you is that this is a 60-foot, if that—a gravel road, not a highway. Let us show the picture again of what we are talking about. The Senator from Montana showed a highway the other day when he brought this matter up. "This is what we are going to build. We are going to build a highway." Come on, let's quit kidding each other and the American public. And I might add, we are not asking a red cent from the taxpayer.

This is the kind of road it is. That is what it is. That is all it is. There is no

McDonald's on it, no supermarkets. A plain old road. We still have those in Alaska—plain old roads, nothing fancy. A grader might go over it once a year. To suggest that somehow the snow is going to stop a 4-wheel drive from going on a bad day? Let me tell you, when it is turbulent, the airplanes don't fly but the cars creep along the little old road very nicely.

You say there are going to be avalanches. Does it look like avalanche country to you? There are a few areas on the other side where there are some hills, but there is not going to be an avalanche. "You will have snowdrifts." You do not have a lot of snow out there. You have blowing snow and winds, but the roads that are there now, the 47 miles of road, are open virtually all winter. You do not have a situation where you have, like Valdez, AK, where you have 25 or 30 feet of snow. That does not occur. This is a maritime climate but it is tough on wind. So to suggest a road will not work is unrealistic, because the roads that are there do work. Mr. President, 130 people in Cold Bay traverse on them, as they keep the airport open year around in Cold Bay.

I was using 580 acres, and I was wrong. This exchange adds 664 acres to the wilderness. The Native people are giving up their private land in return for access through a refuge. It is a win-win-win for the wilderness and the environmentalists, if they can just figure it out. Again, this substitute that I offer would adjust the boundary to include 664 acres of the private King Cove Native lands, and it would remove 85 acres from the wilderness in the exchange for the 7 miles of road.

One other thing here, lest we forget—the "great white father." The "great white father" of public lands, in our State, is the Secretary of the Interior. He controls utilization. And we propose that for this section, this section specifically, if it is authorized and someday built, that the Secretary would have the ability to regulate the use of the road during migratory periods. How much more authority? If the concern is migration, OK, there is a concern. If you have concern about migration, don't allow hunting in the area. The U.S. Fish and Wildlife Service allows hunting. We obey the rules and they allow it out there.

One of the most significant areas in Alaska is Cordova. You have the flats of Cordova; you have a road that runs out to the Cordova River, right through the flats. It is a huge nesting area with many endangered species and an airport in the middle of it, and there is no problem at all. Do you ever see any geese on the golf courses around here? They even allow hunting on the golf course, they have so many geese. To suggest this is going to be detrimental to the migratory bird pattern is absolutely ridiculous. There is no justification for that at all, because the roads are already there. There is so little traffic on them. There is not

likely to be a mass movement from Washington, DC, to King Cove or Cold Bay. Believe me.

This is a Native area, and the Native population have had the ability to generate a little activity with their little cannery and their little cold storage plant. But what they have not been able to do is to generate any interest in the Congress of the United States supporting a little land exchange so they can enjoy access to a road. They are prepared to take care of themselves, if they can simply have access to their airport.

Let's talk about precedent one more time, because I am sure the opponents will say, "Oh, you are setting a precedent. You are setting a precedent."

First of all, I thank those Members who were willing to see the people of King Cove during their visits here in Washington, DC, the Aleut people themselves, because they can express their desires and positions much better than I can.

I would like to recognize here an old friend who just snuck into the Chamber, who shall remain nameless; is that fair enough? Thanks, Bob.

Speaking of precedents, rather than Presidents—which we almost had here, but I am getting off the subject so I better get back to the business at hand—I think many of my colleagues have been wrongfully led to believe this provision which we propose would set a precedent in setting or allowing roads to be built through wilderness areas.

As chairman of the Energy and Natural Resources Committee, I can assure you, this is absolutely false. There is no precedent to be set by this provision. First, plainly and simply, this provision does not authorize construction of a road or authorize construction of a road in a wilderness. One more time: It simply adjusts the wilderness boundary, and that adds 664 acres of private land, private Native land, in exchange for withdrawing 85 acres that will be used for a road corridor and a refuge. None of the corridor will be in a refuge portion. It will be in the wilderness portion of the refuge.

I want to get to the point. Wilderness boundary adjustments are commonplace. They are done for numerous reasons. Last year I was instrumental in passing the Presidio legislation, which included, among other things, wilderness boundary adjustments. In one wilderness area we withdrew 73,000 acres of wilderness and added back 56,000 acres, for a net loss to the wilderness of 17,000 acres. That was in the Anaktuvuk Pass.

Prior to that, Congress—and I think my colleague from Montana will note—deleted 28 acres from the U.L. Bend Wilderness Area in the State of Montana to allow for access, to allow for access through a wildlife refuge wilderness area. What for? To a fishing area near Fort Peck Reservoir. In other words, to a fishing hole.

I am not complaining. I figure the folks in Montana know what is best for

them and the Senators from Montana know what is best for their citizens. That is why I am kind of amused that this body has denigrated itself, if you will, to a situation where—you know, it used to be the Senators from the State knew what was good for their State and they were going to be judged by their constituents and held accountable. But we have moved away from that now because of the special interest groups, and we have Members who have never been to my State dictating the terms and conditions under which my people have to live. They resent that, and so do I, because they do not know what the people who are living there are really experiencing because they have not experienced it. The constituents in Arkansas and Montana have not experienced it, but I have. I can tell you, it is real.

We have had examples where Congress has created roads in wilderness areas. In fact, when the Izembek Refuge Wilderness Area was created in 1980, it was created with existing roads in the wilderness.

I don't raise these examples to advocate that wilderness boundaries should be subjected to change at whim. I am not doing that. What we are proposing is a net increase of nearly 600 acres of wilderness. If we have changed wilderness boundaries for such things as access to a recreation area or, in the case of Montana, to a fishing hole, then I can't understand why in the world it is not appropriate to change a wilderness boundary into a refuge to save lives. It is pretty basic, Mr. President. There is no truth to the claim that this is precedent setting.

Some people question why this right-of-way needs to be granted now when the State is currently undergoing a process to determine a preferred alternative between improved air safety, ground transportation, whatever. Why is the right-of-way needed if it is not yet known that this will be the State's preferred alternative? These are valid questions. They deserve a valid response.

First, one has to understand this issue is not new. A road connecting King Cove and Cold Bay was recommended in the preferred alternative of the 1985 Bristol Bay management plan done cooperatively with the State and Federal Government.

Second, in 1995, ground transportation between these two communities was listed as the State's third highest priority project for rural Alaska by the current Governor.

If you look at the map that shows the health care areas in the State—I want you to look at that a little bit more because it shows the road system in the State. We don't have roads in the State. We are the new kid on the block. We have been a State since 1959—39 years ago. That is what we have. Look at Arkansas and look at Montana. We are not asking for an awful lot here. In fact, it is a bit embarrassing for me to have to come and plead for the lives of the people in this village.

That is our road system, Mr. President, an area one-fifth the size of the United States, an area that, if superimposed on a map of the United States, superimposed in a comparative dimension, goes from Mexico, to Canada, to Florida, to California, with the extension of these Aleutian Islands. It is a big piece of real estate. I find it difficult to have to beg, if you will, for consideration here, but I guess that is what I am doing. For a people who have occupied this area for 5,000 years and have looked at every option, it makes sense to have a ground link. These people have lived, have survived a lot longer than you and I. They fish the waters and hunt the land. Sometimes they fly the skies, and sometimes they die.

It is interesting to note, too—I will point out on one of the maps of the Cold Bay area—that they have traversed this area through this so-called wilderness on foot trapping in the wintertime and hunting. This is nothing new, and they are still doing it. But these are the people who have the most at stake in protecting the region's resources. Think about that. These are the residents—they are subsistence people, to a degree. They know how to protect the fish, the game, the geese, the endangered species.

The problem with the bureaucracy is this thing can crawl on—do more studies. But the people want some assurance at the end of this process. Without the legislation before us, there is no end in sight, because what this legislation does is it simply authorizes a land exchange. That is all it does.

In testimony before Congress, the Fish and Wildlife Service was asked the question: If through this comprehensive study that is underway the preferred alternative is, indeed, a road link, would they support it? They simply said no. They didn't give a reason; they just said no. They didn't acknowledge there were roads already in the wilderness.

By granting the right-of-way now, a road link will remain a viable alternative. It will give the State the option. Why shouldn't the State have the option for Heaven's sake? It is our State. By granting this right-of-way now, a road to safety, what we are doing is appropriate and timely, and I guess tardy in some respects, and providing an opportunity for the people of King Cove to have access.

I promised to comment, since we are not limited to time currently, on a couple of other options because I know these are going to come up in the debate. I know that others will insist there be other ways to resolve the problems of King Cove without granting ground access. We have already talked about telemedicine. I know that the people of King Cove welcome the technology and the advancements telemedicine is going to add, but it is not the solution. Telemedicine is a diagnostic tool. We may be in a better position to diagnose a heart attack or a

partial amputation, but we will be no better off to treat it without the ability to safely transport people to modern medical facilities.

Our largest hospital, Providence Hospital, in Anchorage stated it best recently when referring to telemedicine:

It will be especially helpful in providing better consultations to enhance a provider's knowledge and help her or him make a better decision about transport. However, it will never, ever eliminate the need for emergency transport to an acute care facility, and that is what the road between King Cove and Cold Bay is all about.

I ask unanimous consent that the letter from Providence Hospital be printed in the RECORD.

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

PROVIDENCE HOSPITAL,  
ANCHORAGE, AK.  
August 3, 1998.

The value of telemedicine in the Aleutians and its limitations.

ROBERT JUETTNER,  
*Aleutians East Borough, Anchorage, AK.*

The Aleutian Chain is without a doubt one of the most difficult places on earth to provide quality healthcare for several reasons.

Weather is a primary factor. Transportation in emergencies can be terrifying and deadly. Many lives have been lost in the attempt, both patient and providers working on evacuation teams. Patients lose critical time awaiting transport to acute care facilities while waiting for the weather to change. And providers can't get out for respite or continuing education, both of which are critical for maintaining quality of care and quality of life. Within the next five years, trauma consults will improve in Alaska and in this region in particular, but it will never completely replace transport to acute care facilities when needed.

Distance between communities dwarfs many states in the lower 48 and telecommunications are often sketchy. A wise person once said, "If a successful fax transmission is a blessing, then successful telemedicine transmissions could be a miracle!" We are working on this through expanded bandwidth and improved technology.

The Aleutians represent a unique opportunity to develop telemedicine and telehealth applications that would truly enhance service in these under-served communities. It will be especially helpful in providing better consultations to enhance a provider's knowledge and help her make a better decision about transport. However, it will never eliminate the need for emergency transport to an acute care facility and that is what the road between King Cove and Cold Bay is all about.

Providence Health System in Alaska currently provides teleradiology services to Dutch Harbor. Plans include education, telehealth services such as conferencing through email, alliance support and peer-to-peer communications within the region. The system will carry data, voice and images. This is called store-and-forward communications. Communications may include real-time chats. Services will provide some intercession; some better judgement calls and decisions; improve isolation issues and enhance education.

The system will not carry a human body that needs advanced medical care. It may help cut the numbers of evacuations through better diagnosis and consultation. It will enhance medical care to this region. It will not remove the need for treacherous evacuations that so often take place from King Cove.

The Providence Telemedicine Network is designed to be an integral part of a regional healthcare plan. It will help improve the emergency medical network over time with relatively little investment by those involved. Use of consistent emergency protocols means only patients requiring tertiary care will be transported. Outcomes will be improved care and reductions in transports. It will not eliminate transport.

For these reasons, we support the road between King Cove and Cold Bay and we support the use of telemedicine throughout the region.

KATHE BOUCHA-ROBERTS,  
*Director of Alliances  
and Telemedicine.*  
DESTYNE E. TAFT,  
*Telehealth Network  
Coordinator.*

Mr. MURKOWSKI. Mr. President, some others argue that the building of a health clinic is the answer. Incidentally, I understand my good friend, Dr. FRIST, will advise us later on the aspects of telemedicine, what you can and can't do. I am most appreciative of that. Still, others argue building a health care center is the answer. The answer, again, is it helps; we have a little bit of it there, but without a proper cardiac unit or prenatal unit, the people will still need transportation to other locations outside of King Cove in times of emergency.

We are going to hear a lot of talk about helicopters. You are going to hear a lot of talk about helicopters from people who have never been in a helicopter when the wind is blowing 60 miles an hour, or have never been in a helicopter in severe turbulence. But I have, but not as much as the people I am going to talk about.

The Secretary of the Interior says, "Well, just use a helicopter." Let me show the map of Alaska, again, because the nearest helicopter is in Kodiak. There is nothing wrong with the aspects of that, other than Kodiak is 300 miles away. Here is Kodiak Island right here. We are 300 miles away in King Cove. This would be like telling the residents of Washington, DC, that their trip to safety will be provided by a helicopter that comes from Waterbury, CT. How is that? Or any other area that you care to pick.

Even if a Coast Guard helicopter was stationed nearer to King Cove, where are you going to put it? There is not much out there in the Aleutian Islands. It is kind of tough to place the lives of Coast Guard personnel in danger when there are other alternatives.

Let's flip this around. They say that there are alternatives and the helicopter is another alternative. The helicopter folks say, a helicopter is fine, but there are other alternatives and one is a road.

Helicopters do not always work, for several reasons. First and foremost, they are not designed to handle severe turbulence. That is part of the daily life in King Cove. And any good helicopter pilot will tell you that the wind is not the issue, the turbulence is. The wind did not cause 11 deaths. It was the turbulence that caused the deaths.



That is what brought the aircraft down.

Second, we have done a little investigation working with the Coast Guard, who have been very responsive. The Coast Guard pilots are trained for maritime missions flying over water, not flying over mountainous terrain—not that they cannot do it, that is just not part of their training.

Third, do we really want to change the mission of the Coast Guard to handle land-side medevacs when other alternatives such as one simple gravel road exists? I can assure you, Mr. President, the Coast Guard does not support such a change. Recently the admiral told me so. And I will quote his letter.

I ask unanimous consent that it be printed in the RECORD.

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

DEPARTMENT OF TRANSPORTATION,

U.S. COAST GUARD,

Washington, DC, September 4, 1998.

Hon. FRANK H. MURKOWSKI,

Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of July 21, 1998, in which you requested answers to the following questions regarding the capabilities of the H-60 helicopters stationed at Kodiak.

"What are the operational minimums of the H-60 helicopters stationed at Kodiak in terms of weather, visibility, and such?" Although Coast Guard aircraft routinely fly missions in extremely challenging weather conditions, they are subject to certain operational limitations. The pertinent operational limitations of the H-60 helicopter include the following: minimum take-off visibility of one-quarter statute miles for search and rescue missions and 60 knots of wind for aircraft startup.

"Is the H-60 an efficient helicopter in mountainous terrain with extreme turbulence?" The Coast Guard's H-60 helicopters are optimized for low level flight in the maritime environment. As such, they are required to avoid areas of moderate turbulence or greater.

"Do Coast Guard pilots receive flight training for land-based missions in mountainous terrain?" Coast Guard pilots do not receive any formal mountainous terrain flight instruction, although some units operating in higher elevations have developed in-house briefings to remind their pilots of the inherent dangers of flying in mountainous areas.

"Are shore-side civilian medical evacuations part of the statutory authority and/or primary mission of the Coast Guard?" Shore-side civilian medical evacuations are the statutory responsibility of the National Highway Traffic and Safety Administration. Although not a primary mission of the Coast Guard, we sometimes become involved in these types of missions when assets are available and our assistance is requested by an appropriate organization.

"If a Coast Guard helicopter was on a maritime mission and a medical evacuation at King Cove was required, would it abort the maritime mission?" The decision to divert from a maritime mission to a shore-side medical evacuations must be made on a case-by-case basis, considering both the severity of the shore-side medical condition and the nature of the maritime mission.

"To what types of medivacs would the Coast Guard respond? Would a compound

fracture of an arm warrant a Coast Guard response?" When the Coast Guard receives a request for a medical evacuation (MEDEVAC), flight surgeon is consulted to determine if a MEDIEVAC is necessary based on the patient's condition.

Typically, conditions threatening loss of life or limb would warrant a MEDEVAC. Although a compound fracture to the arm would not normally justify a MEDEVAC, there may be situations where a MEDEVAC is authorized based on the severity of the injury, or the potential for additional injury.

You also asked whether the Coast Guard would support a legislative change to require us to do shore-side medical evacuations. The Coast Guard could not support such a legislative change. The Coast Guard is a sea going service. Our personnel are trained and equipped to operate in the maritime environment, which poses very different challenges from those faced by shore-side responders. For the Coast Guard to take on the additional responsibility of responding to shore-side medical evacuation would require a fundamental change in the way we do business, a substantial increase in funding, and complete reevaluation of our asset siting.

In summation, although the Coast Guard is more than happy to respond to shore-side medical emergencies as time and resources permit, we cannot and should not be seen as the primary responder to these types of incidents.

We hope the above information is helpful. We appreciate your continued interest and support of the Coast Guard.

Sincerely,

JAMES M. LOY,

Admiral, U.S. Coast Guard, Commandant.

Mr. MURKOWSKI. This is a quote:

The Coast Guard is a sea going service. Our personnel are trained and equipped to operate in the maritime environment, which poses very different challenges from those faced by shore-side responders. For the Coast Guard to take on the additional responsibility of responding to shore-side medical evacuation would require a fundamental change in the way we do business, a substantial increase in funding, and a complete reevaluation of our asset siting.

Mr. President, on a more somber moment of reflection, the men and women of the Coast Guard are brave souls. I served in the U.S. Coast Guard. I am very proud of that body and proud of the time that I served our country.

Men like Kevin M. McKracken from Springfield, OR, 25 years old; William Gregory Kemp, 27, of Docena, AL; David Rockmore, 52, of Cambridge, PA; Ralph King, 24, of Arden, NC; Michael C. Dollahite, 38, of El Paso, TX; and Robert L. Carson, Jr., 38, of Bostic, NC, all of whom perished, they all died, Mr. President, in a Coast Guard helicopter crash during an attempted medevac rescue on Ugak Island in Alaska. They crashed, Mr. President.

That is the harsh reality of the danger of those who are prepared to give so much for the benefit of others. You are not just talking about sending a helicopter willy-nilly 300 miles, you are talking about a tough set of facts here, Mr. President.

I have had discussions with the Secretary of the Interior. He may be willing to generalize on the issue of danger and the fact that the helicopter is an answer. But, you know, where do you get the appropriations for a heli-

copter—you have to have two crews, you have to have hangars; you have a population of 700 people here—when you have an alternative, a simple gravel road? That is all we are asking for. And you can debate whether we are wrong or right; we will take our chances.

Let's talk about a sea link. That is interesting. You still have a population of 700 people. It would require a tremendous infrastructure. For example, you would need a 150-foot-long vessel to operate in the rough seas, probably have to have some kind of an ice-breaking capability, have to have dock facilities constructed at both King Cove and Cold Bay, breakwaters requiring more than—well, it is estimated it would take more than 67,000 feet of fill that would have to be constructed in King Cove and Cold Bay. Roads would have to be constructed to access boat docks.

And even if all this were done, sick and injured people would have a minimum of a 2-and-a-half-hour, maybe 3-hour, trip in the treacherous seas. Let me show you a few pictures of what these seas look like. And it would still not be as reliable or as fast as a simple alternative of a one-lane gravel road. How many cars do you think you are going to have out of a population of 700 people in an isolated area going over that road a day? Three? Four? I do not know. Hardly enough. That is what you are looking at.

How would you like to take a ride on that? I can tell you, 90 percent of the people in this body would be hanging over the side, deathly seasick. They would hope the boat would roll over and sink. But that is the access that we have. And this is what is proposed to be some kind of a sea link at a cost—who knows what it costs.

We have had long debates in this body over the years about access to health care, haven't we? Nowhere does this take on a more dramatic meaning than King Cove. And when I say "access," this means the actual physical ability to get to a hospital in a hurry, whether it be Anchorage or Seattle, WA, to get specialized health care needed in the event of a serious emergency or sickness. Right now, the residents of King Cove simply do not have that access.

We have had other debates about access across public lands. And I always go back to a conversation I had with the Secretary of the Interior, Secretary Babbitt. He said, "If you folks have a need, show me an area where you need access across Federal lands, and I'll work with you." I cannot think of a greater need or an area that is more easily identifiable where we need access across Federal lands. And I would encourage him to reconsider.

I believe that we have shown in this case we have a need. For some reason or other, those in the administration do not seem to support our plea that this is a matter of life and death to our constituents as well as American citizens. I find it terribly disturbing that



where human life and safety issues are at stake, we see such an orchestrated effort to distort the facts by well-meaning people fronting for special interest groups, most of which do not give a darn about the people in King Cove or their plight, that through some idealistic interpretation they have taken this on as a cause. They fail to recognize what a gravel road is, fail to recognize we are not setting a precedent, fail to recognize we are not putting a road through a wilderness.

It is amazing, when you think about it. Here is the health and safety of my constituents. And I am not going to stand by, and let some of these special interest groups control the agenda, and ignore the viability of what we are proposing—no Federal funding, simply a land exchange. I do not believe any Member of this body would stand by and let their constituents face such conditions.

When we think about it, what does wilderness connote? Safety. Wilderness connotes refuge. So in making every effort to protect the environment and the surrounding ecosystem in King Cove, Congress unintentionally endangered the lives of those living in King Cove when it created the wilderness area.

So, what we are doing in Senate bill 1092, with my amendment, is righting a wrong by authorizing the one thing that we all take for granted when we are injured or when we want access, and that is a road. We do not want a paved highway, we want a little gravel road—that is it—a road to safety, Mr. President, a road to life.

Fourteen people have died. You know why they have died? Because there has not been a road. Fourteen people in the community of 700, 710 people. These are Aleuts. They have been there for 5,000 years. How many more lives are we going to be sacrificing for the bureaucracy to study alternatives until they can be provided with the access they so rightly deserve?

They have paid for this access, Mr. President, in blood. And this is an access that you and I take for granted daily. The designation of "wilderness" was never meant to prevent people from safe access to medical care, and I think we would all agree it would be absurd to argue otherwise.

My constituents, your friends, some of the people that you have all met with, the Aleut people who visited in Washington, DC, I think deserve an opportunity to save their lives in times of emergencies. They should not be held hostage to fear for life and limb by an administration or a Congress that somehow is carrying the water for some of the righteous self-interest groups. This is the situation we have.

In the end, those who vote with the people of King Cove may or may not be on the winning side of this issue but they will certainly be on the right side of the issue.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has used about an hour.

Mr. MURKOWSKI. It is my understanding that there are 6 hours equally divided.

The PRESIDING OFFICER. The Senator has 2 hours remaining, yes.

Mr. MURKOWSKI. I want to make one more point, and then I will yield to my colleagues who are in opposition.

I noted an article in *The Hill*, one of Capitol Hill's weekly papers, on September 30. It amazes me because this is part of the problem we have, the failure of those who are in opposition—in this case, a letter from a senior vice president of public policy of the National Audubon Society.

It is entitled "Murkowski's Bond Proposal is a \$30 Million Boondoggle." It is to the editor. He says that the proposed solution of "a road to life," as this Senator suggests:

There is not a shred of evidence [in the writer's opinion] that a road will provide reliable, safe, medical evacuation in areas prone to avalanches, blizzards, white outs, dense fog, and extreme air turbulence.

I answer, very simply, that the roads are there now. The roads are passable. You might have to slow down. This is not tremendous areas of concentrated snowfall. The problem is extreme turbulence associated with moving an aircraft through the skies during those terrible storms. So the roads are there now.

He goes on to say:

In fact, this single lane, 30-mile, \$30 million gravel road is a taxpayer and environmental boondoggle.

That is an outright lie. That is an outright lie. We are not asking for \$30 million. We are not asking for a red cent. This is how this issue is portrayed to the American public—"30-mile, \$30 million gravel road is a taxpayer and environmental boondoggle." A cool \$1 million per mile.

That road isn't costing \$1 million per mile, and we are not asking for Federal funds. They mischaracterize it. Why, Mr. President, can't we have a debate on the merits without misleading the people?

Talk about the bird habitat—I appreciate and am sensitive to it. This road is not going to interfere with that anymore than we have seen roads in Cordova or roads in Juneau interfere. The fact is that we are only talking about a population of 700, and the roads already exist in the wilderness.

He suggests an all-weather boat ambulance could effectively back up this facility. I think you have seen the picture. You have seen, also, the people who have perished. He talks about a "life-saving boat" plan as a solution. He doesn't mention the bay freezes.

Again, it is a case of somebody who has never been there, never experienced the isolation, what it means to be without access. Clearly, there is an alternative. We suggested it in this legislation.

Again, I encourage my colleagues to reflect on the appeal of the people from

King Cove who have come to their offices, to recognize, indeed, how they would respond if it were their constituents, and recognize that there is a viable alternative here, and that is a simple road which is a win-win-win—the environmental communities and the wilderness—because we are adding 580 acres to the wilderness and we are not putting a road through the wilderness. We are doing a land exchange and putting that road through a refuge.

It will be my intent to talk a bit more a little later, because I am sure some of my friends may have some questions or I may have a rebuttal. With that, I thank the Chair for the attention. In deference to my colleague, I recognize we had conversations relative to the merits of this and I know, obviously, there is pressure by the administration on this particular issue. I take that in the spirit under which it is going to be communicated.

I yield the floor.

Mr. BUMPERS. I yield the Senator from Montana such time as he may consume.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I begin by first thanking my good friend from Alaska for bringing this up as a freestanding bill. One of the objections I had earlier with some of the riders in the Interior appropriations bill first on the merits of those provisions of the bill which I think in many cases were ill-advised.

A second objection I had to the riders were just that, they were riders on an appropriations bill; that is, measures which have very significant public policy implications and very significantly affect our country, many of which had no hearings. It is true one or two may have had hearings, but, by and large, the riders did not have hearings. Here we are, taking them up and passing them without an adequate opportunity for debate.

The American people, rightfully, get a little upset when Congress does not in the full light of day debate the pros and cons of issues, and fully air these issues. They don't like it when riders are slipped into an appropriations bill. I might add, there will be a lot more slipped in before this Congress adjourns in the next 10 days.

I very much thank my good friend from Alaska for bringing this up as a freestanding bill. That is what we are supposed to be doing here, debating issues, what the pros might be, what the cons might be, and have a debate and see what makes sense and then vote. That is the legislative process, the way it is supposed to work, and certainly the way the American people would like it to work in our democratic form of government.

Senator, I thank you very much. I want you to know that I very much appreciate your bringing this bill up as a freestanding bill. That is good. I wish, frankly, that the other riders in the appropriations bill would be brought up in the same manner.

I might say at this point those who are opposed to the riders have not had an opportunity to move to delete them. That is because the appropriations bill has been withdrawn. It is no longer under consideration before the Senate. So at least we have an opportunity to debate one of those provisions, and that is the Izembek Wilderness issue of the King Cove—Cold Bay matter. I thank the Senator for doing that.

Turning to the merits, on the surface, the argument of the good Senator from Alaska makes some sense. It has some merit. After all, we are talking about two very remote rural communities, Cold Bay and King Cove. They are not very far apart in miles, but they are quite far apart in terms of weather. There is a big bay between the two. They are different also because of the weather. When people are injured in King Cove, sometimes they may need to get to a hospital up in Cold Bay. It is very understandable. I appreciate that.

In my State of Montana, we face the same problem. Very often in rural parts of my State people want access to medical care. They don't have good access. I might remind my good friend from Alaska he and I cosponsored a bill to grant telemedicine capability to rural States. In fact, we have both stated that Montana and Alaska desperately need better rural health care access. We have the same problem Alaska does.

We also have crashes of medevac helicopters in Montana, just like the Senator from Alaska referred to in his State. We have mountains. Health care access is very important. I deeply sympathize with people in King Cove, as well as those in Cold Bay—particularly those in King Cove, who need access to health care. As I understand it, 11 people have died in plane crashes in the general area. In one case, four people were killed in one emergency medical evacuation. The other people lost their lives due to reasons other than medical evacuation.

We have the same problems in my State. Many times, in Montana—and I am sure this would be true with respect to the proposed road, and it is true in Alaska where there are roads—the snow drifts. In the State of Montana, we don't get a lot of snow, believe it or not, Mr. President. There is a general myth in the country that, in Montana, it is cold and we get all kinds of snow. Our average precipitation, including rainfall and snow, is about 14, 15, 16 inches a year. We don't get a lot of snow.

We are not like Buffalo, or like the snowbelt up in northern New York. We don't get a lot of snow. But when it does snow, it very often blows and drifts, as I am sure is the case in the State of Alaska. It is those drifts that stop the traffic, that cause people in smaller communities great difficulty in getting to a hospital. For that reason, we have a lot of medical assistance facilities around the State. They are

small facilities to help people get better health care when they cannot immediately get to a hospital because they are so far away, because of bad weather, or whatever the cause.

Sometimes we try helicopters and the medevac, but often in bad weather that is dangerous; it is not always a sure thing. We are also adding a lot of telemedicine, as many States are, for rural areas. Telemedicine has a very significant role in helping to provide better health care to our rural communities. Is it the sole answer? No, by no stretch of the imagination. But more and better telemedicine will provide better health care to a lot of areas.

So I want to say to the Senator that I do sympathize with the need for health care in rural areas. It is a problem. But we have to ask ourselves, as almost always is the case, what is the best way to get health care to rural areas?

In the first place, it is not clear that the road is the only option for providing better health care to the residents in King Cove, or even the best option for providing medical emergency services.

A few years ago, the State of Alaska began a comprehensive study of transportation between King Cove and Cold Bay. It was a major study. That study is now examining three major alternatives to tie the two areas together. One is improved air transport. Another is better marine facilities. The third is a road. I have a copy of it here. It is the King Cove/Cold Bay Transportation Improvement Assessment, prepared by an Alaskan company in Anchorage in cooperation with Northern Economics, Anchorage, AK, dated November 1997. This is a draft assessment of transportation needs conducted by the State of Alaska, to determine better access to rural areas in Alaska.

When it comes to emergency medical transportation, I must say that even this preliminary study shows that there is no single silver bullet. There is no panacea that is going to solve the problem the Senator addresses. After all, bad weather is bad weather—whether it is high winds blowing to make air transportation difficult, or whether it is wind blowing snowdrifts over a road. And I must say, many days of the year on this proposed stretch that we are talking about here, it may be impassable; there are snowdrifts. Sure, we have to get more highway equipment out there to open up the roads in the winter. Sometimes that can be done quickly, but sometimes not. An emergency is an emergency.

Many times, in my State, roads have been impassable for long stretches of time—close to a day—because of snowdrifts. I would guess that the same could probably happen along the road we are talking about here. Indeed, if you talk to residents who live in the area and who have written letters opposing this proposed road, that is just what they say. It is very hard during certain times of the year to get a road

open because of drifting snow. I have a letter here.

(Mr. ROBERTS assumed the Chair.)

Mr. MURKOWSKI. I wonder if my friend will yield for a question on the snow.

Mr. BAUCUS. When I finish this letter. This is a letter from a resident of Cold Bay. She says: "As a lifelong resident of this area, I have some great concerns with the proposed legislation . . ." She talks about the 25 mile proposed road. "When we are having inclement weather, are we to believe a vehicle could drive 27 miles in whiteout conditions, drifting snow, and winds?" She says that she lived 3½ miles out of the town of Cold Bay for 4 years with so-called "road access" to Cold Bay. During the winter, she says she spent many months stranded at home, or in town, depending upon where she was when the storm came. She says that the drifting snow would be so bad that it would take days—that is probably a slight exaggeration—to get the 3.2 miles plowed enough to be passable.

That is not the only letter we have received. Here are some more letters from citizens from Cold Bay, AK. They say that in poor weather conditions, such as blowing snow and freezing rain, road travel becomes equally treacherous. On the Alaska peninsula they could only make the road passable seasonably. That is their view, and they live there. They talk about an alternative, which is mentioned in the Alaska report—a small ferry system—and improving the dock facility at Cold Bay. They go on to say that this has been studied for a while, and with state-of-the-art navigational aids, marine transport is probably more reliable. I might say, that is probably true in one respect. That is because, actually, the weather in the bay is not as locked up with ice or as cold as we might be led to believe. I will get to that in just a second.

I have now a letter from a doctor. He comments on the road alternative. He is commenting from the point of view of medical services in King Cove. Basically, he says that while flying is obviously potentially hazardous, the proposed road in an Aleutian storm or blizzard could be equally hazardous when one considers nearly zero visibility, the absence of other traffic, the long distance through very isolated country and, of course, the ever-present winter danger of avalanches.

He went on to say that he is strongly recommending several measures which would result in a marked decrease in the number of medevacs. What he thinks would be more reliable in the event of emergencies necessitating medevac would be, foremost, the implementation of state-of-the-art telemedicine. He goes on to say that another option that would circumvent the hazard of avalanches and of isolated highway transportation would be a state-of-the-art ferry system.

That is just one view of one doctor who lives in Alaska. I am not saying it

is conclusive or determinative, but it is a view of a doctor in Alaska.

I think we all agree telemedicine helps. I think we all agree that telemedicine is not the total solution. In fact, just in June of last year, I was very proud to have had the Senator from Alaska join me when we introduced the Rural Telemedicine Demonstration Act. We want HCFA to spend up to \$2 million, if we can find the funds, for computer-assisted medical information for Alaska and Montana, two rural States that contain most of the remote and frontier health care locations. Senator MURKOWSKI says that telemedicine has already proven to be cost effective and a practical answer to the Alaska dilemma of how to provide modern health care in a vast geographical area, an area completely unconnected by roads and with access only by airplane, snowmobile, or dogsled.

Telemedicine is helpful. It is not the total solution, by any stretch of the imagination, but it is very helpful. There is no single bullet. There are problems with all forms of health care assistance in very remote rural areas.

The State of Alaska, I might say, is studying different options right now. They have not reached a conclusion as to what the best option would be between King Cove and Cold Bay. One option is Coast Guard air evacuation helicopter. Helicopters work sometimes; they don't work sometimes; it depends upon the weather.

Another option is improved port facilities and special marine ambulances. This doesn't always work, but it works very well sometimes. And another is telemedicine. We all know that advanced telemedicine is going to be quite helpful in more rural areas.

I want to underline that this study by the State of Alaska on what the best transportation option would be between King Cove and Cold Bay is not complete. It is underway right now. The State of Alaska is trying to determine, itself, what the best way would be to provide the best access between those two communities. They are looking, obviously, at effectiveness. They are looking at cost. They are looking at the environmental impact.

You don't need to pass this bill before us to complete the evaluation process. You only need to pass the bill if you have already decided to build the road. But we should wait to see what the study says before we go ahead and build this road.

In addition, there is another study going on to address this same problem. In the transportation appropriations bill passed by this body, the senior Senator from Alaska included a provision for another study of transportation access. This is a study that would be done by the Army Corps of Engineers. The Senator from Alaska provided about \$700,000 for a study by the Army Corps of Engineers to determine transportation access needs and solutions in Alaska.

That means we have two studies going on. One is the State of Alaska study, and the other is the Army Corps of Engineers study. At the very least, I think it is premature at this point to authorize a road. Rather, we should wait and see what the studies come up with. Otherwise, I just think we are wasting taxpayers' money, particularly the Army Corps of Engineers money, if we are going to decide what the solution is in advance.

It reminds me of "It's Your Money" on TV. We spend \$700,000, and the State of Alaska spends State money, to study a solution. But, before the studies are done, the money is down the drain because Congress steps in and decides what the solution is going to be.

Mr. MURKOWSKI. Will the Senator yield for a question?

Mr. BAUCUS. Sure.

Mr. MURKOWSKI. I would like to point out again, relative to the snow, that the question was brought up by the Senator from Montana, suggesting that because of his opinion on the amount of snowfall that occurs in Montana, we must have that same condition. But isn't it rather unusual, the U.S. Fish and Wildlife Service, in their notice of extreme weather, notes "wind, rain, and fog, drizzle, overcast skies." Isn't it unusual that it would omit "snow"? And in fact the reality is, there is very little snowfall in that area. I can't tell you how many times—I am sure you have gone to the airport by car and found out that the airport is closed and you had to drive someplace else.

Mr. BAUCUS. That has happened to me many times.

Mr. MURKOWSKI. You can't do that if you live in King Cove and Cold Bay.

Mr. BAUCUS. If I might answer the Senator's question, I am not saying that, just because the roads in Montana are often impassable because of snow, the same must be true around King Cove. I am saying that is the opinion of a good number of residents. That is what they say, that very often snow conditions make the roads impassable.

Mr. MURKOWSKI. The U.S. Weather Bureau notes that Cold Bay is the third most windy city in the United States; the third most rainy, with 226 inches; and it is the cloudiest; and for 305 days a year it is cloudy in King Cove-Cold Bay.

Mr. BAUCUS. Mr. President, I would like to point out what the State of Alaska study is really all about.

I have here on this chart the basic purpose of the State of Alaska study—determining what the best solution would be in terms of access between King Cove and Cold Bay. Let me just show you what they are.

The first purpose of this study is to reduce the infrastructure maintenance and operation burden. It doesn't say anything about medical needs or medical safety.

The point here is that these are two separate communities, and some folks

in both those communities think that maybe they should combine schools and have one school instead of two. After all, there are about 700 or 800 people in one community; that is, King Cove. There are about 100 folks, as I understand it, up around Cold Bay. Why not? It makes sense to maybe have one school, and maybe the same health care facility, and maybe share power generation or the public works facility. The Alaska report says that this will reduce the cost of living in these communities.

The first purpose of the study is to reduce the cost of living in King Cove and Cold Bay. The second purpose is to improve safety and convenience of travel between King Cove and Cold Bay. That is No. 2.

We talked a little bit about safety. You might note that point No. 2 says convenience—not just medical safety, but also convenience.

The third purpose, I might add, Mr. President, is really the most interesting. The third purpose is to strengthen regional economic development.

King Cove—that is on the lower part of the map—is a major hub of the fishing industry. It has extensive fish processing facilities. But it doesn't have an airport capable of handling large cargo planes. Cold Bay does. That is the big difference between the two. Cold Bay has no deep-water ports. King Cove is just the opposite: deep water, no airport. Therefore, the construction of a road between King Cove and Cold Bay would provide a significant economic benefit to the fishing industry and to the local economy.

Let me read from the State of Alaska initial study:

A stronger, more reliable transportation link between the two communities would facilitate the movement of fresh fish between King Cove docks and the marketplace, allowing fresh fish from the processing plants in King Cove to be on a plane bound for anywhere in the world within hours.

The cost of shipping would decrease as would delays, inconvenience and uncertainty caused by transportation modes that are expensive, inconvenient and dangerous. This would open up new markets and increase the competitiveness of the Alaska fishing industry.

And later the study notes that commercial fishermen support building the road because the road "will provide the most economic, reliable, flexible and convenient means of moving their product to an airport"—that is up in Cold Bay—"capable of supporting 747 operations." That is, airplanes, 747s.

I can understand why the people down in King Cove would think a road is a good idea, to promote economic development. Again, the study says that improved transportation has three purposes—one is improving the infrastructure, the second is convenience and safety, but the third is economic development. Safety is only a very, very small part of the study here. We were led to believe it is about the only reason, but the fact is, the real driving force here is not safety. The real driving force here is to get fish that are

processed down in King Cove up to the airport so they can improve market access around the world.

Now, there is a huge processing plant down in King Cove. It is one of the largest in Alaska. That processing plant processes, I think it is about 38 to 40 million pounds of fish a year.

The company is Peter Pan, which has the big processing plant down at King Cove. I am reading now from the study, the Alaska study:

With improved access, major freight movements from King Cove to Cold Bay would likely consist of fresh fish and seafood from the Peter Pan plant. Discussion with Peter Pan's staff suggests that up to 5 percent of their product may move into the fresh market if good access is available to the Cold Bay airport. Although Peter Pan's total production volume is proprietary information, it is estimated their total product volume is in the 30- to 40-million pound range. Employing the 5-percent estimate provided by Peter Pan suggests that ultimately approximately 1.5 to 2 million pounds of fresh fish could move to Cold Bay annually. Packaging and jell ice would add an additional 15 percent, for a total gross weight of about 2 million pounds.

I don't know how much you can put in a truck. Some say about 10,000 pounds. That means that if this road is built, there are going to be hundreds of trucks full of fish on this road to get out to the Cold Bay airport.

This report also goes on to say that:

Forthcoming individual fishing quotas for halibut and black cod, additional market efforts by Peter Pan could increase the amount by 25 to 50 percent within 3 to 4 years.

So that is what is happening here—and I understand it; if I were in King Cove, I would want the same—a large fish processing plant wants to road-haul their product, about 2 million pounds of fish a year, to the airport. My calculation comes out to at least 200 trucks, maybe more, a year, and add to that all the other folks who are going to be traveling on this road.

This is no small matter. This is not just emergency medical access to a hospital. That is not the issue at all. In fact, I have other data that show, again from the Alaska study, there have been no fatalities in air evacuation in the period of time studied; 95 percent got to the hospital from King Cove within 24 or 48 hours, 75 percent of the medevac transports from King Cove to Cold Bay had no delay.

And I only use these dates, these periods, because that is the data in the Alaska study. I don't have any more current data or different data. Again, the data shows that with respect to medical evacuation to King Cove, January, mid-January, 1996 to near the end of June 1997, total medevacs were 20: No delay, 15; 3- to 4-hour delay, 4; 24-hour delay, 1.

Not perfect but not too bad. And most of the air accidents that occur near King Cove have really little to do with medevac. There are other accidents that have occurred.

And I might say, too, that Pen Air—an airline, probably a commuter air-

line, in Alaska—has about 1,800 flights a year between King Cove and Cold Bay—1,800 a year. So planes do fly in and out from the area; that is, King Cove to Cold Bay.

The study also points out that there is no greater need for air emergency transportation here than in other places in Alaska—no greater need. That is in the Alaska study. Essentially, as I said, Pen Air now makes more than 1,800 one-way flights between these two communities each year, and they have had three accidents over 20 years. The State has concluded that the accident rate is still low and that—this is the State's conclusion—"that the residents of King Cove are in no greater danger than other Alaskans who rely on air transport."

So again to review, No. 1, the State is doing the study. There are many alternatives under review, and air evacuation is relatively safe. But there are other driving forces here that are pushing for the road, which brings me to my final point—the environmental impact of building a road through the Izembek Refuge and Wilderness.

As has been noted, Congress has often adjusted wilderness boundaries. We have done it to correct mistakes. That is usually when we do it. We have adjusted wilderness boundaries because we have passed a wilderness bill and we made a mistake. We go back and adjust a boundary to correct the mistake. We have done it to accommodate preexisting uses that have been overlooked. That has happened a couple of times. We have also adjusted wilderness boundaries to provide access to inholders as required by law. But as far as I know, Congress has never authorized the construction of a road through a wilderness area to connect two points outside the wilderness area—never.

So the passage of this bill would set a very important precedent. You would say it is OK to construct a road through a wilderness area connecting two points. The argument we are hearing is that this bill will not lead to the construction of a road through a wilderness area, because we'd be taking an area out of the wilderness, transferring it over to the refuge, then building the road through where the wilderness was and saying, gee, we are not building a road through a wilderness.

Well, that is absurd on its face, Mr. President. Of course we are building a road through wilderness. On the map, as presented by my good friends on the other side, there is wilderness. There is a road through the wilderness. So we are building a road through wilderness. It is pretty simple. It is not rocket science. This is about a road through a wilderness.

It is also through a very, very important wildlife refuge. Again, here is King Cove down here, and Cold Bay is up here. The road would go through this area. The wilderness section is right here. The proposal is to make this no longer wilderness and then

build a road through it. Of course it is a road through wilderness. They say, just take these lands out of the wilderness. That is what the bill says. In exchange you get some other area.

The use of the land in exchange, the net 580 acres, is land that is already restricted under the Alaska Native Claims Settlement Act. So there is no gain here. The net effect of all this is still a road through a wilderness refuge system. That is the net effect here, that is what we are doing.

Let me just address, briefly, why this is so important. We are now talking about a wilderness and refuge system that is extremely important. In fact, it is critical. It is critical resting and critical feeding ground for migratory waterfowl. It is absolutely critical.

This is Alaska, Canada, United States and Russia. These are the Arctic breeding grounds.

Let me back up. This little red dot here is the area we are talking about, the Izembek Wilderness area, the refuge wilderness area now in question. It is the major stopping ground for many, many birds. Why? It is very simple.

Birds come up from the south. Let me mention what some of them are. One is the Black Brant, 150,000 land here in the spring and fall; the Emperor Goose, 100,000 in the spring and fall. Let me say, all of the world's Emperor Geese land here; all of them. All the world's Emperor Geese stop here at the Izembek Refuge and Wilderness. All the Pacific Black Brant stop there; all of them. Then there are Canadian Geese; 85,000 stop in the fall; Stellers Eider stop in the fall and winter. Shorebirds, 31 species, 300,000.

"Why do they stop there?" you ask. What is so special about this location, this place? I will tell you what is so special. It is a wetlands. It provides food. These birds, amazingly, have flown, some of them, all the way to Australasia, a long way. And some of these birds go to Mexico. That is the Black Brant. The Canadian Geese go to the Pacific Northwest. Shorebirds fly as far away as Patagonia. Can you believe it? Birds that nest and stop off to feed and fatten up so they can fly, fly as far away as Patagonia and come back to Izembek Refuge. It is amazing.

Basically, the birds come up, say, in the spring. They stop here to fatten up, to restore their energy after the long flight from the south. Then they go up further north. This is the breeding grounds up in the Arctic area where there is not as much food. It is good breeding grounds area, but there is not as much food. After the birds have bred, they fly south. They have to stop again here in the fall of the year when the summer is over to stock up again, get some food for that long flight to Patagonia, Australasia; these long, long flights. So this refuge is very, very important.

Essentially, I would like to remind all of us really what is at stake here and what is happening; namely, No. 1,

this bill is not needed. Why? Because there is a study going on, a study to try to find the best alternatives, what is right.

No. 2, the driving force here is really commercial. That is the driving force. There is a very large fish processing plant down at King Cove. They want to get their fish to Cold Bay. I understand that, but it is not emergency medical evacuation. That is not the reason.

And, No. 3, this road is going to very seriously disrupt these birds' nesting grounds. Why? If there is a processing plant down here and, as I mentioned—you do the calculations. According to the study from Alaska, there may be a couple of hundred trucks, at least added on, traffic back and forth, and then you could have more 747s. The Alaska study says the purpose of this is to fill 747s. That is what the Alaska study says, the 747s in Cold Bay. I might be wrong, I say to the quizzical look of my friend from Alaska, but that is what the study says: 747s. They may be wrong, but that is what the Alaska study says.

So it is really to connect these two towns commercially, for convenience and so forth. That might be a good thing to do. It might not. Let's wait until we get the study and see what the study says.

Remember, this is very serious business here. It is potentially setting the precedent, building the road connecting two areas outside of a wilderness area; that has never been done before. In addition to that, disrupting a very sensitive population of birds with 747s and other airplanes of that size flying in and out much more frequently, because of all the trucks going back and forth and often in very impassable conditions, because of snow conditions, it is going to cause a very significant effect on the wildlife there.

I will just sum up and say I thank my friend from Alaska for bringing this up as a freestanding bill. These riders are a bit of a problem because they are riders, but as a freestanding bill we can talk about it and debate it. I appreciate the Senators taking good care of their State. This is something that some people in Alaska want. I understand that. But this is a national refuge. We are talking about a wilderness area. We are talking about a refuge area which belongs to all of us in the United States.

I know the sensitivity that Alaskan Senators have. "Here comes Uncle Sam all the time, here comes Secretary Babbitt, here comes the Fish and Wildlife Service. We in Alaska are told what to do by these outsiders." I understand a good bit of that because in my State of Montana, 30 percent of our lands are public lands and most of it is Federal. I understand that. So we have to find the right balance here, the right balance between the wishes of the residents of the State of Alaska as well as the national interest.

My conclusion is the best balance between the two is let's wait for the stud-

ies. They will probably come up with some better ideas than we have already come up with so far today. We do not have to wait that long. The medevacs are working. There are all kinds of ways to address this. Let's let discretion be the better part of valor here and not adopt an amendment at this time. Wait a while and then get the best result there. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want to encourage Members to read this article, a story about the hardships endured by the people of King Cove, and I ask that it be printed in the RECORD.

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

ROAD WARRIORS: COMMUNITY ENVIRONMENTALISTS BATTLE OVER ROAD THROUGH REFUGE

(By Maureen Clark)

KING COVE, ALASKA (AP).—On this blustery spit of sand, surrounded by treeless mountains that rise out of the Pacific Ocean and disappear into the clouds, a medical emergency can take on formidable complications.

Mariene Newman still gets a knot in her stomach when she talks about the three-day wait to get to a hospital after her daughter, Arlene, then 5, broke her arm while doing cartwheels six years ago.

Fierce winds were funneling through the mountain pass where the community's small air strip sits. Planes were grounded.

Newman watched and waited for a break in the weather, treating her daughter with painkillers and ice packs. Arlene couldn't keep food down and grew weaker by the day.

Finally, Mariene and her husband, A.J., a fisherman who grew up in this isolated community at the tip of the Alaska Peninsula, decided to risk the rough seas for the three-hour boat trip to Cold Bay and its all-weather airport.

By the time they reached Cold Bay, the little girl lay limp in her father's arms as she was carried from the lurching vessel, up a 30-foot ladder to the dock and taken to a plane bound for Anchorage, 625 miles away.

"My heart was just twisting," Mariene Newman said.

Arlene recovered and remembers little of her ordeal.

Mariene can't forget. "No one should have to go through what she and I did."

In this place where 80-mph winds are common in winter and fog can cut off the community for days at a time in summer, many of King Cove's 770 residents have similar stories.

They tell of stroke, heart attack and burn victims who had to wait days to get to a hospital; of premature babies born on fishing vessels and cradled in makeshift incubators.

The community learned the hard way not to take chances with the violent winds. Four people were killed when a medevac flight carrying an injured fisherman crashed during a winter storm in 1980.

A one-lane, 27-mile gravel road to the airport at Cold Bay would end their isolation and provide safe transportation in times of emergency, King Cove residents say.

The Cold Bay airport, built during World War II, is the third largest in the state with its 10,000-foot runway. It has even been designated as an alternate landing site for the space shuttle.

A rider in an Interior Department spending bill that Congress takes up this month would

allow a land exchange to make way for construction of the road.

But the road would pass through part of the Izembek National Wildlife Refuge, a critical staging area for hundreds of thousands of waterfowl and birds and home to caribou and bears.

Conservation groups oppose the proposal, saying it would irreparably harm wildlife habitat and set a precedent for building roads through other wild places.

"This is the most important wetlands area in Alaska," said Deborah Williams, the Interior Secretary's special assistant for Alaska.

The issue is shaping up as the biggest environmental fight in Congress this year.

The White House has already issued a stern veto threat and the proposal could stall the Interior Department's entire \$7 billion budget.

Sen. Ted Stevens, R-Alaska, who chairs the powerful Senate Appropriations Committee, said he is ready for a fight.

"If anyone in this Senate votes against me, this is one I will not forget," Stevens warned at a subcommittee hearing in late June.

Thousands of miles from the looming showdown in Washington, caribou graze in the hilly tundra, dotted with lakes. In the foothills of the mountains, bears feast on berries and salmon, fattening up for the approaching winter.

A quarter of a million Pacific brant, Steller's eiders and emperor geese are arriving in the refuge in waves on their fall journey south.

More than 186 species of birds use the lagoons that lie just offshore. Many depend on the abundant eelgrass and berries for critical nourishment during their long migrations.

"Nothing compares to this right here," refuge manager Greg Siekaniec said as he waved his arm toward the eelgrass beds of Izembek Lagoon and the Bering Sea beyond.

About 3,000 people from around the world visit the refuge each year to hunt caribou and waterfowl, watch birds, fish its salmon streams and hike its rolling hills.

The measure before Congress would exchange 85 acres of refuge lands for 664 acres adjoining the refuge owned by local Natives, resulting in a net gain of 579 acres to the refuge. The proposal would not provide funding for the road, which could cost anywhere from \$10 million to \$29 million.

Critics say the exchange would remove land from the heart of the refuge, which has been designated as a wilderness area.

"It's a tough sell from our standpoint, to trade a corridor for lands elsewhere that are less important biologically," said Allen Smith, Alaska regional director for the Wilderness Society.

Opponents of the road say a modern telemedicine system, linking the village clinic with physicians in Anchorage, coupled with a marine ambulance and improvements to the dock at Cold Bay, would provide a safe, cost-effective alternative to a road.

But telemedicine won't help stroke patients, heart attack victims or those suffering from head injuries who need to get to a hospital, said Leslie Kerr, one of two nurse practitioners who staff the village clinic. And King Cove residents say the stormy conditions that make air travel impossible would make travel in a marine ambulance treacherous.

"In any other place in America, you'd just call 911," Kerr said. "We're just trying to get closer to what other people expect to receive."

Even by Alaska standards, King Cove is isolated. Many residents have their groceries shipped in by barge twice a year. There is one restaurant and no movie theater. People like their way of life and don't expect the amenities that might be found elsewhere, said city manager Gary Hennigh.

"We'll never be in the same realm as mainstream America but it can still be as good as circumstances allow," Hennigh said. "There's this big runway just 27 miles away. If there's an opportunity to make something better, we ought to find a way to make it happen."

The rhetoric in the debate has grown hot, with a haze of charges and counter charges on both sides.

Supporters of the road accuse their opponents of valuing wildlife over human life. The refuge is already criss-crossed with trails left by 40,000 troops stationed at Cold Bay during World War II, they say.

Environmentalists counter that the real reason King Cove residents want the road is for the economic development it could bring.

King Cove is a company town. Local fishermen sell their catch to the Peter Pan Seafoods plant, the only cannery in town. With a road to the Cold Bay airport, they could fly their fish to other markets.

But Mayor Henry Mack, a fisherman, shakes his head when asked about economic development. With Alaska's wild salmon losing market share to farmed salmon from Chile, Norway and elsewhere, local fishermen would have a difficult time competing on the world market for fresh salmon, he said.

"Our first priority is a safe means of travel. If that's all this turns out to be, we'd be happy," Mack said.

Mr. STEVENS. Mr. President, I am saddened to come to the floor and find the Senator from Montana quoting from the State of Alaska study. I am equally sad to hear what he gleaned from it. I wonder if the Senator from Montana knows that the State study shows the average flight delay from King Cove to Cold Bay is 8.8 hours. Does he know the State study also said the best option to solve this problem is, in fact, the road that I want to discuss? But I am really sad that my State has not backed the people from King Cove the way it should have. As a matter of fact, the Associated Press did have an article that appeared throughout the country. I want to encourage Members to read this article, the story about the hardships endured by the people of King Cove, that I asked be printed in the RECORD at the beginning of my remarks.

I know the graphics cannot appear in the RECORD, but I hope the Senate will understand we are talking about King Cove, which is out at the end of the Alaska peninsula. The land on that peninsula is almost entirely withdrawn. There are some native lands on it, but it would not be possible to have a road go out of King Cove to Anchorage by land. We are talking about an area that is isolated by land, an area that is located just a few miles from Cold Bay, which is an alternate landing site for the space shuttle.

If you want to talk about 747s landing there, the space shuttle itself can land there, just 30 miles from King Cove. If anybody is worried about the turbulence and planes landing at King Cove, as far as the migratory birds coming in the Izembek, I think they ought to check again.

I argued against this land in its entirety becoming a part of the Izembek Refuge. Part of it is nesting and resting

grounds for migratory birds. Part of it is a former airbase from World War II that I will describe. After it was made part of the wilderness area—it is strange, you make an airbase that has old Quonset huts and roads on it, and you say, by the stroke of a pen, "This is a wilderness area now, this is a wilderness area; be careful, you cannot do anything more in this area." There are 42 miles of road advertised by the Fish and Wildlife Service as a good place to come hunt, but you cannot move the boundary 60 feet—60 feet—so we can build a road outside of that wilderness area and allow these people to come to Cold Bay to be transported another 600 miles from there to get to a hospital.

Mr. President, I welcome to Washington several of the civic leaders from King Cove. I am sure they are saddened to hear Members of the U.S. Senate telling them that their lives and their children's lives are less important than 60 feet along 7 miles of the southern boundary of this area that has been set aside and called a wilderness area.

When we first started wilderness, it was intended to include only roadless areas. It had to be roadless. When they made this into a wilderness area, I argued, "How can you do this? How can you make that area that is part of the airbase into wilderness?" They said, "We need to round it out." They have rounded it out all right. They have rounded it out in a way that denies King Cove access to Cold Bay.

My people up in the gallery are a long way from home, Mr. President, and I do welcome them. I am sure that they are here to make certain that we do our job. I do this one very willingly—very willingly—because I represent a State that has two-thirds of its total land withdrawn. I have imposed the State of Alaska on a map of what we call the contiguous 48 States. It is going from Florida in the East to southwest of Arizona, almost to the Baja coastline, and from Duluth down to the Texas Panhandle. It is an area that is one-fifth the total landmass of the United States.

Two-thirds of all of our State is withdrawn Federal land. It is there for us to look at, but we can't use it without permission from some bureaucrat who is compelled by a law passed by the extreme environmentalists who come to this floor and say we need to withdraw more, we need to protect this more, we need to come up with some way to prevent Alaskans from living.

More than a third of all Federal land is in Alaska—more than a third of all the land owned by the Federal Government is in Alaska! The land owned by the Federal Government in my State is larger than Texas. The Federally-owned land in Alaska would be the largest State in the Union outside of Alaska. It is twice the size of California; 358 Rhode Islands would fit in the Federally-owned land in Alaska. Beyond that, half of the wilderness in all 50 States is in our State. A full 16 percent of this vast State of ours is called

wilderness. The whole State is de facto wilderness, but because of an act of Congress, this area is deemed to be a kind of super-duper wilderness, impenetrable by people who are seeking medical care.

We have 57 million acres of wilderness in Alaska, and we are talking about 60 feet along 6 miles of the smallest wilderness area in Alaska.

We see a lot of people come into our State from States that don't have any wilderness at all. They come and say, "Oh, isn't it wonderful, all this wilderness." And they go back and have another group of D-8 cats clear and develop more of their land, and then they put the money they make from that into some organization to be sure they protect Alaska from any development. They are so extreme that they say this 303,000-acre Izembek Refuge, the smallest one of the 16 refuges in Alaska, is so sacrosanct that it cannot move its border 60 feet.

Mr. President, as I said, this whole area of the Aleutian Islands and Alaska Peninsula, almost all of it, is refuge land. This wilderness area is just a very small part of the 16 refuges in Alaska. We are dealing with just superlatives. The Izembek Wilderness alone is larger than the entire wilderness areas in most States. That is how small wilderness is in the South 48, but when it comes up our way, we get millions of acres at a time.

Let me tell you a little bit about King Cove. Everyone knows the Alaska Natives there have survived the climatic conditions of Alaska for thousands and thousands of years on the Alaska peninsula. They were a nomadic people originally. They followed the caribou and fish and lived entirely off the land. Early in this century, they settled into permanent communities, including King Cove—a fishing community. Some communities built local canneries.

The Japanese invaded the United States in World War II in only one area, as we all know, in the Aleutian Chain. When they invaded the Aleutian Islands, the U.S. Army built a giant base, Thornbrough Air Base, which was across the water from King Cove. Battle accounts will verify the inclement weather and how it played havoc on military operations in that area.

After the war, the airbase was converted to a regional airport. It is now Cold Bay, a small town of mostly Federal employees.

This is a picture of Cold Bay. As I said, the airbase is now an alternate landing site for the space shuttle. It has an enormous number of roads, apparent on the photograph I am showing the Senate, for a small community of Federal employees. This is the third largest runway in my State. It remains open throughout the year, rarely closing despite having the worst flying weather in the United States. Cold Bay itself is documented with the worst flying weather in the United States.

As the cannery and the fishing fleet grew, the Native people became more



acclimated to normal American life, and they sought better medical services. We created, soon after I came to the Senate, community health aides for Native villages. This village has a small clinic staffed by a couple of community health aides. Any serious injury or illness requires medical evacuation to Anchorage or, in some instances, as far as Seattle.

Like most Alaskan communities, the connection between the village and the regional airport is by air. Obviously, there are no roads through the peninsula. Nor is there now a road from King Cove to Cold Bay. The circumstances there, even though King Cove lies only 30 miles from Cold Bay, is that the airport at Cold Bay is far, far, far away. Thirty miles is a long way when you have to go from by water. That is one of the worst stretches of water known to man—the North Pacific Ocean—between Cold Bay and the King Cove.

Right there—King Cove is here and Cold Bay is across this body of water also known as Cold Bay. The purpose of this road is to allow the people who live in King Cove access to Cold Bay when the weather is so bad that it is not possible to travel by air or by sea. When it is calm, it is like any place else. They can take a boat across or fly the short distance. But the weather is rarely calm in King Cove.

The Native people decided that they needed a road for emergencies, when the weather precludes air and sea transportation. That is what this is, an emergency road. I cannot believe that anyone would talk about trucks and truckloads of stuff going to Cold Bay on this road. Only a small unpaved dirt road is planned. And the community asked the Federal Government for permission to build that 6 miles. They own the balance of the land here except for the 6 miles. The Government said no.

Then they offered a land exchange, acre for acre, for the 60 foot right-of-way; and the Federal Government said no. They then said, "Well, we'll give you 664 acres in exchange for 85 acres if you move the boundary." They said, "If we can get through here, we will give you all of this here and here" to add to the Izembek Refuge. It is almost an 8-to-1 acre trade.

They specified they would use this road only for emergency use; and they further offered to help the Fish and Wildlife Service limit overall impacts of access on the whole refuge. And the Federal Government still said no.

Let me tell you why my friends are in the gallery, Mr. President. Eleven people have died flying into or out of the community since 1980. Many more sick or injured have died waiting for the weather to clear because they did not even try to make the trip.

Let me tell you about the people who died because they could not even start the trip: Ernest Mack and Walter Samuelson suffered heart attacks in King Cove, and waited days for weather to clear so they could fly to Anchorage. Both Ernest and Walter died because

they could not get emergency medical care in a timely fashion.

Christine Dushkin suffered a heart attack, and then died after crossing the bay in very bad weather in a fishing boat. She collapsed as she climbed the long ladder up to the top of the dock at Cold Bay. She suffered a heart attack in King Cove and died before she got to the Cold Bay airport.

Cathy Hoff, Darien Gorsinger and John Dattoli lost their lives when their plane was blown into the side of a mountain by a gust of wind. They were people from King Cove who were trying to save the life of Tom Phillips, a Seattle fisherman, who had lost his leg in a boating accident in King Cove.

I have heard colleagues talk on the floor about the morality of an HMO denying a child desperately needed health care. At the time I thought about King Cove. Is it moral for environmentalists to come to the floor and do the same thing? Is it moral for environmentalists to oppose giving this isolated village a chance to get the kind of medical attention that is available to the rest of the United States?

A simple broken arm became a life-threatening situation after a 5-year-old girl went into shock while waiting for weather to clear. The shock was from the broken arm. She just had to wait and wait and wait for the airplane to be able to get in, and she finally went over on a fishing boat once the sea calmed down sufficiently.

One King Cove girl was born 2 months premature on a crab boat that was taking her mother across Cold Bay in very inclement weather. It was a very long trip, even though it is only 30 miles, because of the wind and sea conditions. This little girl was kept alive in a foil-lined shoebox stuffed in a toaster oven while the winter storm tossed that boat around before they finally got to the dock. She lived. She was fortunate.

The road to Cold Bay would have allowed these children to reach an Anchorage hospital in hours instead of days, Mr. President—hours instead of days. As I said, my State study shows, in one of the few things they did report to us favorably for our people in King Cove, is the average flight delay is 8.8 hours. That is average.

Once the people from King Cove get to Cold Bay, they have to fly 600 miles. You know what that is. That is a flight from Helena to Colorado Springs; from Little Rock to Milwaukee; from Providence to Columbus. That is just to get to the hospital. Just to land and then be taken by ambulance to the hospital. After flying more than 600 miles from Cold Bay.

I cannot believe that a heart attack victim in Helena would not be knocking on the door of the Senator from Montana if that person had to fly to Colorado to get treatment and was made to take a three hour boat ride in a raging sea just to make his flight. I cannot believe that a person suffering a spinal injury in Rhode Island would not

complain about having to fly to Ohio for surgery. They would complain in the first instance just in terms of the distance between Cold Bay and Anchorage. The people in King Cove can accept the 600 mile flight, but they don't understand why the rest of their trip can't be made easier.

We are talking about the distance between King Cove and Cold Bay. The administration and their advisers in the environmental community insist that a 600-mile medical evacuation necessity is not enough, that we should throw in a 3-hour boat ride in a Pacific storm—maybe more than that, because some of them do take longer when the wind and sea run against the boat, tossing it like a cork in the ocean.

The Senator from Montana suggests we could use a helicopter. I wonder if he knows what the limits on flying a helicopter are in gale-force winds. We are talking about the normal conditions most of the year going across to Cold Bay—when the weather turns bad, as it often does, they get hurricane-force winds.

I really think that people who suggest that ought to come out and find a volunteer to fly them in a helicopter across Cold Bay. I would not get in a helicopter with an 85-mile-an-hour wind blowing. I was in Cold Bay once when we had to tie the nose of our four-engine airplane to a D-8 Caterpillar in order to keep that plane from being blown away in an 80-mile-an-hour wind.

This is a very serious thing to us. And as I have told the committee when we started this issue, this is the kind of issue that a Senator never forgets. I have heard other people say that here on the floor, and I have said it only once before in my life, but we cannot forget this one. This one means so much to so few people that unless we weren't a State and neither Senator MURKOWSKI nor myself was here, they would have no hope at all. This is why we fought for statehood, to have the opportunity to come and explain to the Senate and the rest of the United States what it means to live in Alaska.

In 1983, we moved wilderness in Montana—in Montana—so the people there could drive to a fishing hole. We moved that wilderness farther than we want to move this one.

Last Congress, we moved wilderness in Alaska so Natives living in a national park could use snow machines in winter. We were grateful for that.

Earlier this summer, 88 Senators voted to allow motorized transportation in the Boundary Waters Wilderness in Minnesota. We waived the Wilderness Act in Minnesota this year.

Since when have we placed recreation above the lives of children and people who need medical care?

When is the Senate going to start listening to those who come from an area that is closer to Tokyo than it is to Washington, DC? You don't know our land. You won't listen to us about our land and you raise our tempers because you won't listen.

The only roads in this wilderness were there when the wilderness was created, and it shouldn't have become wilderness. I told them at the time, as I said previously, wilderness by definition is a roadless area. Now, the 42 miles of road in Izembek today are used by my friends who have the money to go out there and hunt every year. Yet, we are told we should tell these people to use boats when no rational person, except in a life-and-death emergency, would leave the dock in such high seas. We are told to risk more air crashes, knowing that pilots who volunteered, knowing the risk, have lost their lives.

My friend will talk about telemedicine. No one believes in telemedicine more than I do. But telemedicine cannot deliver premature babies. Telemedicine cannot perform open-heart surgery yet. I hope the day will come when it can. We can't use marine ambulances. There is no vessel that I know of that can cross Cold Bay in a storm safely, let alone carrying an injured person. Helicopters will not take off and land in an 85-mile-an-hour wind.

It is time we stop talking about alternatives. By the way, I heard the Senator from Montana talk about the alternative that I suggested. I suggested building the road south of the Kinzarof lagoon. This land is all owned by the Native people. They could cross all the way on their own land, but it would close off entrance to the lagoon. When we asked the Corps of Engineers and the Fish and Wildlife people to look into it, I got the report that such a decision would, in fact, create a problem for the few migratory birds who use this lagoon—not the land, but the lagoon. We have abandoned that option because it would likely have a greater environmental impact than the road we are suggesting.

We don't believe our road will have any environmental impact with the conditions we have agreed to as far as its use.

Now, I think anyone that wants to put a helicopter there and tell the Coast Guard they should fly in such inclement weather, should talk to the Coast Guard. I have, and they declined the honor.

We are here as representatives of a State that have seen their lands withdrawn, withdrawn, withdrawn. The land I used to take my sons to every year to go hunting was withdrawn and is now a wilderness area. Access to most of my State is cut off on any north-south or east-west axis on the ground by withdrawals and wilderness areas.

There is now the spectacle of a former Member of the Senate, now Vice President, accusing me of burying this special interest rider deep in a spending bill so that it couldn't be found. I wish he were here so I might debate him on that. It is absolutely untrue. We opened this up in the committee. We had a vote in the committee.

There was nothing hidden at all. It was public knowledge from the very beginning. Now we have people saying we are beginning to kill the Wilderness Act by moving the boundary of this area enough so we can build a 6-mile road, 60 feet wide, when the area itself already has 42 miles of road in it—the part of the refuge that will be affected by this road.

I do get excited at times here on the floor when I find there are so many half-truths and untruths told about what is going on in my State. I think we need to know and someone should come here and be bold enough to tell us why this gravel road, 60 feet wide, deserves to be classified as wilderness, and remain so, despite the loss of life of people in this area. Why is this little strip of road more important than the lives of Alaskans who have not yet died, coming out of that community, seeking medical attention?

We have a growing tension in our State—I speak of it often—concerning the way we are treated as residents of a State, compared to how we were treated when we were residents of a territory. We did not have extreme environmental organizations controlling the administration when we were a territory. We do now. The strongest extreme group in the United States is the extreme environmental organization. It is a direct result of positions taken by that group that the administration has opposed this road and opposed helping these people.

We believe we know how to protect our State and its resources better than anyone from Washington who flies in, spends 2 hours on the ground then flies home to tell us what to do—particularly our Native people. They have lived with this land for hundreds of thousands of years. They honor it.

Did you know, Mr. President, that we have developed less than 1/2 of 1 percent of 365 million acres? Roughly 18 to 19 million acres are occupied by Alaskans, Native, nonnative, military, nonmilitary, cities, towns—1/2 of 1 percent. Much of our lands are wetlands, as a matter of fact.

Here we are in a situation where during World War II there was more activity in this area than ever there will be in the history of the world—an enormous base, planes flying in and out, troops quartered 30 miles from the center of that base. They had more people there then than we will ever have on this road. In spite of the war, those birds survived. Isn't that strange that during the war, we flew planes, we maneuvered troops, we had real and mock assaults on the beaches, and the birds survived. I ask the Senate, can't we believe that the birds will not be harmed by people who live with them, but are merely seeking to cross the land in emergencies only?

I urge all of my friends to vote for this proposition. By the way, the largest group of volunteers to our military services in the country per capita are the Alaskan Native people. They be-

lieve in this country. They believe in this government. They fight for the government. And they wonder, then, why does the government abandon them because of pressure groups like this? There is no excuse, no excuse, for anyone opposing this proposition, in my opinion.

I urge the Senator to approve Senator MURKOWSKI's bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I very much appreciate the comments of the senior Senator from Alaska on the bill. His State and the people in King Cove and Cold Bay mean a lot to him, and they mean a lot to us. The junior Senator from Alaska mentioned, and perhaps even some of the residents of King Cove wonder, if we are concerned. I say to these King Cove residents, who are either in the gallery watching or listening elsewhere, all of us are as concerned about your safety—your medical safety and medical health—as the two Alaska Senators are. Obviously, we are; we are all Americans.

It is my feeling that maybe the best way to achieve better medical evacuation and better safety for the residents of King Cove is to complete the study—the two studies, actually. One is by your State, the State of Alaska, which is vigorously trying to figure out the best way to address better access between King Cove and Cold Bay. They are looking at various options—air options, marine options, road options. They are looking at telemedicine. They are looking at all the various logical ways to try to solve the problem.

We all know there is no silver bullet, no one alternative that is going to be the total solution to make sure that if anybody is ill or in an emergency situation in King Cove that he or she can immediately get the best possible care at a hospital in Anchorage, or even as far away as Seattle. There is none. So we have to find the right thing.

The other study that will be conducted is a \$700,000 study of Alaska access issues by the Army Corps of Engineers. The study is at least now in the transportation appropriations bill.

So we have a lot of alternatives here. I think really it behooves all of us, including the residents of King Cove, to find the best option. We don't know yet what the best one is because it is a very difficult problem. It is difficult because of the residents' inaccessibility to Cold Bay and other parts of Alaska. The Senator from Alaska mentioned that I suggested helicopters. I did suggest that as one option, but not all the time. Many times, helicopters make no sense; for instance, when

winds are blowing 85 miles an hour. I would not get in one then either. That is not a silver bullet. It is probably a combination of a lot of different things.

No. 1, let's get the best solution and not rush to judgment and waste taxpayers' money by throwing two studies down the drain.

Another point I want to make is that the effect of this bill would say we are going to build this road. Some say it is a dirt road, some say a gravel road. Well, it is a dirt road, a gravel road. But they are trying to convey the impression that it is pretty small, no big deal. Actually, it is a pretty big deal. According to the Alaska Assessment Study of Needs the road is intended to be used year-round, with an average of fewer than 400 vehicles per day, including tractor-trailers carrying freight.

The Senator from Alaska questioned my assertion that freight could be hauled on this road. Well, I don't know. All I am saying is there is the contention, according to the State of Alaska study, that tractor-trailers would be hauled. The reason that is mentioned, frankly, is because of the fish processing plant—a very large one—in King Cove. It is one of the largest in the State of Alaska, where 30 million to 40 million pounds of fish are processed. Obviously, they would like to have this road to send the tractor-trailers on. This road would be designed for two-way traffic; it is not just a cow path. Again, at least the fish processing company would like to have this road.

Some have suggested this is not the only time we have adjusted a wilderness boundary. Several references have been made to the State of Montana, where there was a road—well, there wasn't much of a road, I say to my good friend who is now on the floor. It was for 4X4s to go down to the lake to go fishing. And then Congress enacted a wilderness bill, and it included the road in the wilderness area. It was a mistake.

Why did that mistake occur? I say to my good friend, probably because it wasn't much of a road. But it was a mistake. There was a preexisting kind of a road. Wilderness was created in the area, so the net result was that the road was in the wilderness area, that is true. But after we in the Congress recognized our mistake, we changed the designation so that the road could still be there. That is far different from this case we are talking about on the floor today.

We are talking about the creation and building of a new road through wilderness—building a road through wilderness. That is a totally different situation. Now, I call it sleight of hand to say, oh, no, this is not a new road to the wilderness because we are taking this area out of wilderness and building this road through it. Obviously, if you look at the maps, there it is. The map says "wilderness." You can see where the road would be, and it would be through a wilderness.

I don't want to get too bogged down in all this, Mr. President. The fact of the matter is that our minds are pretty well made up. I think it is important to make it clear for the record what is happening here, what some of the other reasons are for what we are doing here.

Here is a photo. For example, this is a road—if you can see it. It is the kind of road that would be constructed in this area. It is a typical, good-condition road in Cold Bay, AK. As you can see, two vehicles can get by each other. As you can see, trucks could travel this road; tractor-trailer trucks could certainly travel this road.

On the other hand, this is the kind of road, if you will, that now exists in the wilderness. It has been mentioned that there are already roads in the wilderness. There really isn't much of a road. It is the kind in this photo here that exists in the wilderness. As you can tell, it is not much of a road. You could not travel on that year-round. Very few cars could travel on it.

We are talking about the construction of a pretty good road, up to certain specifications, which is not a highway, it is not paved, but as you can tell by the map here, it is a pretty good, decent road. In my home State of Montana, that is a highway. It is not an interstate, but that is a pretty good road.

Mr. MURKOWSKI. If I may ask this: Does the Senator know where that road actually is that he showed there? I have never seen anything like it. I don't know where it is.

Mr. BAUCUS. That is a photograph of the so-called road here on the map. Cold Bay is down here, and there is a road that goes up here. It is sort of a road trail that would connect with the proposed construction road. This is a map of this road provided by the Fish and Wildlife Service. That is all I can tell the Senator.

Mr. MURKOWSKI. The maps we have are the same thing and show the U.S. Fish and Wildlife Service sign.

There is a notable difference in the road.

Mr. BAUCUS. There may be a difference in the road. I don't know. One more point, in case folks haven't been listening to the entire debate: My view is there is a medical need. That is clear.

According to the State of Alaska, it is no greater, or no worse, than the needs of other similar communities in Alaska. There are several studies. Two are going on to try to address the best solution. The studies are looking at not only determining the best of three routes—air, water, road—but also trying to figure out how to increase the commercial viability of these communities. The real purpose here is to economic development. That is the driving force behind this road.

To sum up, let's wait until the studies are completed. When they are completed, my guess is that we will find a better way to help the people in King Cove, and in a way that does not dis-

rupt a very sensitive national wildlife refuge wilderness area where hundreds of thousands of birds stop over in the spring and in the fall to feed and store up food for the breeding grounds in the northern part of Alaska, or to fly south.

The present occupant of the Chair wasn't here when I mentioned this earlier. These birds fly great distances. Some fly as far as Patagonia, if you can believe it, to the Izembek Refuge; to Patagonia and back again and up north to the Arctic regions in the summer to feed.

I urge Senators, the better option is to wait for the study. This is a very serious matter—building a new road in a wilderness area. It might not be the best option for the area. But we should wait for the studies.

I yield the floor at this time.

Mr. MURKOWSKI. Mr. President, I see my good friend is on the floor, the Senator from Tennessee. I note that he is the only physician in the Senate and is certainly eminently qualified with his wealth of knowledge on health issues. We have discussed issues today relative to health care. He has expressed opinions on everything from tobacco to children's health care. But I think it is important to recognize that he is an experienced and qualified trauma surgeon.

I wonder if the Senator from Tennessee would care to discuss the certain medical issues that are relevant to this debate and relevant to the timing of the debate and those who experience severe accidents to get to a trained trauma center with adequate personnel.

Mr. FRIST. Indeed, I would be happy to discuss some of these issues.

Mr. MURKOWSKI. Mr. President, one of the reasons the people from King Cove are, of course, pushing for access is that when a serious injury occurs, they understand that treatment has to be obtained in a relatively short period of time, in some cases immediately. Many of the health care providers in the area refer to the first hour after an injury as the crucial "golden hour," so to speak, meaning that this is the most critical time after an injury.

I wonder if the Senator could shed some light on what that time is. What does that "golden hour" really mean?

Mr. FRIST. Mr. President, the "golden hour" is a basic fundamental principle of emergency care, of emergency responsiveness in trauma care. The Senator from Alaska is entirely correct. When a serious trauma occurs, it is that first hour, that "golden hour" that is absolutely critical.

The principle is very simple; that is, the quicker one can respond and get to appropriate treatment, the better the outcome. The "golden hour"—put that in quotation marks. But it is a fundamental principle that every emergency room and every trauma surgeon understands. It refers to the principle that the severely injured patients are

more likely to survive with rapid, responsive, appropriate resuscitation, and treatment.

Patients with otherwise potentially survivable injuries can die unless there is intervention—frequently, surgical intervention—with appropriate resources accessed by that surgeon, or by that trauma personnel that is available. Delaying or failing to perform that needed emergency action or emergency surgery is the most common cause of those otherwise preventable deaths.

Mr. MURKOWSKI. I understand there is a distinction, Mr. President, between medevac trauma death and early trauma death. I wonder if the Senator could elaborate.

Mr. FRIST. There is. I think it is important. Again, the terms "medevac" and "early" are very appropriate. It is appropriate for people of the lay public to understand what those differences are.

In the case where you have a medevac trauma death, whereby the patient dies instantly, or within a very few minutes of whatever injury was incurred, there is little that can be done unless medevac treatment for that trauma takes place. So-called "early" death occurs within 2 to 3 hours of injury. In either case, the ability to get care immediately is the most single important factor in determining survivability and outcome.

Mr. MURKOWSKI. According to the draft study by our State of Alaska, Mr. President, the average flight delay from King Cove—I think it was cited by the senior Senator, Senator STEVENS—is approximately 8 hours. If a patient has a heart attack, stroke, or perhaps some other trauma, what are the chances for survival after such a delay?

Mr. FRIST. Mr. President, this is very well accepted in the emergency care peer review. The literature carefully documents it, and it is just as we discussed. With each passing hour the chances of survival diminish. If you draw a curve, the chance of survival in that first hour is very high, the second hour a little bit less, but still high, and every hour it diminishes over time. And that is the underlying principle of the so-called "golden hour."

Mr. MURKOWSKI. Mr. President, I appreciate the thoughts of the Senator from Tennessee on this.

Another subject that we discussed at some length in this debate is concerning safe access to the residents of King Cove. The argument is that telemedicine is the solution to the dilemma of the people of King Cove and the access. I ask the Senator from Tennessee if he would agree with the following quote from one of the largest health providers in our State, and that is:

The Aleutian Chain is without a doubt one of the most difficult places on Earth to provide quality health care for several reasons. Weather is a primary factor. Transportation in an emergency can be terrifying. It can also be deadly, and it can also be delayed. Many lives have been lost in the attempt of both patient and provider in working on

evacuation teams. The Aleutians represent a unique opportunity to develop telemedicine. However, it will never eliminate the need for emergency transport to an acute care facility. That is, of course, what the access road is all about between King Cove and Cold Bay. The system will not carry a human body that needs advanced medical care. It will not remove the need for treacherous evacuations that so often take place from King Cove.

Talking specifically now about the technology of the advancement in this area of telemedicine, I wonder if the Senator could comment on the telemedicine technology benefits limitations. What kind of people do you have to have at the rural end to communicate this advanced technology that we are seeing in medical care today?

Mr. FRIST. Mr. President, telemedicine is, indeed, one of the most exciting new technologies to come along in medicine and in the application of carrying out what we know in terms of new knowledge, current knowledge, and the application. But it is very important for people to understand that its real limitation is that it is used principally for diagnostic purposes today. Over time that will change a bit. And it is advancing every day. But the quotation you just read is exactly correct. Telemedicine will never eliminate the need for emergency transportation, emergency transport, to an acute care facility.

Mr. MURKOWSKI. I think, Mr. President, the Senator from Tennessee would also be interested in knowing that there is no such thing currently as ground link communications in King Cove and that communications are by satellite.

As one person recently put it, "If a successful fax transmission is a blessing, then successful telemedicine transmissions could be, well, perhaps a miracle."

Mr. FRIST. Mr. President, I was not aware actually of that and the particular situation there in King Cove with regard to the satellite technology, but it really aims at a very important point, and that is, the premise of any telemedicine must start with reliable communications and it must end with reliable access to further care, for that care to be carried out—a very important point.

Mr. MURKOWSKI. May I thank my colleague from Tennessee for coming over and sharing his knowledge and experience in the area of not only telemedicine but as a trauma surgeon, and we have seen the Senator's performance when called upon here in this body in an emergency. We all commend the Senator for his extraordinary expertise and express our appreciation to the Senator for his many good works.

I thank the Senator.

Mr. President, I know the hour is late and the Senator may wish to continue to speak. I am personally just about to wind up here. I would like to make a couple of points relative again to the allegation that somehow a road—and again I would point to one of the charts—faces significant closures

because of snow. As we have indicated on numerous occasions, even the U.S. Fish and Wildlife Service in their warning do not address snow as a difficulty in transit on these roads. This is the type of road you see.

Again, I would remind my colleagues that we are not looking for any funding here, we are looking for an authorization for a land exchange. We are not putting a road through a wilderness, we are putting it through a refuge. It is a net-net gain for the environmental community because it adds approximately 580 acres to the wilderness.

I also would like to point out that while my friend from Montana suggests we study it some more, we have been studying this thing since 1984. That is 14 years, Mr. President. We have had the Aleutians East Transportation Improvement Plan, we have had the Alaska Intermodel Transportation Plan, we have had the King Cove Bay Road Feasibility Study in 1995; the King Cove Briefing Report; the King Cove Bay Transportation Improvement Assessment draft report, 1997; the King Cove-Cold Bay Transportation Study of 1998.

My point is that this issue has been pretty well studied, and for the people who have lived there for 5,000 years in King Cove, there is only one possible option that makes any sense. And they are pretty savvy people, because they have to be, they live in a harsh environment.

We don't need another study. It is not going to save one more life. It will just delay the ultimate confirmation of what we already know—that the road is the most practical, it is the least expensive, it is the most reliable alternative. That is why everybody else has them. And why shouldn't the people of King Cove? That is the real issue.

Now, my friend brought up a point that I feel a little uncomfortable with because it questions our motivation. He suggested that the real reason behind this road was the commercial use.

Well, first of all, I want to tell him and I want to tell the rest of my colleagues that I have never, never been approached by the fish processing firms that are over there that this, indeed, would be a significant benefit, nor have they lobbied me.

If you understand the commerce of the North Pacific and the fisheries markets, you will know that most of the products that are produced in the small facility at King Cove are frozen fish products. Now, frozen fish products primarily are halibut and bottom fish, and they just don't demand, if you will, the market price to afford to fly them out to the markets. So as a consequence, what is produced here is carried by small freezer vessels and is marketed primarily in Japan and, to an extent, Korea.

If you look at the map of Alaska, you can see the unique location of King Cove and the great circle route, and that is the route of transportation. Most of these ships sail out of Vancouver, BC, or Seattle, WA. These are

freighters; they are American President Lines and various others. They go from the Seattle area and they stop by some of these areas on the Pacific Ocean side and pick up the frozen product in freezer vans and take them on to the Orient, whether it be the area of King Cove or whether it is Unalaska.

To suggest that we have enough value in our fish products to warrant moving them out by truck or van is totally unrealistic because the price simply won't support that. You can't get that much for the product. You can talk about all the studies you want. There may be a half dozen individuals who will suggest that this is a potential market, but if the reality of the price isn't there—and it isn't there—you are not going to ship this out.

I would ask my friend from Montana one other thing. Since we are giving the Secretary of the Interior the authority to control all the traffic on the road, would he vote for this—if, indeed, the Secretary said there will be no commercial activity? We assure him of that. Would that satisfy the Senator from Montana? I would certainly think it should, because this is the point. He questions our motive.

Mr. BAUCUS. May I answer the question?

Mr. MURKOWSKI. I can tell you right now, there is no way that the value of this product would allow it to be shipped out by aircraft. The only thing that we have that would closely approximate that value is the king crab fresh, but it is very, very difficult. It is a very short season, and this isn't the predominant area necessarily for that.

Mr. BAUCUS. Can I answer the Senator's question?

Mr. MURKOWSKI. I am not ready to yield yet.

Mr. BAUCUS. The Senator asked me a question. I wonder if I could respond to it.

Mr. MURKOWSKI. I am not going to—

Mr. BAUCUS. That was a rhetorical question.

Mr. MURKOWSKI. Yield at this time, but I will certainly take a question at the end.

Mr. BAUCUS. No, no; the Senator asked—

The PRESIDING OFFICER (Mr. GORTON). The Senator from Alaska has the floor.

Mr. MURKOWSKI. The point is, Mr. President, to question the motivation of the Senators from Alaska on the question of commercialization is without any foundation and without any feasibility regardless of what some study or report suggests as a potential alternative. It is simply not real.

Now, the other issue relative to the points that have been made by my friend from Montana, who clearly doesn't speak from experience or having visited the area, is the issue of the road and connecting, if you will, the roads that are in the area with this proposed extension.

I would call attention to the fact that we have in this area almost 15 miles of road in the wilderness now. And if my friend, when he has an opportunity, would care to visit the area, I would be happy to take him and drive over these roads that exist in the wilderness today.

What we are proposing is, not to address those roads, we are proposing simply to put another road extension, if you will, outside the wilderness in a refuge, and I think we have made that point again and again and again. To suggest there would be 400 people a day who would travel this road is ludicrous. There are 700 people in King Cove. There are 110 or 120 in Cold Bay. Now, I don't know where you get 400 people, or hundreds of trucks. This is make-believe simply to address an issue that—well, there is little local knowledge certainly in this body relative to the factual account.

Believe me, if we could ship our products out by 747 and get the price that we would have to get for them, why, it would be a different matter. You talk about the issue of the sanctity of the wildlife sanctuaries, and that is a very real issue. But be assured that we have, as Senator STEVENS indicated, in the Cold Bay airport a world-class airport. Prior to the advent of the long-range 747, many of the aircraft that traversed the North Pacific route had to land there for fuel. It was a big fueling base. Flying Tigers went in there for years and years and years. And to suggest that had a detrimental effect on the wildlife patterns is clearly without any merit.

Furthermore, I would refer one more time to the fact that we have attempted to meet more than halfway every objection brought by the environmental community, even to the point of giving the Secretary of the Interior the authority to direct the type of traffic on this road. Mr. President, I think we have pretty well covered all the concerns, except some of the irrelevant and impractical considerations that have no bearing on reality.

So, I ask my colleagues, and the floor manager on the other side, how much time? Can we get an agreement on a vote? I could go on all day, but I defer to the floor manager on the other side to see if we can get some idea and certainty about how much more time they would like on their side.

The PRESIDING OFFICER. The Senator from Alaska has 55 minutes remaining. The Senator from Arkansas has just under 126 minutes remaining.

Mr. BUMPERS. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, this is a very difficult, a very difficult undertaking for me for a number of reasons. No. 1, my profound and unrestrained respect for the two Senators from Alaska who obviously feel very strongly about the issue. It gives me no pleasure to be on the other side.

I sit as ranking member on the Energy and Natural Resources Committee where Senator MURKOWSKI is chairman. I have been on Appropriations for 22 years where Senator STEVENS is chairman. They are no different from any other Senators of the U.S. Senate who, when they have a problem, have no hesitancy about doing everything they can to solve it for their people. That is what we are all here for, to serve our people. So it is with considerable regret that I find myself feeling compelled, however, to oppose the amendment and the bill.

Let me say, also, that lack of health care is not just peculiar to Alaska. I grew up in a community of 851 souls where we sometimes had one doctor but most of the time we had none. My mother and father moved from a mountaintop farm into this little community of 851 people because my brother, who died before I was born—and who obviously, being firstborn, was the apple of my mother's eye—but we moved because he died for lack of any medical care. That was a long time ago. But my mother told me many times that she told my father, "We are moving off this mountaintop. I am not going to live here and watch my babies die, one at a time, for lack of medical care."

I grew up with that story, so I grew up always trying to improve medical care in my little hometown. Finally, after I went back there to practice law, we were able to obtain one doctor. We built him a clinic. We fed him, we did everything in the world he asked us to do, and then he was killed in a car wreck, and there we were, left without a doctor again. It was only 30 minutes from a hospital, but if you are having a heart attack, that is too long. If you are having a massive heart attack, 30 minutes is too long.

So, as I say, I grew up knowing what it was like not to have any medical care. We seldom had a doctor in our hometown. I can remember—and I have said this on the floor before—that growing up during the Depression was a tough enough time. You know, that is one of the reasons I have always been an unabashed social liberal, and the reason I must say I resent so many people who use the term "liberal" as a denigrating term.

I often want to say, what is it about liberalism that you hate? Which one of these programs that are considered liberal—for example, Medicare—would you repeal today? Or REA? Student loans? Or Pell grants? Or the ability to know that you are drinking pure and clean water? Or the ability to know that you are eating food that has been prepared under the most sanitary conditions? The list goes on and on and on of those things that were all considered liberal at the time.

But you couldn't get anybody to go back to the poll tax system in the South. And I remember people in my State thought that was the end of the world as we knew it, when people were

allowed to vote free, didn't have to pay a dollar for a poll tax.

Five black women came into my office 2 years ago, each one having been a victim of cancer of the breast. And I sat literally weeping with those five women, some of whom were going to make it and some of whom were not—but who said that they did not go to the doctor when they first felt the lump because they knew the doctor would either turn them down or tell them that they had no medical insurance. What if they did have cancer, they knew they were not going to be cared for. That was in 1996. This is not when I was a child during the Depression. This was 2 years ago. They were there to lobby me on behalf of a program they didn't need to lobby me on. I was already for it.

But here these people were, 50 to 100 miles from Memphis and the finest hospitals in America—and I will not give you the name of the town they came from or where they had been denied health care. All I am saying is a lot of people are denied health care because of race. Others are denied health care because they don't have any insurance—45 million of them. They are not necessarily denied health care simply because they don't have insurance, but oftentimes that is the case.

Just as an aside, not particularly applicable to this debate, I remember every summer when people died of typhoid fever in my hometown because the outhouse was just about 20 steps away from the water well and we did not make the connection. But, you know, another one of those old liberal programs was free vaccinations. When I was in school we got smallpox, typhoid and I forget the other shot. We always got those at the school—free. The county health nurse administered the shots. That is what some people called the good old days. They weren't good old days to me.

Will Rogers once said, "The good old days ain't what they used to be, and they never was."

Well, one of the most difficult things I faced as Governor of my State was a highly charged issue of whether or not Lee County, AR, the third poorest county in America, would get an OEO grant. Some of you are old enough to remember the Office of Economic Opportunity, another one of those liberal programs that I remember President Nixon put a man in charge, specifically, to dismantle it. But there was a \$1 million grant for a clinic in Lee County, AR, as I said, one of the poorest counties in America. It was designed to provide health care for African Americans who had no place to go, and it became a black/white issue. They got the money if I, as Governor, signed off on it, and they didn't get the money if I didn't sign off on it.

The first thing you know, a little violence broke out and I had to send about 15 to 20 State Troopers into that town for about 4 or 5 days to restore and maintain the peace.

Those were very trying times. That sounds anachronistic today, but that has been a short 27 years ago.

I did something that I knew was right that was very troublesome. I signed the grant and, if you pardon the expression, all hell broke loose in that town. It was the county seat.

To shorten the story, today it is the primary health care center for everybody in that county.

An organization in New York about 2 weeks ago gave that clinic a \$50,000 mobile van in order to keep people from coming in all the time. The clinic will take the van around a three-county area. They will let people know when it is coming. They will immunize children and so on. Betty, who is not only "secretary of peace," but also has been very active, she and Mrs. Carter, in immunizing all the children in this country, went down for the presentation of this van to that same clinic that got the \$1 million grant 27 years ago. Now, as I say, it is the primary health care center for the entire county, black and white.

I say those things to preface my remarks about this issue. There isn't any question, nor does anybody I know of who opposes the amendment and the bill—there isn't any question about the problem. Certainly the two Senators from Alaska understand these things in Alaska, so far as they are concerned, much better than I do. I understand, being a southerner from a relatively poor State, that a lot of people are deprived of health care for totally different reasons, and that is the reason I prefaced my remarks.

Here we are talking about a 30-mile road which, incidentally, as I understand it, will cost in the vicinity of \$25 million to \$30 million, and 8 of the 11 miles that go through the national wildlife refuge is through a wilderness area. As the senior Senator from Alaska said, the State of Alaska has some 40 million acres of wilderness areas, so what on Earth are you talking about? Eight miles through a wilderness area? It just sounds like such an infinitesimal problem, who can possibly object? Who especially could object after hearing the two Senators from Alaska describe some of the people who died for lack of medical care.

The problem I have with it is the bill assumes that the road is the only solution. If I believed it was the only solution, I would be a cosponsor of the amendment. But there is another imperative involved in it, and the Senator from Montana, who has performed yeoman service on this amendment today, has already pointed it out. And that is, building a road through wilderness in Alaska, no matter how short or how long, will be the first time in this Nation that we have deliberately authorized building a road through a wilderness area. Once you start down that road, nobody knows where it is going to end.

I can tell you that probably 9 out of 10 people in my State, if you just

present it to them as health care for people, they say, "I don't understand the Government and the wilderness; that wilderness stuff never made much sense to me anyway."

It makes a lot of sense to me for a simple reason, and I had to come to the U.S. Senate before I really honed my conscience and my awareness of the fact that God just gave us one planet. He didn't say go ahead and throw all the greenhouse gases you can into the atmosphere or chlorofluorocarbons to destroy the ozone layer and I will give you another one after you destroy the ozone layer and after you bring on global warming, with all the disastrous consequences. When you get through mining all the land and leaving all those wonderful environmental disasters, God didn't say, "I'll give you another one and give you a second chance to see if you can do better next time."

No, we only get one, and when you do irreversible damage to this planet, you are destroying your children's and your grandchildren's heritage and their future, and you do it mindlessly while standing on the floor of the U.S. Senate talking about education and health care and everything else to indicate how much you love your children. When it gets to something as arcane as building a road through a wilderness, who cares? But when you combine thousands of those little "who cares?" projects, the first thing you know, you have done a tremendous amount of damage.

My staff gave me a thick briefing book, and I went through a good portion of it, but I guess I finally have to say the precedent worries me a lot. Once you start this, where do you stop? We have never done it before, and we ought not to start now.

No. 2, there are a lot of alternatives that even the State of Alaska is now studying. The Transportation Department of Alaska is studying what some of the options are to solving this problem, which ones would be the best, most affordable, et cetera. The State of Alaska has taken no position on this, at least that is my understanding.

Why are we not talking about establishing some medical facilities in King Cove? Why are we not talking about the use of Hovercraft? Senator STEVENS got a provision put in the transportation bill for \$142 million for new ferries in Alaska, and he got a provision put in the transportation bill to build a causeway to solve the very problem we are talking about here today. I don't know what happened with that. I understand there was some dissension in the ranks over there about the advisability of a causeway. I don't know. That even might be one of the solutions to this.

There is an Indian Health Service in King Cove. We appropriate money every year in the Interior appropriations bill, in 1996 to the tune of \$380,000 to that facility. Before we spend \$30 million to build a road, why not just put \$1 million into the health service



facility? Why not take the \$30 million and put it in a trust fund and build a hospital, and then invite doctors up there and pay them \$200,000, \$300,000 a year to live there? That would be infinitely better than spending \$27 million to \$30 million on this road, 87 to 94 percent of which Uncle Sugar will pick up the tab.

Mr. MURKOWSKI. I wonder if my friend from Arkansas will yield.

Mr. BUMPERS. I will be glad to yield.

Mr. MURKOWSKI. I wonder if there is any reference in any material, as he suggests, that we are going to spend \$20 million or \$30 million for a road? I am sure he is aware there is no appropriation requested for any amount.

Mr. BUMPERS. Of course. I understand the road will be built by the State of Alaska.

Mr. MURKOWSKI. I thank the Senator.

Mr. BUMPERS. But I also understand the Federal share of that will be somewhere between 87 and 94 percent.

You think with that kind of money and what you can do—if you just take the Federal share, cut Alaska out, take the 87 percent of whatever it is going to cost to build the road and establish a trust fund. I promise you, you will have doctors, you will have doctors and anybody you want, with the income from such a trust fund.

But getting back to where I was a moment ago, you can improve the medical facilities there. You can consider Hovercraft. Hovercraft is not dependent on fog. You do not have to worry about fog conditions. A Hovercraft is one of the alternatives that the state is studying. Sometimes the waves may be too volatile to use Hovercraft. That is why a combination of various alternatives may be necessary.

There is a man in Alaska named Dr. Peter Mjos who has written a letter. Dr. Mjos apparently is head of the Alaska Native Medical Center in Anchorage. It is a family practice center. He says:

I've been asked, as the Eastern Aleutian Tribes Medical Director, to comment on the proposed King Cove to Cold Bay road. The primary concern which has been raised is that of safely evacuating individuals with medical emergencies.

Several concerns come to mind. On the surface, so to speak, a road would appear to be the safest and easiest option, however, the safety issue surrounding medi-vacs arises primarily because of the extremely hazardous meteorologic conditions which occur during an emergency. While flying is obviously potentially hazardous—

And listen to this—

The proposed road in an Aleutian storm or blizzard could be [just] as equally as hazardous when one considers nearly zero visibility, nonexistence of other traffic over a [long] distance of very isolated country, and, of course, the ever-present winter dangers of avalanches.

What Dr. Mjos is saying is that a road is not a 100-percent solution either. There will be times when you will not be able to use the road—a lot of

ice, a lot of snow, avalanches in Alaska. He goes on to say:

Of much greater expediency, then, I would strongly recommend several measures which would first, markedly decrease the number of medi-vacs and second, would probably be more reliable in the event of emergencies necessitating medi-vacs.

Foremost would be the implementation of a state of the art telemedicine system.

My chief of staff here in Washington told me one time about her father when he was a young man suffered a head injury. And they took him to Fort Smith, AR, which was about 50 or 60 miles away. There were no neurosurgeons in Fort Smith, AR, so a family doctor there—or maybe he was a general surgeon; I do not know—they got a doctor in Oklahoma City on the phone, and this surgeon in Fort Smith held the phone up to his ear, and they operated on her father according to the way this neurosurgeon in Oklahoma City was telling him to do it.

Telemedicine is a lot more advanced than that today, but I use that just as an illustration to say sometimes telemedicine works.

Another option which would circumvent the hazards of avalanches and isolated highway transportation would be that of a state of the art ferry system which could operate in virtually any climatic weather conditions. This would of course obviate a drive on, drive off ferry with adequate protection from unruly seas.

This is from a doctor who is the Eastern Aleutian Tribes Medical Director.

Here is a letter from Myron P. Naneng, Sr., who is President of the Association of Village Council Presidents. He is writing to Chairman DON YOUNG over in the House.

DEAR CHAIRMAN YOUNG: After careful examination of H.R. 2259—

Essentially the same bill we are debating here—

the King Cove Health and Safety Act of 1997, the Association of Village Council Presidents, Inc. Waterfowl Conservation Committee would like to request to be put on the record of opposing such legislation. The bill provides for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay and King Cove.

Although we empathize with the community of King Cove's difficulty with safe air transportation to Anchorage, we find that the proposed road would seriously interfere in our endeavors to resuscitate our migratory bird populations. . .

And he goes on.

Mr. President, I offer these things simply because the Senator from Alaska is correct. I have never been to Cold Bay or King Cove, either one. But apparently people who live there and who know the situation have been, and they oppose it.

One of the most interesting things I have run across is this. No. 1—the Senator from Montana has already covered this, and at the expense of being repetitious—Penn Air, the primary aircarrier between King Cove and Cold Bay, makes 1,800 one-way flights between King Cove and Cold Bay each year. That is 900 round trips. You divide that by 365, and that is about 2 1/3 round

trips a day that Pen Air makes between King Cove and Cold Bay.

Listen to this. Incidentally, three Pen Air flights have resulted in accidents in 20 years. Little Rock, AK, does not have a safety record that compares with that. There were 20 medevacs from King Cove between January 1996 and June 1997. That is roughly a year and a half—20 medevacs. There was a delay for 5 of the 20; and of the 5 that were delayed, 4 of them were delayed by no more than 4 hours; and the 5th was successfully completed the next day.

You hear a lot about 11 fatalities between 1981 and 1997; 11 fatalities in that 16-year period. Six of the fatalities were the result of a plane that was en route from Kodiak that crashed into the mountain.

I am going to tell you, flying around Alaska is no fun, under the best of conditions. When I was in Alaska they kept me scared to death—the bush pilots. We are talking about a 16-year period; 11 fatalities, and 6 of those from a plane that crashed coming from Kodiak, coming from an island the opposite side of King Cove from Cold Bay. A road between King Cove and Cold Bay would not have prevented that.

Another incident where one person was killed—this takes care of 7 of the 11 over a 16-year period—was by a pilot who flew within a complete whiteout condition after being warned not to do it.

Mr. President, I am not sure of the statistics involving who died and how trying to get from King Cove to Cold Bay.

I want to say to my friend from Alaska that after all the studies are done and it is determined that there is nothing else that is even feasible except building this road, then I will rethink my position. I don't blame the two Senators from Alaska for trying to honor the request of the people in their State on this.

One thing that has not been talked about is helicopters. You can buy a regular ambulance helicopter for \$4.7 million brand new; you can buy one used for \$1.5 million. They can always operate safer, and more often, than fixed-wing aircraft in bad weather. They are used consistently by North Slope Borough Search and Rescue.

I won't belabor this any further except to say we have studies ongoing by the Department of Transportation in Alaska. We ought to at least show them the courtesy of letting them report, and then make up our mind after we have seen a detailed study. We should not precipitously, here on the floor of the Senate, build the first road in a wilderness in the history of the country without at least giving it more than a passing thought.

I would be willing to accept the amendment of the Senator from Alaska and we can just vote up or down on the bill if that is agreeable with him, if it is agreeable with some of my colleagues. I don't know how strongly my

good friend from Massachusetts feels, and I will be happy to yield to him in a moment.

Finally, in my opinion—I have been wrong before in my opinions, but this one is, I think, fairly safe—in my opinion, this bill will be vetoed. I don't know of anything, other than the Republican tax bill, that the President feels more strongly about than this bill. The most current information is that if it were presented to the President, his senior advisers would recommend he veto the bill. This is one of those bills, if you present it, it looks like you are being terribly cruel, until you examine it very carefully and see all of the information. I urge the President to veto the bill. It will be a very tough bill to veto. I don't know whether we can uphold the veto or not. I don't know how many votes we will get here this afternoon. He is absolutely determined to veto this bill.

It is a legitimate thing to talk about, and I hope that the studies will show some alternate method of alleviating the problem other than building a road through the wilderness for the first time.

I yield the Senator from Massachusetts such time as he may consume within the limits I have left. How much time do I have remaining?

The PRESIDING OFFICER. Ninety-two and a half minutes.

Mr. KERRY. Mr. President. I think the arguments have been extraordinarily well covered in the course of the afternoon by the Senator from Montana, the Senator from Arkansas, and also the Senators from Alaska.

I begin my comments by saying that I think this is one of those difficult issues we are called on to come to the floor and debate, argue about, and to decide. I regret that because, in a sense, all of what the Senator from Alaska said is extraordinarily compelling with respect to the plight of the citizens of King Cove. There is nobody here who is not sensitive to the need to provide access to health care and who isn't going to be concerned that guaranteed emergency medical services are available to people who need them. These are not just citizens of Alaska, these are our citizens, too.

I think when we come to the floor of the Senate and make arguments on behalf of all of our citizens in rural areas, which is what we are talking about here. So I hope no one will construe in any way whatever—and I am confident my colleagues have both said this and feel it—the notion that anything we are saying suggests an insensitivity to the plight of the citizens of King Cove. But questions remain: What is the best response to that plight? What is the best way to deal with the effort to provide emergency medical services for people who clearly deserve them? There are, I think, simply rational, practical differences of opinion about how you balance the equities here.

We have a \$700,000 appropriation in the Senate Transportation Appropria-

tions bill to the Corps of Engineers to study what options may be available in terms of alternate transportation for rural Alaska. So it is not as if this is an issue being looked at in a vacuum. It is already on the radar screen of the U.S. Congress. We are already trying to find out what different alternatives may be available. But all alternatives have to be weighed against what this bill would represent.

We are talking about the first ever permanent new road construction in a federally-designated wilderness area—the first ever permanent new road construction which will be maintained.

Now, it is true there are other miles of road within this wilderness area, but those were trails that were there before the area got its wilderness designation, and they are not being maintained. They will ultimately some day grow over, except to the degree that hunters and trekkers who may go up there use them, which is not sufficient, probably, to maintain them.

The point we make is that a wilderness area is a wilderness area by definition. When you build a new road, you have taken away the notion of wilderness. The construction process alone is disruptive.

I have heard reference on the floor in this debate to the minimal amount of traffic that may take place. But a road has to be maintained. There is also something illogical in the notion that a road that is being built as an alternative to inclement weather and problems of transportation—isn't Alaska going to present you with inclement problems in terms of road travel? A whiteout is a whiteout. Road and vehicular travel is as much affected by an effort to go through a whiteout and a blizzard as a flight. That raises many questions about other possibilities for this road.

When I look at the sum, the Senator from Alaska suggests this is not going to be a Federal expenditure, but in point of fact, 90 percent of highway expenditures tend to come from the Federal Government even though they go through the State treasury. The fact is, the cost of a road is somewhere in the vicinity of \$25 to \$30 million. Just put \$25 million or \$30 million in an interest-free account and take your 10 percent or whatever, and you have \$3 million of earnings a year. You could build a mighty fine clinic for 100 people for a tenth of that sum. In fact, you might even pay a young doctor \$250,000 a year to sit there for a year if you really wanted to talk about cheaper alternatives, together with telemedicine giving you the capacity to do many things, not to mention the possibility of the Federal Government and other kinds of emergency transportation that could be made available.

I think when you weigh the various options here that are being looked at now, you may in the end, as the Senator from Arkansas has suggested, come to the conclusion that this is the best alternative.

But it seems to me that my colleagues would be well advised and well served to at least wait until the analysis is done in order to measure that against the enormous environmental precedent that is set by authorizing the first-ever permanent, maintained road in a wilderness area.

Let me just speak for a moment about the environmental concerns of running a 30-mile road from King Cove to Cold Bay through the Izembek refuge and wilderness. Created in 1960, it is the Izembek National Wildlife Refuge is an internationally recognized wildlife refuge because it is a major stopover on the Pacific flyway for hundreds of thousands of migrating waterfowl and other migratory birds. For example, the entire North American population of Pacific black brant and most of the world's emperor geese use this isthmus as a crucial resting and feeding ground on their annual flights. These geese stop to feed on this isthmus and once airborne continue 60 hours of consecutive flight until they reach parts of southern California and Mexico, losing one-third of their body weight on the journey. Clearly, the protection of the feeding ground is critical to the health of these amazing birds.

Additionally, wildlife abound throughout the refuge which serves as a key migration route for caribou herds as well as a denning ground for Alaskan brown bear. The proposed road would bisect the refuge's isthmus which narrows to less than three miles at some points. A road through this pristine habitat would be more than harmful to its wildlife.

These are critical concerns. But we don't need to decide this issue today. Not doing that today does not deny any service whatsoever to the citizens of Alaska. I think everybody who stands here asking the Senate to weigh the impact as to precedent of the first-ever maintained new road in a wilderness area against the options that are being studied would have to agree that there is no rationale for rushing to judgment against those options.

So I urge my colleagues, as difficult as I know it is—I certainly agree with the Senator from Arkansas. If the alternative proves that this is the way to go, then the Congress, I am sure, will join in a 100-0 vote to make that happen. I would certainly be one of those to do that. But that is not where we find ourselves yet.

So I urge colleagues to exercise restraint, wait for the results of the analysis, look at the alternatives, and measure that against the precedent of what would happen in terms of wilderness construction in this case.

I yield the floor and reserve the remainder of time for my side.

Mr. MURKOWSKI. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator from Alaska has 54 minutes.

Mr. MURKOWSKI. Mr. President, for the benefit of my colleagues, let me

point out a few things that are germane to the debate.

The Committee on Natural Resources held hearings on October 15 on the issue of Cold Bay and reported the bill out of the committee. So to suggest that somehow this particular issue has not seen the light of day or committee action is inappropriate.

We have heard in the discussion comments relative to the environmental impact of the road. If my assistant will help me, again I will show you pictures of the roads that are there. These aren't ghost roads, they are real roads. We have shown them to you before. That is the reality. These are the roads that are there. OK. Some of these roads are there and they are in the wilderness.

Here is the map that shows where the roads break off and go into the wilderness, as opposed to those that are not in the wilderness. Few of the Members who have commented really want to reflect on this harsh reality. I will point out the roads in the wilderness that are there today. They are in the dark area here, as you can see with the pointer. This distinguishes the marking line that establishes the wilderness, so it is everything on the top of the picture that is wilderness.

So the point is, there are roads in the wilderness. As we look at the environmental impact of those roads, they are what they are. They are dependent on about 100 people who live in Cold Bay and have access to those roads. Again, there are about 700 people in King Cove. So the impact is pretty small.

Now, there was a mention by my friend from Montana that the reason the migratory waterfowl stopped in this area, you can recognize that it is a flat, tundra-like expanse with no trees. But the Senator from Montana knows the real reason that the black brants stopped there is for the eel grass; that is where the eel grass is, and they come and feed. He is quite correct.

It is a unique day when, sometime in October, mid-October, and the wind currents are right, the brants take off, and their next point of landing is Cabo San Lucas in the Baja peninsula of Mexico. They actually go from this particular point, Izembek Bay, and they lose nearly a third of their body weight. The flight of these geese is really one of the wonders of the world. Hunting season is open by the U.S. Wildlife Service, and people hunt. I hunt, if I am able, with my friends, and we hunt geese. The lives of these geese are dependent on a number of factors. One is a recognition that hunting is allowed. This just isn't a plain wetlands, it is a unique wetlands. But the question is, Is it threatened by this activity? There is no evidence to suggest that it is threatened.

Again, I emphasize this, and I think my friend from Massachusetts, in his comments a few minutes ago, missed the point. We are not talking about a road in the wilderness. He made the point that this would be the first road

in the wilderness. This isn't a road in the wilderness, as I have said time and time again on the floor today. This is a land exchange. We are proposing to take the area in exchange by providing about 580 acres of additional wilderness in exchange for about 78 or 87 acres, if you will.

What we are going to do is do a refuge with the exchange. We are going to put this area into a refuge, and then we are going to add to the wilderness the yellow areas, which is a substantial increase of 580 acres. It is a net, net, net gain.

How can anybody who is interested in acquiring more wilderness be against this when there are 580 acres of additional wilderness being offered? We are doing a land exchange and putting the proposed road through the refuge. It is a big difference. We are not setting a precedent. I wish the staffs listening to this would recognize that there is no road going through a wilderness. There is a wilderness exchange. We are putting it in a refuge and it is a net, net increase.

Hovercraft is an interesting mode of transportation. I wish it were a viable alternative. We have had lots of experience with Hovercraft in Alaska. They require a tremendous amount of maintenance. They are very expensive to operate. Mind you, we are talking about, again, 700 people in King Cove—a very small population. Who is going to underwrite the cost of the Hovercraft? You have to have it available year-round, and maintenance, and you have to have operating personnel.

If you have ever been in a Hovercraft—and I have—they are a unique mode of transportation. They skid, because you have a lift from a fan that lifts the vehicle up over whatever it is, whether it is water, ice, or tundra. Then you have another fan that gives you movement ahead. But as you turn, you have no rudders. The Hovercraft has a tendency to skid because there is no rudder, in a sense, that basically digs in and gives immediate direction. You have to be careful when you are moving a Hovercraft and you come up on any cut banks. They will make a corner, but they skid as they go around the corner and you can bang into a cut bank where the edge of the river is and you could find yourself in trouble. It takes a good deal of experience to operate these, and the cost of operation is extremely high.

We have roads all over the United States, and, sure, they cost money. People use them and they facilitate the lifestyle of the people. Somebody said \$30 million could build the road. Well, you are pulling that out of some kind of a study, or whatever. These roads that are in these pictures certainly don't cost \$30 million a mile. We have estimates that the type of road we are talking about is substantially less—somewhere less than \$5 million or \$6 million. You are not talking about anything substantial here, as the occupant of the Chair knows. There is no

drainage on either side, and they are not ditched.

There is another thing I am conflated about in this debate. They talk about avalanches. I defy anybody looking at this picture to tell me where the avalanche is going to come from. This is tundra. This is where you are talking about putting a road in the refuge. They are not talking about any avalanches in the refuge.

Whether it is refuge, or, as my friend from Massachusetts indicates, wilderness, there are no cliffs. Where is the snow going to hang from to avalanche? There is near King Cove some hilly area, but that is in a different area than we are proposing a land exchange. That is really not part of the argument over whether you are going to have an avalanche potential. And, obviously, you have the potential of avalanches in areas where you have deep snow.

King Cove isn't one of them, I might add. You have them in areas where you have heavy concentrations of snow, like Valdez, and other areas. That is not a legitimate concern. But to lump this in the arguments that we have a wilderness, a bird sanctuary, that we have avalanches and mountains, and we can duck hunt. You don't duck hunt from the mountains. It is a composite of the areas that we are talking about. But the land exchange is just what it is. It is in this tundra area, and you are not subjected, as indicated by the U.S. Fish and Wildlife Service, to any extreme elements such as snow that would be put in their advisory, which they make available to all visitors.

The state-of-the-art ferry we have discussed. Who is going to pay for it? A ferry suggests a crew, and several millions of dollars. We just built a new ferry. What was it, a couple hundred million dollars? Obviously, we are talking about a different type of ferry. It costs a lot of money.

They talk about Penn Air. They do a fine job. We are talking about two trips a day. Do you know how many passengers that airplane carries in two trips a day? It is not a 747. It is not even a DC-3. It is a Piper Navajo. It carries six people. That is what you are looking at. They say, "Wow. Two trips a day, 1100 in a year." That is a six-passenger airplane.

Another thing that I think is important to note as we debate this—and the other side throws figures around—is the Congressional Budget Office has determined that this bill is revenue neutral. The point was made, "Well, you know. If the State decides to build this road someday, it can use its share of Federal funds that the State receives." Who are any of you to criticize what our State determines are its priorities with its share of the Federal funds? The suggestion was made here on the floor a few minutes ago that you shouldn't. If you do, that is on this road in the refuge. That is nobody's business but Alaska's, thank you very much.

We talk about, "Well, let's put this off a little longer." We have been doing

it for 14 years. We have 10 studies. We have a book of them. I don't know.

Mr. President, these aren't very well dusted off. But here are just about eight of the studies over the last 14 years. And some of you recommend that we continue to do what? Do nothing; do studies. I am sure that the people who do these studies are glad to hear that.

There has been some talk about a causeway. What is a causeway, Mr. President? I know the occupant of the Chair knows what it is. It is kind of a road, isn't it? It is an access over an area called a causeway. It carries a road. This was the proposed study by the Corps of Engineers. Somebody suggested that \$700,000 is in the bank. Well, I would be willing to make a small wager to any Member that we don't see that money. That \$700,000, if it exists at all, in my opinion is pie in the sky at this time.

The point is that while we look at alternatives, we have been looking at them for 14 years. We can look at them again. But the constituents that I have are saying enough is enough. We can study options until the cows come home.

I noted that the Senator from Arkansas indicated that he had a letter from one Myron Naneng who is associated with the Association of Village Council Presidents. What my friend does not know about the AVCP is that their major concern is the spring bird hunt. The Senator from Montana knows. People, for their subsistence, are allowed to take migratory birds in the spring.

What we have here is a little bitterness, if you will, which occurs sometimes between he, I, and others, differences of opinion. This particular AVCP individual has taken it upon himself to express his opinion, which he certainly has every right to do, but his interest is to protect the rights of the village council president to proceed with their spring bird hunts. I have supported that position as a subsistence use.

There is also a criticism. They have a little infighting between the groups. There is a lack of support for a curtailment of the interception of the fisheries issue as far as fall trapping. There is a little dispute between the residents of King Cove and the village council presidents.

So do not take this with a grain of salt, Mr. President, because the more appropriate reference is the attitude of the collective voice of the Native people of Alaska. That is expressed by the Alaska Federation of Natives.

I have a letter here dated April 29 addressed to me.

Dear Chairman MURKOWSKI:

Attached, please find a copy of the 1997 AFN Convention resolution. This resolution is entitled "A Resolution of the Alaska Federation of Natives Supporting the Ability to Obtain Right-of-Way Through National Wildlife Refuges for the Necessity of Improving Health and Safety Issues in Alaska." The Delegates to the 1997 Annual Convention of

Alaska Federation of Natives unanimously passed this resolution.

I hope the resolution will assist you in passing legislation involving King Cove for the purposes of obtaining a right-of-way for that community through a land exchange.

That is the voice of the Native people of Alaska.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD, and the accompanying resolution that passed at the convention.

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

ALASKA FEDERATION OF NATIVES, INC.,  
Anchorage, AK, April 29, 1998.

Re S. 1092.

Hon. FRANK MURKOWSKI,  
Chair, U.S. Senate Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MURKOWSKI: Attached, please find a copy of 1997 AFN Convention Resolution 97-34 (hereafter "97-34"). This resolution is entitled "A Resolution of the Alaska Federation of Natives Supporting the Ability to Obtain Right-of-Way Through National Wildlife Refuges for the Necessity of Improving Health and Safety Issues in Alaska." The delegates to the 1997 Annual Convention of the Alaska Federation of Natives (AFN) unanimously passed this resolution.

97-34 states that the delegates to 1997 AFN Convention support obtaining right-of-ways through national wildlife refuges, including right-of-ways obtained through land exchanges.

I hope this resolution will assist you in passing legislation involving King Cove for the purposes of obtaining a right-of-way for that community through a land exchange.

If you have any questions concerning this letter or the attachment, please call me at AFN.

Sincerely,

JULIE KITKA,  
President.

ALASKA FEDERATION OF NATIVES, INC., 1997 ANNUAL CONVENTION, RESOLUTION 97-34, A RESOLUTION OF THE ALASKA FEDERATION OF NATIVES SUPPORTING THE ABILITY TO OBTAIN RIGHT-OF-WAY THROUGH NATIONAL WILDLIFE REFUGES FOR THE NECESSITY OF IMPROVING HEALTH AND SAFETY ISSUES IN ALASKA

Whereas much of the access to and between rural Alaska villages is either by plane; and Whereas the weather conditions are frequently inclement and flying is often a life or death situation; and

Whereas there have been numerous incidents of fatalities due to trying to fly in bad weather or treacherous terrain; in one community alone there have been 11 fatalities since 1981; and

Whereas most right-of-ways can be obtained through a land exchange with the affected village or regional corporations; and

Whereas the lands that are offered in exchange for the right-of-way are desirous to the National Wildlife Refuge managers; and

Whereas there is a legislation pending in Congress that dedicates right-of-ways through National Wildlife Refuges: Now, therefore be it

Resolved, that the delegates to the 1997. Annual Convention of the Alaska Federation of Natives, Inc., support the ability to obtain right-of-ways through National Wildlife Refuges for Health and Safety reasons.

Sponsored by: The Aleut Corporation.

Committee action: dos pass.

Convention action: passed.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to have printed

in the RECORD a letter from the Alaska Native Brotherhood. In that particular letter, it says:

The Juneau Camp of the Alaska Native Brotherhood supports the Alaska Congressional Delegation effort to connect King Salmon and Cold Bay.

Please accept our appreciation for your efforts. This may save a life, while responding to sensitive issues.

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

ALASKA NATIVE BROTHERHOOD,  
CAMP No. 2,  
Juneau, AK, June 24, 1998.

Hon. FRANK MURKOWSKI,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MURKOWSKI: The Juneau Camp of the Alaska Native Brotherhood supports the Alaska Congressional Delegation effort to connect King Salmon and Cold Bay. We do have occasion to meet with Alaska Native organizations on subsistence issues and subsistence management. There are discussions of local interest matters, such as fish and wildlife habitat and access to interest areas. Persons of these areas have contacted us on this matter.

The Juneau ANB supports funding for the Izembek Road that would provide safe access from Cold Bay to the King Salmon areas. It is our understanding that wildlife habitat areas would not be adversely affected, and that the Local Natives do attend to habitat areas anyway.

Please accept our appreciation for your efforts. This may save a life, while responding to sensitive issues.

Respectfully,

JEFFREY ANDERSON,  
President.

Mr. MURKOWSKI. Mr. President, I also ask unanimous consent that a petition that was signed by approximately 50 residents of Cold Bay expressing their support for the exchange be printed in the RECORD.

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

As residents of Cold Bay, Alaska, we support the proposed road between our community and King Cove. Furthermore, we recognize the existence of roads in the wilderness area and drive these roads, along with non-residents who fly into Cold Bay, for access to hunting grounds.

Mr. MURKOWSKI. Mr. President, I further ask unanimous consent that a listing from the King Cove Clinic from April 1998 to present day covering medevacs be printed in the RECORD.

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

KING COVE CLINIC MEDIVACS FROM APRIL 1998 TO PRESENT DAY

April 3: Chest Pain, Airplane, 2 hr. delay;  
April 14: Chest Pain, Airplane, ½ hr. delay;  
May 5: Abdominal Pain, Airplane, 1 hr. delay;  
May 11: Chest Pain, Airplane, No delay;  
May 31: Chest Pain, Airplane, No delay;  
June 19: Abdominal Pain, Airplane, No delay;  
June 24: Abdominal Pain, Airplane, No delay;  
June 26: Chest Pain, Airplane, No delay;  
June 27: Baby Fever of Unknown Origin, Airplane, No delay;  
July 5: Possible Tendon Laceration, Airplane, 1 day delay;

July 6: Chest Pain, Airplane, 3 hr. delay;  
 July 28: Abdominal Pain, Helicopter, 1 day delay;  
 July 28: Abdominal Pain, Helicopter, 1 day delay;  
 August 9: Miscarriage, Airplane, No delay; and  
 August 28: Pneumonia, Airplane, 1 hr. delay.

Mr. MURKOWSKI. I thank the Chair.

I might add that from April 3rd to August 28th, there were 16 specific medevacs. The first one on April 3rd, there was a 2-hour delay; 14th, 1-hour delay; May 5, an hour delay; no delays in the two in May; there were no delays in June; on July 5, there was a 1-day delay. Not an hour, Mr. President, a 1-day delay; July 8, 3-hour delay; July 28, 1-day delay; July 28, 1-day delay; August 9, a miscarriage, no delay; August 20, pneumonia, 1-day delay.

These are the official records that indicate what is really happening. The only difference is this is summertime. This is the good weather.

Try it on October, November, December, or January.

To give you some idea, this is from the National Weather Service, Marine Desk, lower south side Alaska peninsula, including waters near Cold Bay and King Cove. On the following days in March, small craft advisory warnings; winds between 25 and 34 knots were issued, not only on the 7th, 8th, 11th, 13th, 17th, 19th, 20th, and 21st, but on the following days in March of the same year, gale warnings of 35 to 50 knots were issued on the 2nd, 3rd, 4th, 5th, 6th, 12th, 15th, 16th, 22nd, 25th, 26th, 31st.

There is more air around there than there certainly is around here.

And the following days in March wind advisories greater than 50 knots were issued, on the 23d, 24th, 27th, 28th, 29th, and 30th. Only 5 days during the month were there no marine advisories in this area. That is what we are talking about in Cold Bay and King Cove. It is not just once in a while.

Now, what is hypocrisy? Well, let's try this on for consideration. It might be the Clinton administration and the Washington green lobby opposing a small, one-lane gravel road in an Alaska wildlife refuge to allow a few Aleut Native people to reach emergency medical care while at the same time allowing an international airport to expand a runway—a runway, Mr. President—into a wildlife refuge which is the home to endangered species and provides essential habitat for waterfowl and migratory birds. Where is the Senator from Arkansas? Where is the Senator from Montana? Where is the Senator from Massachusetts? Where is the righteousness as to what is happening?

Well, I see a look of concern. On September 21, 1998, the U.S. Fish and Wildlife Service announced that they had reached an agreement with the Metropolitan Airport Commission to allow a new runway at the Minneapolis-St. Paul International Airport which would severely impact the Minnesota Valley National Wildlife Refuge in

Bloomington, MN. The Minnesota Valley National Wildlife Refuge currently consists of 9,429 acres of land. This agreement will require the replacement of 4,000 acres of refuge land which will be impacted by what? Well, let's try aircraft noise. I quote. Here it comes, gentlemen.

"We would have preferred to keep our refuge and our programs intact," says Rich Schultz, refuge manager. "But we certainly recognize the need for safe, reliable air transportation so I am glad we were able to come to an agreement at least in principle. It will take a lot of effort to relocate our facility's programs, but this should be done to allow us to provide additional opportunities for our growing Metro population."

Well, what is hypocrisy, Mr. President? Perhaps there is no comparison between the minimal potential impact on wildlife from a small gravel road with an occasional—an occasional—car passing in a 300,000 acre wildlife refuge in an area that is excluded from the wilderness and the hundreds of jets—hundreds? Come on, let's talk about thousands of jets—taking off each week from an international airport over a smaller, 9,000 acre refuge in Minnesota.

Well, we have heard the Senator from Arkansas say the President is going to veto this. We have heard that before. Well, charity starts at home, Mr. President. The Clinton administration has made a purely political decision, and I think it is a cruel one at that. It takes into consideration not the people of King Cove or their dreams of access. It would deny medical care for Alaska Natives while giving the population of Minneapolis a jetway with enormous impacts on the environment with regard to noise and air pollution.

Well, I guess that is the way it goes around here. But nevertheless, I think everyone would recognize there is certainly an injustice. Imagine that. The excuse is the refuge manager recognizes the need for safe, reliable transportation. But here again we are proceeding to allow a new runway that would impact on the Minnesota Valley National Wildlife Refuge in Bloomington, MN, consisting of 9,429 acres of land and the agreement will require the replacement of 4,000 acres of refuge land.

So there we have it, Mr. President. What is good for the goose is good for the gander, somebody once said. Now, I don't know if there is a value, commercial value in expanding that runway, but I would let the example speak for itself.

There are a couple more things I want to say in conclusion. Staff did a good job of preparing to respond to some of the statements that have been made in the debate, and I would be remiss not to address them at this time. We have done a little research here, and I hope that our comments are an accurate reflection because they are taken from the RECORD.

Back on Tuesday, September 29, the statement by the Senator from Montana states:

Mr. President, the rider establishes a very troubling precedent. Congress has never au-

thorized the construction of a road through a wilderness area.

The fact is the proposal does not authorize construction of a road through a wilderness. I think I made that point time and time again. The language authorizes a boundary adjustment which Congress routinely has used to provide access through wilderness areas, most notably, the Lee Metcalf Act of 1983, which withdrew several acres in Montana for a road to a fishing hole. I know my colleague already addressed that.

Later the Senator from Montana said:

The bill would cut the refuge in half.

Well, the refuge is 300,000 acres. The proposed road corridor skirts the very edge of the refuge impacting only less than 0.3 percent of the refuge land. The proposed road corridor is 3 miles south, south mind you, of the Izembek lagoon complex and is separated by 3 miles of terrain. The reason you move it back is an obvious one. You want to get away from the immediate tidal wetlands area and put it in a little higher area of elevation.

Further, the Senator from Montana indicated:

Mr. President, this is a road that now exists in part of the wilderness area. This is what is there now. This is what would be contemplated. As you can tell, it is a pretty good size road. It is no small, little cow path.

And that was the picture the Senator had. The facts are the road would be, well, not more than 60 feet wide taking up only 85 acres through 7 miles of the refuge. In return, the Natives would return 664 acres—664 acres of privately owned lands to the refuge. The road would be constructed of gravel, like many of the U.S. Fish and Wildlife roads that are already present in the refuge. So I think that is a factual rebuttal.

And if I may continue. Furthermore, on September 29, the Senator from Montana indicated:

There are many ways to address the legitimate transportation problems at King Cove without violating the Izembek refuge: Coast Guard air evacuation is one; better port facilities and special marine ambulances are another; as well as telemedicine and other medical advances.

We have been studying it for 14 years. The fact is the Coast Guard does not, will not, and cannot handle the dangerous conditions associated with the numerous land-based evacuations. It is a policy matter. To do so would put lives at risk and would fundamentally alter the Coast Guard's mission, which is a sea mission. You have 20-foot seas, and 50-knot winds are not uncommon in the area. Portions of Cold Bay can freeze in the winter. Telemedicine, of course, as we have heard from Senator FRIST, while of benefit, will not reattach limbs and certainly cannot alter the care of premature births.

There was a reference further by the Senator from Montana:

The fact of the matter is when you look a lot deeper into this, the real impetus behind

the road may not be emergency medical evacuation. That is not the real driving force here. Really, it is that the folks there have an economic interest in having a road.

Mr. President, this road is about saving lives. The economics is not part of the equation. Marine transportation is the manner in which the products in cold storage, in the canning operation, in fish processing, move. They move traditionally that way because the value of the product simply does not support moving it by air, and anybody in the business will tell you so, including the residents there.

But last, no one on the other side has addressed this: We provide the authority for the Secretary of the Interior to close the road for nonemergency use. What more could we do? If he sees this road is being inappropriately used, he can close it, he can limit it—whatever. This is about lives.

What has happened here is extremely unfortunate. The leaders in the environmental community, some of whom may be listening—I hope they are—somehow have decided to dig in on this. “Break your pick on this one. This is the issue.”

It is the issue at whose expense? The Aleut people in King Cove. They are too far away to be heard from. It is too expensive to go out and see them. So we will just stand on this one. Let me tell you what our health care providers say when they speak up, and these are people who are treating people in rural Alaska. It is an issue of access. It is an issue of life. There it is. I quote:

The greatest limiting factor to air ambulance is weather and the condition of the airport [at King Cove]. Being able to use the Cold Bay facility will enhance our ability to get in and continue care of patients . . . if the road saves one life, it's worth it.

This is from Dean C. Dow, MICP, Lifeflight Emergency Evacuation Service, Alaska Regional Hospital, Anchorage.

They are out there, taking care of the people who use the medivac.

The next one:

Distance between communities in Alaska dwarfs many states in the Lower 48 and telecommunications are often sketchy. A wise person once said, “If a successful fax transmission is a blessing, then successful telemedicine transmissions could be a miracle . . . the telehealth system will not carry a human body that needs advanced medical care . . . it will only enhance medical care. It will not remove the need for treacherous evacuations that so often take place from King Cove.”

Kathy Boucha-Roberts, director of alliances and telemedicine, Providence Health System, Anchorage.

Next one:

All we want is safe access for our people. We see the road as our only hope.

Della Trumble, King Cove Native Corporation:

The King Cove Medical Clinic (a small, four-room building) [that is all they have] is forced to take drastic measures and lose critical time in attempting to complete a medivac—travel by boat in dangerous sea conditions . . . a road between King Cove and Cold Bay would bring us to our Medivac

flight and into the 20th Century in emergency response.

Let's see the picture. This is the facility at King Cove. It has the Red Cross on it. That is it. If you get your leg broken, have a baby—whatever—that is all you have. It is a lot better than nothing. But when you are in need of something—look at cloud cover here. You might see that in the picture. This is a good day in King Cove, believe me.

The last one:

Inclement weather severely impacts prompt medical air evacuations. Medivac by fishing vessel is directly affected by wind, ice and poor visibility, making offloading the patient on a dock extremely stressful and hazardous . . . the King Cove Rescue Squad believes that the road to Cold Bay is a necessary alternative to existing air and boat medivac.

Marilyn Mack, emergency medical technician, King Cove.

Mind you, this is an effort by 700 people, a very small village, to be heard in the Congress of the United States. Let us see what our Members have said about access to health care. Some have said access to health care is a right. I agree.

It is absolutely essential that Montanans have access to quality health care without having to cover massive distances. Sometimes getting to a hospital can be the difference between life and death.

That is my good friend, the Senator from Montana.

We have the best health care in the world in many respects, but it is available to people only if they are able to access the kind of doctors they need . . . people ought to be able to seek emergency room care if they need emergency room care.

That is my friend, Senator DORGAN. I agree.

Denying our citizens an opportunity to participate in the greatest advances that are taking place in the medical profession is effectively a death sentence . . . it is really an issue of lifesaving protections.

Senator TED KENNEDY, Massachusetts.

We must ensure that quality health care is there for people when they need it . . . we must protect patients from decisions made by accountants and bureaucrats in insurance companies and have their health care decisions made by physicians.

Senator BARBARA BOXER.

Patients should have access to health care professionals who are qualified to treat their conditions and not forced to accept people without the proper professional credentials . . . if a doctor believes a certain treatment is necessary, as a matter of right, that doctor's judgment should prevail.

Senator ROBERT TORRICELLI, New Jersey.

That is what some of our colleagues are saying about the right to have access to health care. That is what I am saying, what our senior Senator is saying—the right to have access, the best access, the most practical access. It is the access that would be brought about by this exchange which we are proposing, an exchange in the wilderness for an additional area of wilderness of about 580 acres.

Mr. President, I inquire of the time remaining on both sides.

The PRESIDING OFFICER. The Senator from Alaska has 19 minutes 18 seconds; 85 minutes 11 seconds for the other side.

Mr. MURKOWSKI. I retain the remainder of my time. I am not sure what the leadership has in mind. It is my understanding there might be an opportunity for a vote around 5 o'clock. If that is likely to occur, it is almost 5 o'clock.

I think there is a special briefing going on at this time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this has been a good debate. A lot of facts have come out. I might just note parenthetically, I chuckled a little bit. Here we are at the late stages of this debate. I concede to the Senator he has won the chart war. I have never seen so many charts in a debate in all my life. I acknowledge to the Senator he has a lot more charts than I have, and they are pretty good charts.

Also, he has all that staff there. I see the army—there are about 10 back there on his side. He has won the staff war. We have only a couple or three on our side. He has won the chart war. He has won the staff war. And he has also won the time war. He has used a lot more time than we have. I will be very brief.

Basically, there are a couple of points I want to make for the Record, for the Senator. He asked, very interestingly: Nobody has answered the point that the Secretary of the Interior, the refuge manager, basically controls this road.

The fact is, in the bill itself there are provisions that the refuge manager—that is, the Secretary of the Interior—works with—I think it is the Aleutian Boroughs—to try to come up with a Joint Plan for the operation of the road. But the bill further provides, if no agreement is reached, that the borough controls. The borough can just decide within 24 months that that is what it wants to do.

So it is not quite accurate to say this road is under the control of the Department of the Interior. The fact is, as a practical matter, maybe earlier, but certainly within 24 months, this road is under the control—if there is a road—of the State.

The second point: The State of Alaska is not for this road. The State of Alaska takes no position on this road. We do not have any correspondence from the State of Alaska, particularly from the Transportation Department of the State of Alaska, saying we want this road, we support this bill. There is nothing that says, “We support this bill.” Rather, the State department takes no position.

Let me just read what the Transportation Department of Alaska says: “You have inquired about the status of our study efforts, etc.” I will not read the whole letter.

Basically, the letter concludes on page 2:



Until the Transportation Needs Assessment and the Facilities Concept Report have been completed, we will not be in a position to propose the preferred alternative nor will we know how the King Cove-Cold Bay project is rated against other transportation projects. Therefore we have no position on the legislation currently pending in Congress.

I think that is because that is a sound conclusion. That is why the State of Alaska, at least the department of transportation, takes that position because it makes sense. There is the basic study that is going on. It is an Alaska study. My good friend from Alaska says, "Gee, we have enough studies here." My answer is, light a fire under the State; get them to conclude the study.

Mr. MURKOWSKI. I wonder if the Senator—

Mr. BAUCUS. When I finish I will. Let them conclude the study so the State can recommend what alternative makes the most sense.

He also said, "I don't know where the \$700,000 is." It is in the transportation appropriations bill right now. It passed the Senate. The language is there.

I don't want to get in tit-for-tat business. It is not productive. He made the statement implying maybe this Senator has no idea about bottom fishing in Alaska and what the economics are.

I am actually getting my view—it is not my view, but I am reporting what the Alaska Intermodal Transportation Plan says. It has a statement on page 13 of its plan. This is dated October of 1994. I grant it is a few years old.

Essentially, it says King Cove's economy is almost exclusively dependent upon fishing and fish processing. It has been a major fishing center in southwest Alaska for over 75 years. The salmon cannery has operated since 1911; crab processing since 1958; fish roe processing since 1960. In the seventies and eighties, the bottom fishing industry expanded. Peter Pan Seafoods is the largest employer, employing 250 to 300 persons in its cannery operation in King Cove. Commercial fishing accounts for approximately 100 jobs.

It goes on to say that because of limited access, today the seafood market in King Cove is restricted. I am reporting from the Alaska report. It further provides that most product is sold directly to Peter Pan. Peter Pan now moves some fresh fish—fresh fish—into niche markets they have identified with low volumes. Without alternatives, commercial fishermen must settle for the going rate of about 35 cents to 40 cents a pound.

It goes on to say it is estimated that with better access—that is most probably the road to Cold Bay—to fresh fish markets, the same fish could be sold at a price of upwards of 70 to 80 cents a pound, nearly double what fishermen now receive.

It goes on to say essentially that this access would provide for a lot more fresh fish access in addition to the frozen. Basically, 5 percent of their processing production, which would be

close to 2 million pounds a year, will be moved by road to an airport to fly directly to fresh fish markets.

I am just answering the Senator by saying this is what the State of Alaska says. I take the Alaska Intermodal Transportation Plan at its word, but if they are incorrect, then I stand to be corrected.

The point about whether this cuts into a wilderness area or not, it is pretty clear that this road we are talking about does. By the way, when the Senator showed a picture of the tundra, he said, "Oh, there are no avalanches here." What he was not showing is sections of the road down here which bisects streams and mountain areas, that is where the avalanches would occur. They would not occur up closer to Cold Bay. But this road does cut this wilderness in half.

This is the whole area, basically, we are talking about, where the waterfowl feed. This is the road that would go up here and down back around to Cold Bay. With truck traffic from the processing plant and the other traffic on the road, it is pretty clear it would bisect the area.

It is constructing a new road in a wilderness. The Senator says that is not true. I think it is true, and I will let people decide for themselves whether it is true or not. I say it is true because here is the wilderness right now and there is the road. It looks like to me there is a road in the wilderness area.

The response is, "We will just take that out of wilderness and put the road there, and because we take the wilderness away, it is not a road in wilderness." That is too clever by half, Mr. President. We know what is going on here. It is a road in the wilderness. We have never done that. We have not constructed a road through wilderness from one point outside wilderness to another point outside wilderness. We have never done that; never.

I recognize that we may have to do that. If the only option to provide medical care and emergency services is a road, but we don't know that yet. There are a lot of options being studied. I say let's let the State of Alaska complete its study, or the \$700,000 the senior Senator from Alaska put in the appropriations bill to study rural access, then we will see. If it turns out we have to have this road, I will be one of the first Senators to stand on this floor and reconsider my position, but we are not there yet. I don't think we should take precipitous action today and pre-judge by saying we have to build this road.

Finally, on another point, the President will veto this bill if it passes. I hope it doesn't pass, but if it does pass, he will veto it.

I ask unanimous consent that a statement of administration policy be printed in the RECORD.

I will read the first sentence:

The Administration strongly opposes S. 1092, and, if presented to the President, his senior advisers would recommend that he veto the bill.

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

#### STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

The Administration strongly opposes S. 1092, as amended, if presented to the President, his senior advisers would recommend that he veto the bill.

S. 1092 would create an objectionable and unprecedented perpetual right-of-way through portions of the Izembek National Wildlife Refuge and Izembek Wilderness for building a public road and maintaining utility-related fixtures between the communities of King Cove and Cold Bay in Alaska. Specifically, S. 1092 would set a precedent by removing lands from wilderness in a land exchange to build a new road. S. 1092 is not compatible with the purposes for which the Refuge was established and would waive important environmental laws. As a result, S. 1092 would disrupt the habitat of many important species, including internationally-unique waterfowl populations and cause irreparable damage to the ecological integrity of this pristine wilderness area. Finally, the bill would undermine the intent of the recently enacted bipartisan "National Wildlife Refuge System Improvement Act of 1997."

The Administration recognizes the need to ensure adequate emergency medical care for the remote community of King Cove. The Administration will continue working with the State of Alaska and other interested parties to explore different transportation alternatives.

Mr. BAUCUS. In summation, I thank the Senator for the debate. It has been a good debate. We have been here, what, almost 5 hours. The Senator from Arkansas, the Senator from Massachusetts, the Senator from Tennessee, both Senators from Alaska have argued this issue. I thank the Senator, again, for taking this issue up on the floor and not as a rider on the appropriations bill. That is the better way to make public policy.

Mr. President, I don't think there are any more speakers on our side. We are ready to accept the amendment and at the appropriate time vote on the bill.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, we are still waiting on this side for an indication from the leadership about disposition of this. My understanding is we can anticipate a vote very shortly, but I have to defer, pending clarification.

In the meantime, I want to clarify the RECORD. The Senator from Montana suggested that the State of Alaska does not support this road. Let me read a statement from the Anchorage Daily News, Wednesday, June 7, 1995. It reads as follows:

Knowles—

Who is our Governor—

Says he favors a road to Whittier, a 16-mile link between Nondalton and Itulilik, and a 20-mile road between King Cove and Cold Bay on the Alaskan Peninsula.

That was the Anchorage Daily News, Wednesday, June 7, 1995.

Relative to another matter that was brought up by my friend on the assessment of transportation needs by the

Alaska Department of Transportation, let me read a synopsis, and that is:

Based on a comparison with other alternatives, the road alternative provides a positive benefit stream throughout the life of the project with total benefits exceeding total costs by more than \$242 million through the year 2018.

I am not going to dwell on that because some of these projections are really little more than a hypothetical wish list, whether it be on the issue of whatever the economic value of the fish products are or whatever. But I think it is fair to say the people who put intermodal transportation analysis together do so based on a lot of longitude and latitude relative to realities associated with the market ability associated with what the economics basically have to support.

I would again defer to something that I brought up time and time again, and that is the fact—this is what I find rather amusing about the attitude of the administration and its veto threat. They are not even giving credence to the Secretary of the Interior and the flexibility that we have given him to address this road should it have any detrimental impact on any of the migratory wildlife or initiating any other activity that would be detrimental.

This has not been addressed by the opponents. It is not being addressed by the administration. They have come up with a flat veto. I would like to think that my colleagues would not be moved or motivated by a disinterested administration that does not address the concern associated with what this road means, and it really means a road to life for a very, very small exchange—an exchange not in the wilderness but, indeed, a land exchange in refuge and a net benefit to the wilderness of some 580 acres.

What you have here, Mr. President, is you have gotten a battered down environmental group that is dug in—the Audubon Society, and various others, pulling out all stops to overcome the 730 residents of King Cove on an issue that means perhaps that they will lose face if they lose this vote.

I would like to think that the 100 individuals here are individuals, they think for themselves, they are not motivated by a rush associated with a herd mentality and will address this issue on its merits.

The merits are very simple, Mr. President. This is a road to life for the residents of King Cove. I would appreciate all my colleagues to recognize the issue on its merits and not be threatened by any veto threats from the administration, none of which have to put up with the rigors of living in a wilderness area, such as those residents who live in King Cove.

Mr. President, let me thank the Senator from Montana, the Senator from Arkansas, the Senator from Massachusetts for the debate, my senior Senator, Senator STEVENS, and the Senator from Tennessee who shared with us his expertise on telemedicine, Senator FRIST.

Again, as we look at the alternatives, recognize we have been looking at alternatives for 14 years. This is time for action. The action that we contemplate is a simple land exchange giving the Secretary of the Interior the oversight authority. I cannot imagine anything that is more fair and provides a balance than what we have proposed. I ask my colleagues to support the amendment that I have as well as to vote in favor of the bill.

I have been asked by the leadership to suggest the absence of a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JEFFORDS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, may I just ask the Senator to withhold for a moment?

The PRESIDING OFFICER. Does the Senator from Alaska object?

Mr. MURKOWSKI. I object, if I may, for just a moment.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk continued to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, I am told there are other Senators still wishing to speak on the bill, so I ask, how much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes remaining.

Mr. MURKOWSKI. The other side?

The PRESIDING OFFICER. The Senator from Arkansas has 74 minutes.

Mr. BUMPERS. Seventy-four minutes?

The PRESIDING OFFICER. Seventy-four minutes.

Mr. MURKOWSKI. I thank the Chair.

I ask unanimous consent to reserve the remainder of my time.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I yield the Senator from Massachusetts 30 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I appreciate the courtesy of the Senator from Arkansas. And I ask unanimous consent that my comments be placed in the RECORD not to interfere with the debate that has been taking place and will take place further this evening on this important issue. And I will address the Senate on a different issue in question.

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

Mr. KENNEDY. Mr. President, it is time now, as we reach the midpart of this week, and as we are looking forward to going into next week for the probably 6 days that remain in this session—maybe 7 days, maybe even a few more days, if necessary—we are running into the final days of this particular session. It does seem to me to suggest that we ought to spend our time addressing those matters which are of central importance and consequence and seriousness to the American people.

I know on the issue that is before the Senate at the present time that this will be disposed of either later this evening—and I will not interfere should the managers themselves want to have the final disposition of that this evening—but I have understood that the final disposition on this particular proposal would probably carry over to tomorrow.

So I wanted to address the Senate on another issue.

Mr. STEVENS. Will the Senator yield on that point?

Mr. KENNEDY. I yield without losing my right to the floor.

Mr. STEVENS. Mr. President, did the Senator indicate he thought this issue would carry over until tomorrow—this issue?

Mr. KENNEDY. I am not either the manager nor the proponent of that, but I understand I do have the 30 minutes.

Mr. STEVENS. Yes.

Mr. KENNEDY. What I was saying is that I indicated that if both those for it or against it wanted to move ahead with the vote, that I would not interfere with that. But I am told at this time that that is not the case, I say to the Senator.

Mr. STEVENS. I yield to my colleague from Alaska. We do want to go ahead with this vote on the matter tonight, if possible.

Mr. KENNEDY. I thank the Senator, but I—

Mr. MURKOWSKI. Mr. President, if I may offer a clarification. When the unanimous consent was agreed upon, I was under the impression the Senator from Massachusetts was going to speak on the bill. I have no objection to the time being granted, but we had hoped to have a vote around 5 o'clock.

As far as we are concerned, we are ready for the vote. So it is the floor manager on the other side who controls the time. I tell Senator KENNEDY, if he would like to go ahead and allow us to vote, then he could have time after the vote.

Mr. KENNEDY. Mr. President, I was yielded this time. I understand you are ready and the others are not.

Mr. MURKOWSKI. Mr. President, I don't want to confound this any further, but I think I was of the impression and I think the Senator from Montana was of the impression that the Senator from Massachusetts was going to rise to speak on the King Cove matter. Am I correct that is the Senator's understanding?

Mr. BAUCUS. Mr. President, if I might.

Mr. KENNEDY. I will be glad to yield briefly, Mr. President.

Mr. BAUCUS. If I might respond to the Senator from Alaska, we do have more time required on our side in the sense that we are not ready for a vote for about a half hour or later. If that is the case, it probably makes sense for the Senator from Massachusetts to proceed.

Mr. KENNEDY. I thank the Senator. I tried to have an opportunity to address the Senate through the course of the afternoon and appreciated the courtesies of our colleagues for that time.

How much time do I have remaining on this?

The PRESIDING OFFICER (Ms. SNOWE). The Senator has 26 minutes remaining.

(By unanimous consent, the remarks of Mr. KENNEDY and Mr. DURBIN are printed later in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Madam President, I am prepared to yield back the remainder of my time if the Senator from Alaska is also.

Mr. MURKOWSKI. Madam President, I yield the remainder of my time, and I ask on behalf of the leader unanimous consent that all time be considered as yielded back.

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

Mr. MURKOWSKI. And the Senate proceed to vote on the passage of S. 1092, the King Cove/Cold Bay legislation.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, if the Senator from Alaska is prepared, we are prepared to accept his amendment which is the pending business.

The PRESIDING OFFICER. If there is no objection, amendment No. 3676 is agreed to.

The amendment (No. 3676) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MURKOWSKI. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

It appears to be sufficiently seconded.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Illinois (Ms. MOSELEY-BRAUN) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Ms. MOSELEY-BRAUN) would vote "no."

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—59

Akaka	Enzi	Lugar
Allard	Faircloth	Mack
Ashcroft	Ford	McCain
Bennett	Frist	McConnell
Bingaman	Gorton	Murkowski
Bond	Gramm	Nickles
Breaux	Grams	Roberts
Brownback	Grassley	Roth
Burns	Hagel	Santorum
Byrd	Hatch	Sessions
Campbell	Helms	Shelby
Chafee	Hollings	Smith Bob (NH)
Coats	Hutchinson	Smith Gordon H
Cochran	Hutchison	(OR)
Collins	Inhofe	Snowe
Coverdell	Inouye	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Landrieu	Thurmond
Domenici	Lott	Warner

NAYS—38

Abraham	Feinstein	Mikulski
Baucus	Graham	Moynihan
Biden	Harkin	Murray
Boxer	Jeffords	Reed
Bryan	Johnson	Reid
Bumpers	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Specter
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Feingold	Lieberman	

NOT VOTING—3

Glenn Gregg Moseley-Braun

The bill (S. 1092), as amended, was passed, as follows:

S. 1092

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "King Cove Health and Safety Act of 1998".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) King Cove, Alaska is a community in the westernmost region of the Alaska Peninsula with a population of roughly 800 full-time residents and an additional 400 to 600 workers who are transported in and out of the community a number of times a year to work in the local fish processing plant and on fishing vessels;

(2) the majority of the full-time residents are indigenous Native peoples of Aleut ancestry that have resided in the region for over 5,000 years;

(3) the only mode of access to or from King Cove is via small aircraft or fishing boat, and the weather patterns are so severe and unpredictable that King Cove is one of the worst places in all of the United States to access by either of these modes of transportation;

(4) the State of Alaska has initiated the King Cove to Cold Bay Transportation Improvement Assessment to confirm the need for transportation improvements for King Cove and to identify alternative methods of improving transportation access with comprehensive environmental and economic review of each alternative;

(5) the State of Alaska has identified a road between King Cove and Cold Bay as one

of the alternatives to be evaluated in the transportation planning process but for a road to be a viable option for the State of Alaska, the Congress must grant a legislative easement within the Izembek National Wildlife Refuge ("Refuge") across approximately seven miles of wilderness land owned by the Federal Government;

(6) there are fourteen miles of roads within the wilderness boundary of the Refuge which are currently traveled by vehicles;

(7) any road constructed in accordance with such easement would be an unpaved, one-lane road sufficient in width to satisfy State law; and

(8) the combined communities of King Cove and Cold Bay have approximately 250 vehicles.

#### SEC. 3. PURPOSE.

The purpose of this Act is to establish a surface transportation easement across Federal lands within the Refuge and to transfer 664 acres of high value habitat lands adjacent to the Refuge in fee simple from the King Cove Corporation to the Federal Government as new wilderness lands within the Refuge in exchange for redesignating a narrow corridor of land within the Refuge as nonwilderness lands.

#### SEC. 4. LAND EXCHANGE.

If the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation in and to all land owned by the Corporation in Sections 2, 3, 4, 5, 6, and 7 of T 57 S, R 88 W, Seward Meridian, Alaska, and any improvements thereon, the Secretary of the Interior ("Secretary") shall, not later than 30 days after such offer, grant the Aleutians East Borough a perpetual right-of-way of 60 feet in width through the lands described in sections 6 and 7 of this Act for the construction, operation and maintenance of certain utility-related fixtures and of a public road between the city of Cold Bay, Alaska, and the city of King Cove, Alaska and accept the transfer of the offered lands. Upon transfer to the United States, such lands shall be managed in accordance with section 1302(i) of the Alaska National Interest Lands Conservation Act, shall be included within the Refuge, and shall be managed as wilderness.

#### SEC. 5. RIGHT-OF-WAY.

Unless otherwise agreed to by the Secretary and the Aleutians East Borough, the right-of-way granted under section 4 shall—

(1) include sufficient lands for logistical staging areas and construction material sites used for the construction and maintenance of an unpaved, one-lane public road sufficient in width to meet the minimum requirements necessary to satisfy State law;

(2) meet all requirements for a public highway right-of-way under the laws of the State of Alaska; and

(3) include the right for the Aleutians East Borough, or its assignees, to construct, operate, and maintain electrical, telephone, or other utility facilities and structures within the right-of-way.

#### SEC. 6. CONFORMING CHANGE.

Upon the offer of Corporation lands under section 4, the boundaries of the wilderness area within the Refuge are modified to exclude from wilderness designation a 100 foot wide corridor to accommodate the right-of-way within the following land sections:

(1) Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska.

(2) Sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska.

(3) Sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

#### SEC. 7. RIGHT-OF-WAY LOCATION.

Unless otherwise agreed to by the Secretary and the Aleutians East Borough, the

right-of-way granted under section 4 shall be located within—

(1) sections 2, 3, 10, and 11 of T 59 S, R 86 W, Seward Meridian, Alaska;

(2) sections 27, 28, 29, 30, 31, 32, 33, 34, and 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

(3) sections 3, 4, 9, 10, 13, 14, 15, 16, 23, 24, 25, 26, and 36 of T 58 S, R 87 W, Seward Meridian, Alaska;

(4) sections 5, 6, 7, 8, 9, 16, 17, 20, 21, 27, 28, 29, 32, 33, and 34 of T 57 S, R 87 W, Seward Meridian, Alaska;

(5) sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska;

(6) sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska;

(7) section 6 of T 57 S, R 88 W, Seward Meridian, Alaska; and

(8) sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

#### SEC. 8. TECHNICAL AMENDMENTS.

The following provisions of law shall not be applicable to any right-of-way granted under section 4 of this Act or to any road constructed on such right-of-way—

(1) section 22(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(g));

(2) title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.), except as specified in this section; and

(3) section 303(c) of title 49, United States Code.

#### SEC. 9. JOINT PLAN.

The Secretary and the Aleutians East Borough shall jointly prepare a plan setting forth—

(1) the times of the year a road may reasonably be constructed when there are not high concentrations of migratory birds in Kinzarof Lagoon; and

(2) limitations on nonemergency road traffic during periods of the year when there are high concentrations of migratory birds in Kinzarof Lagoon.

#### SEC. 10. TRANSFER.

If within 24 months of the date the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation lands set forth in section 4 of this Act, the Secretary and the Aleutians East Borough fail to mutually agree on the following—

(1) a final land exchange and a grant of a right-of-way pursuant to section 4; and

(2) the right-of-way specifications, and terms and conditions of use set forth in sections 5, 6, 7 and 8 of this Act;

then the Aleutians East Borough shall have the right to select a 60 foot right-of-way for the construction, operation, and maintenance of certain utility-related fixtures and of a public road from lands described in section 7 of this Act, and to identify logistical staging areas and construction material sites within the right-of-way. If an agreement is not reached within 6 months after the Aleutians East Borough notifies the Secretary of its selection, then the right-of-way is hereby granted to the Borough.

Mr. MURKOWSKI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wish to take this opportunity to thank some of my staff who worked on the bill. On behalf of Senator STEVENS and myself, we would like to thank the various staff who worked so hard on the King Cove bill. Brian Malnak of my staff—particularly the Energy and Natural Resources Committee—Jo Meuse,

David Dye, Gary Ellsworth, who is unfortunately retiring this year and will be greatly missed, and a number of others.

And let me thank my colleagues in the debate: Senator BUMPERS, the ranking member of the Energy and Natural Resources Committee, who is retiring this year; Senator BAUCUS from Montana; and let me again thank the Members for the vote of confidence in support of fairness. The vote was 59–38. I am sure that will send a strong message over to the House on the merits of addressing the needs of the Aleut people of King Cove who seek what we enjoy every day—and that is access.

I thank my colleagues and thank the Presiding Officer. I wish you all well.

#### INTERNET TAX FREEDOM ACT

Mr. MCCAIN. Mr. President, under the provisions of the consent agreement of September 30, 1998, I now ask the Chair to lay before the Senate S. 442, the Internet tax freedom bill.

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

The legislative clerk read as follows:

A bill (S. 442) to establish national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over the interstate commerce by establishing a moratorium on the imposition of exaction that would interfere with the free flow of commerce via the Internet, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 442

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

[This Act may be cited as the "Internet Tax Freedom Act".]

#### SEC. 2. FINDINGS.

[The Congress finds the following:

(1) As a massive global network spanning not only State but international borders, the Internet and the related provision of online services and Internet access service are inherently a matter of interstate and foreign commerce within the jurisdiction of the United States Congress under Article I, section 8, clause 3 of the United States Constitution.

(2) Even within the United States, the Internet does not respect State lines and operates independently of State boundaries. Addresses on the Internet are designed to be geographically indifferent. Internet transmissions are insensitive to physical distance and can have multiple geographical addresses.

(3) Because transmissions over the Internet are made using computer protocols, in particular the Transmission Control Protocol / Internet Protocol, that utilize packet-switching technology it is impossible to determine in advance the precise geographic route individual Internet transmissions will travel over, and it is therefore infeasible to separate domestic intrastate Internet transmissions from interstate and foreign Internet transmissions.

(4) Consumers, businesses, and others engaging in interstate and foreign commerce

through online services and Internet access service could become subject to more than 30,000 separate taxing jurisdictions in the United States alone.

(5) Inconsistent and inadministerable taxes imposed on online services and Internet access service by State and local governments threaten to—

(A) subject consumers, businesses, and other users engaged in interstate and foreign commerce to multiple, confusing, and burdensome taxation,

(B) restrict the growth and continued technological maturation of the Internet itself, and

(C) call into question the continued viability of this dynamic medium.

(6) Because the tax laws and regulations of so many jurisdictions were established long before the advent of the Internet, online services, and Internet access service, their application to this new medium and services in unintended and unpredictable ways could prove to be an unacceptable burden on the interstate and foreign commerce of the Nation.

(7) The electronic marketplace of services, products, and ideas available through the Internet can be especially beneficial to senior citizens, the physically challenged, citizens in rural areas, and small businesses. It also offers a variety of uses and benefits for educational institutions and charitable organizations.

(8) A consistent and coherent national policy regarding taxation of online services, Internet access service, and communications and transactions using the Internet, and the concomitant uniformity, simplicity, and fairness that is needed to avoid burdening this evolving form of interstate and foreign commerce, can best be achieved by the United States exercising its authority under Article I, section 8, clause 3 of the United States Constitution.

#### SEC. 3. MORATORIUM ON IMPOSITION OF TAXES ON THE INTERNET, ONLINE SERVICES, OR INTERNET ACCESS SERVICE.

(a) MORATORIUM.—Except as otherwise provided in this Act, prior to January 1, 2004, no State or political subdivision thereof may impose, assess, or attempt to collect any tax on—

(1) communications or transactions using the Internet; and

(2) online services or Internet access service.

(b) PRESERVATION OF STATE AND LOCAL TAXING AUTHORITY.—Subsection (a) shall not—

(1) affect the authority of a State, or a political subdivision thereof, to impose a sales, use, or other transaction tax on online services, Internet access service, or communications or transactions using the Internet if—

(A) the tax (including the rate at which it is imposed) is the same as the tax generally imposed and collected by that State or political subdivision thereof in the case of similar sales, use, or transactions not using the Internet, online services, or Internet access service; and

(B) the obligation to collect or pay the tax from sales or other transactions using the Internet, online services, or Internet access service is imposed on the same person or entity as in the case of similar sales, use, or transactions not using the Internet, online services, or Internet access service;

(2) apply to taxes imposed on or measured by gross or net income derived from online services, Internet access service, or communications or transactions using the Internet, or on value added, net worth, or capital stock;

(3) apply to fairly apportioned business license taxes;

(4) apply to taxes paid by a provider or user of online services or Internet access service as a consumer of goods and services