

The ACTING PRESIDENT pro tempore. All time having expired, the question is, Will the Senate advise and consent to the nomination of Ralph R. Beistline, of Alaska, to be United States District Judge for the District of Alaska? 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 Pennsylvania (Mr. SPECTER) and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 46 Ex.]

#### YEAS—98

Akaka	Dorgan	Lott
Allard	Durbin	Lugar
Allen	Edwards	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Bond	Frist	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Gramm	Nickles
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Sarbanes
Cantwell	Helms	Schumer
Carnahan	Hollings	Sessions
Carper	Hutchinson	Shelby
Chafee	Hutchison	Smith (NH)
Cleland	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Cochran	Jeffords	Stabenow
Collins	Johnson	Stevens
Conrad	Kennedy	Thomas
Corzine	Kerry	Thompson
Craig	Kohl	Thurmond
Crapo	Kyl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Domenici	Lincoln	

#### NOT VOTING—2

Santorum Specter

The nomination was confirmed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### ORDER OF BUSINESS

Mr. REID. Mr. President, I have spoken to the two managers of this legislation. What we are going to do now, if the unanimous consent request is approved, is go to morning business until 12:30.

The amendment offered by the Senator from California, Mrs. FEINSTEIN, is an extremely important amendment dealing with derivatives, among other things. The way the legislation is now written, it appears Senator GRAMM of Texas opposes this legislation. He and the Senator from California are now in deliberations. The arrangement has been made that they are going to report back at 2:15 today after the party conferences are completed. If there is some hope that further discussion between them will bear some fruit, then we will go further; otherwise, we are going to complete that matter today. Senator GRAMM said he wants to speak on it for a while. He may have a second-degree amendment.

I say to all Members, we need to move forward. As I indicated on behalf of the majority leader today, we have light at the end of the tunnel. The minority leader has indicated he thinks we can finish this bill by a week from this Friday. We agree that is certainly the way it should be.

We have some important matters to consider. We have to do something with ANWR, we have to do something with CAFE standards, and electricity. We hope those three very difficult, contentious issues can be disposed of. And we would indicate we are going to finish derivatives before we move to something else, unless there is some agreement between the two Senators. We cannot keep bouncing around this legislation.

#### MORNING BUSINESS

Mr. REID. So, Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for a period of 10 minutes each, until 12:30 p.m., when, under the previous order, we will recess for the weekly party conferences.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska.

#### THE ENERGY BILL

Mr. MURKOWSKI. Mr. President, I concur with the statement of the majority whip. I look forward to, hopefully, moving with some dispatch on the energy bill. There are probably a few more contentious issues, as you know: Electricity, certainly ANWR, CAFE, renewables. So we have our work cut out for us. I encourage Mem-

bers to try to recognize that it is very important we have an energy bill and we get it in conference.

I communicate to the majority whip, perhaps he can enlighten us at a later time if indeed campaign finance reform is going to come into play and delay us. Perhaps he can do that at such time as he is able to give us some idea when that might occur. I assume that would not necessarily take us off the bill.

Mr. REID. If the Senator will yield, Senator DASCHLE and Senator LOTT met today with some of us, and it is believed that the campaign finance matter can be resolved in as little as 3 hours, to complete everything within that period of time, and send it to the House. That certainly isn't done yet. Senator DASCHLE has asked for an agreement to be entered in the RECORD tomorrow in that regard. If that were the case, it would temporarily slow down this bill, but that is all.

Mr. MURKOWSKI. I appreciate that. I must say, I am pleased with the optimism shown by the majority whip. Perhaps to finish in 3 hours would be a record. Let's work towards it.

Mr. President, I am going to speak in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska.

#### IRAQ

Mr. MURKOWSKI. Mr. President, yesterday our President, President George W. Bush, marked the 6-month anniversary of the terrorist attacks. I think we would all agree he used some very strong words for our adversaries.

I quote President Bush:

Every nation in our coalition must take seriously the growing threat of terror on a catastrophic scale—terror armed with biological, chemical or nuclear weapons.

That was his comment yesterday.

Further, he stated:

Some states that sponsor terror are seeking or already possess weapons of mass destruction. Terrorist groups are hungry for these weapons and would use them without a hint of conscience.

Further quoting him:

In preventing the spread of weapons of mass destruction, there is no margin for error and no chance to learn from mistakes.

Further quoting him:

Our coalition must act deliberately, but inaction is not an option.

I would refer to that again: "inaction is not an option."

He added:

Men with no respect for life must never be allowed to control the ultimate instruments of death.

The President did not name names, but it is becoming increasingly clear that when we talk about targeting terror, we are talking about targeting Saddam Hussein's Iraq.

We know he has chemical weapons because we have watched him use them on his own people. We know Saddam wants nuclear weapons because his chief bomb maker defected to the West

with a wealth of information on their program. We know, very well, he has a missile capability because he fired dozens of missiles on Israel during the gulf war.

So what has he been up to? We cannot say for sure because we have not had a U.N. inspector there since December of 1998. So he has had 1999, 2000, 2001—clearly over 3½ years to continue his development of weapons of mass destruction. We know that for a fact. We just do not know what they are, and we do not know what he is going to do with them. One can only imagine what he has been able to accomplish during that timeframe.

Some of you may have seen the special on CNN the other day where they identified clearly the threat of Iraq, and a historical review from the time of the Persian Gulf war: His experimentation of using chemical weapons on his own people; his arsenal, a portion of which was destroyed at that time under the U.N. auspices. Since that time we have just observed him as he continues to rule as a dictator, as one who obviously has seen fit to go to extraordinary means to ensure his own safety, by simply wiping out those critics of his regime.

I am not going to try to typify this individual. I have met him. I have been in Baghdad. As a matter of fact, I think I am the only Senator who is still in the Senate who met with Saddam Hussein prior to the Persian Gulf war. The Senator from Idaho, Mr. McClure, was with us. Senator Dole was with us. Also, Senator Simpson from Wyoming was with us. The Senator from Ohio, Howard Metzenbaum, was with us.

It was a very interesting opportunity. We had been in Egypt and were advised we should go over to visit Saddam Hussein in Iraq. We did go over there. We were met by our Ambassador, April Gillespie. We were supposed to meet Saddam Hussein at the airport in Baghdad. She said that she was sorry, that Saddam Hussein changed the itinerary. He was not there. We were supposed to go up to Mosul.

So the Foreign Minister, Tariq Aziz, who is still there, said that Saddam had sent his airplane down to take us up to Mosul. We were somewhat reluctant to get in Saddam's airplane, as you might imagine. We said: We will take our own airplane. We had an Air Force aircraft. There was some discussion. Then they came back and said: No, the runway was under repair. Our plane was too big; they would not be able to accommodate our airplane. Then Foreign Minister Tariq Aziz said: I am going with you. That made us somewhat more at ease. Somewhat reluctantly, we did climb into the airplane and fly up to Mosul.

It was ironic because, when we landed, they said: we won't have to take you back because we have finished repairing the runway and your airplane can come and get you. We knew we were set up to make a story.

We did go into a hotel and Saddam Hussein met us and was supposedly going to host lunch. We had a long discussion about human rights activities. We talked about the cannons that had been found on the docks in London. We discussed the triggering devices. And he had an answer for everything. He would throw out a booklet designed by the Baghdad Institute of Technology. At one point he got rather belligerent and suggested we had no business in his country talking to him about the attitude of the people of Iraq.

He asked us to go out on the balcony. And he said: There are five of you, five helicopters. You can go anywhere in Iraq you want and ask what the people really think of Saddam Hussein. Howard Metzenbaum declined the invitation for reasons of security, to put it mildly. So did the rest of us.

Nevertheless, we had an opportunity to observe this individual. To suggest he is unpredictable is an understatement. He is very unpredictable. His value on human life, as evident over an extended period of time, speaks for itself.

One can conclude that Iraq is a very unstable area that we are depending on for oil. As I am sure the occupant of the chair, the Senator from New York, recognizes, on a particular day of September 11, we were importing a million barrels of oil a day from Iraq. At this time it is a little over 800,000 barrels a day. Interestingly enough, on that tragic day in September, that was a record, an 11-year-old record.

What do we do with his oil? We use it to drive to work, use it in schoolbuses, to take our kids, whatever. It is the fuel the Navy jets use, which twice this year already bombed Saddam Hussein and every day enforces a no-fly zone over his skies. Last year Iraqis shot at U.S. forces some 400 times. We responded in force 125 times. I ask, can we count on his oil if Baghdad is the next stop in the war of terror?

I have charts here that clearly show the increase of Iraqi oil production in the Mideast, and you can see 1.1 million barrels of Iraqi oil—this is where American families get their oil—the Persian Gulf, almost 3 million barrels; OPEC, 5.5 million barrels. Oil has jumped up to the highest price in 6 months. It is a little over \$24.50 a barrel.

Gasoline prices are at the highest they have been in 6 months. This is indicative of particularly the power of the OPEC cartel, which, by controlling the supply, clearly controls the price.

We have other charts here that I think show a significant figure. We in this country have been able to do a pretty good job of conserving through higher efficiency. As this chart shows, consumption per thousand Btu has dropped from about 18 down to about 11 in the period of 1973 through the year 2000. That is a 42-percent decline. While conservation has made significant advancements, we still are significantly dependent on imported sources of oil

for the reason that America and the world moves on oil.

Here is a chart that is relatively new. It shows crude oil imports from Iraq to the United States in 2001. This is by month, January going over to September. That was an all-time high. That was at a time where the terrorist activities took place in Pennsylvania and Washington and New York.

It is very significant to recognize that we will have to deal with Iraq, and the President has kind of laid down a card that suggests we want to have U.N. inspectors in Iraq.

Saddam Hussein laid down his card yesterday. His card was quite expressive of the prevailing attitude of his regime. No, we are not going to let U.N. inspectors into Iraq.

So what are we going to do? It is our move next. We waited too long to deal with bin Laden. We waited too long to deal with al-Qaida. So this is a scenario that won't be over this week or next. We cannot afford to wait too long to deal with Saddam Hussein. As long as he is in power, he will continue to threaten the world as a member of the axis of evil. All the tools he needs are now within his grasp.

Reducing foreign dependence on oil can lessen the influence and reach of Saddam Hussein. There are solutions that must begin right here at home. Doing so will not only help ensure our energy security; it will further ensure our national security.

Again, I make another appeal to my colleagues to recognize the role that Alaska could play by opening up the Arctic National Wildlife Refuge. On each desk of Members, we have a series of exhibits that highlight the reality associated with opening up this area. It is still very difficult to get Members to focus on a couple of stark realities.

I point out again the size of the area in question in the green. That is 1.5 million acres. That is the only area up for proposal. ANWR itself is a much larger area. It is a 19-million acre area consisting of 8 million acres of wilderness and 9.5 million acres of refuge. The green area is the area in question. Then the idea is what would be the footprint there? In the House bill, H.R. 4, the footprint is 2,000 acres. That is a conglomeration of just a combination of drilling activities on land plus developing pipelines.

It cannot go over 2,000 acres. That is pretty insignificant considering using an area of 1.5 million acres.

As we look at the merits, the question is, Can we do it safely? The answer is, yes, because we use new technology now. We have ice roads and these ice roads don't require gravel. They are simply a process where you lay water on the tundra, it freezes, and then you can move the vehicles, you can move drilling rigs and so forth.

That shows a typical drilling rig. Beyond the area up on the top you see the Arctic Ocean. You can see an ice road leading from the platform. That is the new technology. To suggest we are

going to leave a scar on the tundra in the summertime, which is quite short—and I will show you a picture of the summertime, this area, which clearly is a result of the technology. There is a well that has been spudded in. You can see there are no roads to it because there was an ice road only during the winter.

Winter is pretty long up there. It is about 10½ months a year. There are only about 40 days of ice-free time when the Arctic Ocean is open.

Nevertheless, in spite of the facts relative to being able to open ANWR, America's environmental community has latched onto this, and they have misrepresented issue after issue. The issue they continually propose is that there is only a 6-month supply. We don't know what is in ANWR and they don't know. The range is from 5.6 billion barrels to 16 billion barrels. If it were somewhere in the middle, it would be as big as Prudhoe Bay, and Prudhoe Bay has contributed 20 to 25 percent of the total crude oil production in the U.S. in the last 27 years.

Those are facts. If you look over here on this chart, you will see the 800-mile pipeline. That infrastructure is already in place. That is one of the construction wonders of the world. As a consequence, it has been able to move this volume of oil. It is only utilized to half of its capacity. It is currently carrying a little over a million barrels a day. It can carry as many as 2 million barrels a day. So if oil is discovered in this magnitude, you would be putting a pipeline over from the ANWR area to the 800-mile pipeline down to Valdez, and it is a relatively simple engineering operation.

The question is, Do we want ANWR open and do we want to avail ourselves of the likelihood of a major discovery? People ask, why ANWR? That is the area where geologists tell us is the greatest likelihood for the greatest discovery in the entire continent of North America. So to suggest it is a 6-month supply is unrealistic and misleading. If we didn't import and produce any oil, theoretically, it might be a 6-month supply. On the other hand, it is just as probable to suggest it would supply the Nation with 20 to 25 percent of its total crude oil for the next 30 or 40 years. If it comes in in the magnitude that we anticipate, it would offset imported oil from Iraq for 40 years and from Saudi Arabia for 30 years. The other issue is that it would take an extended timeframe to get on line. I remind colleagues that in 1995 we passed ANWR. It was vetoed by the President. If we would have that on line today, we would not be as dependent on Iraq as we are currently. So it is a matter that will come up before the Congress as part of the energy bill.

The House has done its job; it has passed H.R. 4 with ANWR in it. It is up to us to address this issue now. I encourage my colleagues to try to reflect accurate information, not misleading information that would detract from

the knowledge that we have gained in new technology in opening up this area safely and protecting the caribou. There is always a new argument. New ones continually pop up. One is the question of the polar bear. Most of the polar bears are over by the area near Barrow, as opposed to the ANWR area. We acknowledge that there are a few in the ANWR area. But the point is, under the marine mammal law, you can't take polar bears for trophies in the United States. That has significantly increased the lifespan of the polar bear. If you want to hunt polar bear, go to Russia and Canada. You can't do it in the United States. These are facts that are overlooked as we look at the arguments against opening this area.

The last point is, why disturb this unspoiled, pristine area? The fact is, this area has had the footprints of man on numerous occasions. It was an area where there were radar stations, an area where there is a Native village called Kaktovic, which has roughly 280 people. This is a picture of the village. This is in ANWR—physically there. There is an airport and radar stations. You can see the Arctic Ocean. We have pictures of the local community hall with kids on a snowmobile. This is village life in Arctic Alaska, way above the Arctic Circle. We have a picture showing kids going to school. These kids have dreams and aspirations just as our kids. They are looking for a future—jobs, health care, educational opportunities. They are the same as anybody else. Nobody shovels the snow here; nevertheless, it is a pretty hardy environment. To suggest that somehow this land is untouched is totally unrealistic and misleading.

Speaking for these children, I think we have an obligation to recognize something. I have another chart that shows the Native land within ANWR and the injustice that is done to these people, and I think it deserves a little enlightenment.

This is the map that shows the top, and there are about 92,000 acres in ANWR that belong to the Native people of Kaktovic. It is a smaller chart. We should have that chart. What we have here—and let's go back to the other chart that shows Alaska as a whole because I can make my point with that one. Within this area of the green, which is the Arctic Coastal Plain, up top we have the village of Kaktovic, and that little white spot covers the land that they own fee simple—92,000 acres. They have no access across Federal land, which is what ANWR is. They are landlocked by Federal ownership. So as a consequence, the concept of having fee simple land really doesn't mean very much if you can't use the land and have access, and so forth.

They believe there is an injustice being done here in their Native land. While it is theirs, it doesn't provide them with any access—here is the chart I am looking for. Madam President, we have the specifics here. This general area that you are looking at in

pink is what we call the 1002 area. That is a million and a half acres, where we are talking about providing leases. The Native area is the white area. This is the 92,000 acres. You can see the area offshore; that is the Arctic Ocean. It is free of ice for only about 40 days a year.

The problem the Native people have is access because they cannot have any surface access outside their 92,000 acres of land. If they wanted to move over to where the pipeline is, they would move west and beyond the area on the chart. The question is, Is it fair and equitable that these people are prevented from having access?

We think there should be some provision in the ANWR proposal to allow the Native residents of this area to have access across public land for their own benefit. We intend to pursue this in some manner in this debate as we develop the merits of opening up ANWR. If we were to open it up for exploration, this would not be a question. Clearly, there is a lack of support by Members, based on information from the environmental community that this area is undisturbed and should not be initiated for exploration of oil and gas, even though geologists say it is the most likely area for a major discovery. Still we have an injustice and an inequity to these people. I don't think there has been enough attention given to the plight of these people who, as any other aboriginal people, are ensured certain rights under our Constitution, and those rights have not been granted them.

As a consequence, there is an injustice to the people of the village of Kaktovic and members of the Arctic Slope Aboriginal Corporation, which is the governing body in that area.

With that explanation, I encourage Members to think a little bit about fairness and equity and what we owe these aboriginal people. We certainly owe them reasonable access out of the lands they own fee simple.

Madam President, nobody else is requesting recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.