

ENERGY LEGISLATION AND IRAQ

Mr. MURKOWSKI. Mr. President, this being the first day of March, I remind my colleagues of the schedule before us. We are about 3 weeks away from our 2-week Easter recess. There are many items on the agenda: campaign finance reform; trade authority; stimulus, perhaps; and, of course, the President's budget, which will take, I am sure, at least a week.

So it is becoming somewhat clear that time is a precious commodity. It is in short supply. I remind my colleagues of commitments made by the majority leader. These were commitments made in good faith about time and about energy, and we have both around this body.

I am reminded of a statement he made on November 27 of last year. I quote:

I am prepaid to commit to taking up the energy bill prior to the Founders Day recess; that is, during the first work period, between January 22 and the time we break for the Founders Day recess.

Again, on December 3, the majority leader said:

I have already stated very emphatically my desire to bring up the energy bill prior to the Founders Day recess, to have a good debate, to talk about all of the issues, including those which are controversial. It is my expectation we will do just that.

Again, that was December.

The majority leader says he wants to move an energy bill, but I am afraid we just have not seen the kind of commitment that America expects or that is referenced in our calendar. We spent virtually all day yesterday in quorum calls, morning business, with no votes. We certainly have not done an awful lot this week. I note it is Friday afternoon, and it is pretty lonesome around here. Nevertheless, I do want to bring to everyone's attention the absence of any aggressive timeframe in addressing this energy legislation.

As you know, it was one of our President's priorities. The priorities were energy, a stimulus package, and trade promotion.

To my knowledge, after looking through the RECORD, our debates, so far, have been quite limited. I spoke an hour on it. Senator DASCHLE spoke for some 20 minutes. That was some time ago. I do not think that is an energy debate.

In my view, the leader has been waiting I do not know for what purpose. When will it come up? Perhaps Monday or Tuesday. It probably will not come up Monday; maybe Tuesday. The longer it takes until we can pass an energy bill, the longer our Nation remains vulnerable.

In my opinion, energy dependence is our Achilles' heel. Our enemies are painfully aware of this. We waited too long to deal with bin Laden, we waited too long to deal with al-Qaida, and we are waiting too long to deal with Saddam Hussein.

This is a new month. There is still time and there are still plenty of op-

portunities to commit to the debate and the vote. But the longer we wait to address our energy security, the tougher it becomes to fix and the greater the risks that we face.

Mr. President, I would also like to call to the attention of my colleagues the dilemma we will face once we get to the bill. This is a very complex bill. It is inferior, in my opinion, because it did not come through the normal course of activities associated with Senate procedure.

Ordinarily, the bill would begin, upon introduction, by being referred to the committee of jurisdiction, the Energy and Natural Resources Committee. The committee would hold hearings. It would take witnesses. It would develop a consensus, and, more importantly, it would provide an education for each member on the intricacies.

We are going to be talking about ANWR. That is a very contentious issue. But equally contentious is going to be CAFE standards. Just what are we going to do to address conservation? And, indeed, at what price?

The electric portion is extraordinarily complicated. We have not had an opportunity for review in the normal process. As a consequence, Members are going to be educated by lobbyists, lobbyists with special interests. I venture to say, three-quarters, if not more, of the membership is not familiar with the terminology used in the electric bill. It is very, very complex.

Our interests, of course, are maintaining an uninterrupted supply of electric energy in this country. We have seen what happened in California. We are going to need more transmission lines, more intra- and interstate activities relative to oversight by FERC. I could go on and on, but I promised to keep my remarks within 12 minutes.

My purpose in bringing this issue up is to make sure every Member understands what we are looking at. We are going to be looking at a bill that has been laid down as the energy bill, without the process of the hearings, without the process of committee action, without the process of Republicans and Democrats having come together on some kind of a consensus about what we could agree or disagree on. That is going to be done on the floor of the Senate, which I think is unfortunate. And I am very critical, very frankly, of the Democratic leader, who made the decision to pull the responsibility away.

We all know why that was done. It was done strictly as a political move, to ensure the issue of ANWR did not come up in the committee, because the votes to pass out a bill with ANWR were clearly within the committee's structure. We had both Democratic and Republican support. As a consequence of this decision, we are left with this rather unusual set of circumstances.

I might say, to some extent, it was also done to the Commerce Committee, which was debating the issue of CAFE

standards. It couldn't address it or resolve it. At least they had the authority up to that time. But, anyway, that was pulled from their committee as well from the standpoint of jurisdiction.

So, my point is, we have a process here that is less than traditional. I think it is less than a bipartisan effort in the Senate to try to move a bill.

So the bill has been laid down on the floor by the majority leader, and we will start the process.

As a consequence of that, I think it is also important to recognize the realities.

Yesterday, our brave men and women in uniform were again fired upon. They were fired upon by Saddam Hussein's ground forces. They were threatened. They were attacked. As a consequence, they fired back.

I am not talking about Afghanistan; I am talking about Iraq, a country from which we are currently importing 800,000 barrels of oil a day.

I quote the Associated Press:

U.S. planes patrolling a no-fly zone over northern Iraq bombed an Iraqi air defense system Thursday in response to Iraqi anti-aircraft fire, the U.S. military said. It is the second time that U.S. planes have bombed Iraqi defense sites in northern Iraq this year.

Well, we are 2 months into this year.

But since the gulf war, in 1992, we have been enforcing a no-fly zone over Iraq to keep Saddam Hussein in check. A no-fly zone is almost an aerial blockade in the sense of comparing it to a sea blockade. It is considered almost an act of war.

It is the second time we have bombed, as I said, and it is only March 1st. So I think we are off to a rather troubling start.

Last year, Iraq shot at U.S. forces, enforcing the no-fly zone, over 400 times. We responded on 23 occasions.

But let's not lose sight that while, on the one hand, we perhaps make a fist at Iraq, on the other hand, we have our hand out taking his oil.

In September 2001, we broke an 11-year-old record, importing more than 1.16 million barrels of oil from Iraq. It was the same time that we had the aircraft used as a weapon in taking down the Twin Towers in New York and the Pentagon and the tragedy that occurred in Pennsylvania. It was the same time.

Where is the synergy? We have given Saddam Hussein more than \$4 billion for his oil in the last year. That is a lot of money for an economy that is believed to have a GDP of only about \$52 billion.

What does he do with that money? We know he has chemical weapons. He has a chemical weapons program. The reason we know it is because during the Iran-Iraqi war he used it on his own people—his own people—the Kurdish people in northern Iraq.

In fact, he is believed to have sufficient chemicals to produce hundreds of tons of mustard gas, VX, and other nerve agents, as well as 25 missiles and

an estimated 15,000 artillery shells capable of the delivery of lethal weapons.

Israel witnessed first hand the reach of his weapons delivery system during the gulf war. We know what happened. We know of missiles that were aimed at Israel. We know he has been working on nuclear weapons because one of his top nuclear engineers defected to the West in 1994 and has given us details of the program.

Over many years, Iraq has worked on a number of occasions to acquire the material and the knowledge to perhaps build some kind of crude nuclear weapon. We can only truly speculate on the extent of his success, but it is commonly believed that an Iraqi nuclear device is inevitable. And if it is not available currently, the question is when?

I think it is fair to say that he is up to no good. We can't say for sure because we haven't had U.N. inspectors in there since 1998. There was a U.N. mandate that we do that. We have not followed through. One can only imagine what he might be able to have accomplished in almost 4 years of seclusion.

As long as we are dependent on sources such as Saddam Hussein for our oil, we will continue to finance the regime of Saddam Hussein. As long as he is in power, he will continue to threaten the world as a member of the axis of evil, which is a quote from our President.

All the tools he needs evidently are now within his grasp. Reducing foreign dependence on oil can reduce the influence and the reach of a Saddam Hussein. The question we have to ask ourselves is, when and if we are going to have to deal with this, what will be the consequences if we wait too long? Will it be another terrorist attack sponsored by Iraq? Will it be another situation where we have something occur that we wish we had taken care of because all the signs were there that this threat was real? Reducing our dependence on a country such as Iraq is going to decrease the supply of oil, so the price is going to go up.

So what do we do? We have domestic opportunities, and some of that will come up in the debate on ANWR, which obviously, as the occupant of the Chair knows, is a conviction I have, that we can open it safely, that it will come on line in roughly 2½ to 3 years, that it would be on line now if President Clinton had not vetoed it in 1995, and that it is a significant supply because it is estimated at somewhere between 6.5 and 16 billion barrels. If it is half that, it would be as big as Prudhoe Bay.

I might add, for the benefit of the Chair, who is not from Texas, I can speculate that there is much more oil in ANWR than in all of Texas.

With that profound statement, I ask unanimous consent that a Washington Post article of Friday, March 1, final edition, be printed in the RECORD, that portion covering Thursday's bombing which comes amid a rising debate on whether Iraq will be the next target of

U.S. antiterrorism campaigns. President George Bush "branded Iraq as part of an 'axis of evil' along with Iran and North Korea, and accused it of seeking weapons of mass destruction."

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

[From the Washington Post, Mar. 1, 2002]

JETS ON PATROL OVER IRAQ ATTACK AIR DEFENSE SITES

ANKARA (AP).—U.S. planes patrolling a no-fly zone over northern Iraq bombed an Iraqi air defense system Thursday in response to Iraqi anti-aircraft fire, the U.S. military said.

It is the second time that U.S. planes have bombed Iraqi defense sites in northern Iraq this year. The planes dropped bombs on the Iraqi defense system after Iraqi forces north of Mosul fired on them during routine patrols of the zone, the U.S. European Command said on a statement. Mosul is 400 kilometers (250 miles) north of Baghdad.

The planes returned safely to their base at Incirlik, in southern Turkey, the command, which is based in Germany, said.

U.S. and U.K. planes based in southeast Turkey have been flying patrols over northern Iraq since 1991 to protect the Kurdish population from Iraqi forces. Iraq doesn't recognize the zone and has been challenging allied aircraft regularly since 1998.

Thursday's bombing comes amid a rising debate on whether Iraq will be the next target of the U.S. anti-terror campaign. U.S. President George W. Bush branded Iraq as part of an "axis of evil" along with Iran and North Korea, and accused it of seeking weapons of mass destruction.

Turkey, host to the air patrols and a launching pad for strikes against Iraq in the 1991 Gulf War, fears that a war in Iraq could lead to creation of a Kurdish state and boost aspirations of autonomy-seeking Kurds in Turkey.

Mr. MURKOWSKI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, the Senator from Alaska, Mr. MURKOWSKI, has come to the floor on several occasions and complained about the manner and method in which Senator BINGAMAN and Senator DASCHLE brought forth the energy bill, which will shortly come before the Senate. They have complained about the path by which it got to the floor. My friend, the Senator from Alaska, says it should have been reported out of the Energy Committee rather than coming to the floor by Senate standing rule XIV.

But, in May of 2000, Senator LOTT moved a Republican bill—the National Energy Security Act of 2000—to the floor by rule XIV.

So when the Senator from Alaska was chair of the Energy Committee and the Republicans were in the majority, they moved the bill to the floor exactly the same way Senator DASCHLE has moved our bill. So the ranking member

of the Energy Committee is now complaining of Senator DASCHLE doing exactly the same thing they did. He participated in this when he was chairman of the committee.

It seems the Senator from Alaska is denigrating the example he set last Congress. I guess in the minds of the minority, turnabout is not fair play. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

Mr. HARKIN. Mr. President, I would like to clarify some issues related to my amendment that passed the Senate earlier this week regarding the establishment of a protection and advocacy system to ensure that people with disabilities have full and equal access to the election process. Among other provisions, my amendment states that protection and advocacy systems under S. 565 may not resort to litigation when representing persons with disabilities who have been denied equal access to the polling place or to the voting process.

I agreed to this provision with some trepidation, since the protection and advocacy system has a long and well established authority under several federal laws to pursue litigation to enforce the rights of people with disabilities. The protection and advocacy system has proven themselves to be responsible stewards of the public trust we as members of Congress have placed in them in regard to litigation. The protection and advocacy system is known for exhausting all other remedies before resorting to litigation, and in fact less than 5 percent of all cases handled by protection and advocacy systems nationally result in litigation. The vast majority of people with disabilities helped by the protection and advocacy system have their issues resolved through alternative means of dispute resolution such as negotiation and mediation.

And yet the authority to pursue litigation when necessary and when warranted is an essential component of our nation's disability rights system. If we take away the ability of people with disabilities to obtain due process through the courts, we take away the level playing field created by laws such as the Americans with Disabilities Act, the Fair Housing Act, the Individuals with Disabilities Education Act, the Rehabilitation Act, the Developmental Disabilities Act, and others. Because of that, it is essential that protection and advocacy systems retain their current authority to utilize a full array of approaches, including litigation, to carry