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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Virgil A. Wood of the Pond Street Baptist Church in Providence, RI.

PRAYER

The guest Chaplain offered the following prayer:

Dear God, we thank You for the remnants of love that remain within beloved America.

We confess that far too often, we have embraced the anti-love, in thought, word, and deed; please forgive us and mend our every flaw.

In the conflicts of life itself may we find the courage to meditate, to ponder, and to wrestle with the principalities and the powers.

When the conscious light of Your love breaks through our common journey, may we take off our shoes and worship, for that indeed will have become holy ground.

Grant us grace, dear God, to go forward and match deeds of love to our sacred words, that the love which is in the community of all humanity may perfect itself in us.

Having come now to understand how we of all faiths, races, and nationalities, as one people under God, could go forward, may we forever trust and abide in love.

And in the name of the one God of love, we offer this prayer. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 12, 2003.

To the Senate:

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

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CHAFEE. Mr. President, for the information of all Senators, this morning the Senate will resume consideration of S. 14, the Energy bill. The Graham amendment relating to the Outer Continental Shelf is currently pending. Under a previous agreement, there will be up to 90 minutes of debate prior to the vote on or in relation to the amendment. Therefore, the first vote will occur at approximately 11 a.m.

In addition to the Graham amendment, the Senate will consider other amendments to the Energy bill, and Members should expect rollcall votes throughout the day.

It is also possible that the Senate will be able to consider the FAA reauthorization later today. We will notify Members if that becomes available. Also, the Senate may consider additional nominations on the Executive Calendar. We will be working to schedule votes on the nominations that can be cleared.

Mr. REID. Mr. President, we recognize there are efforts being made to go to the FAA bill. We are attempting to clear that on this side. We have a couple of hurdles. I think we have completed one, and we still have one other problem to eliminate. We will certainly know that in the next hour or so.

If that is the case, it is my understanding, having spoken to the two leaders, after we dispose of the amendments pending, the leader would want to go off of the Energy bill and go to the FAA bill. We are trying to allow that to happen if we can clear that.

RESERVATION OF LEADER TIME

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

ENERGY POLICY ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 14, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Graham (FL) Amendment No. 884, to strike the provision requiring the Secretary of the Interior to conduct an inventory and analysis of oil and natural gas resources beneath all of the waters of the Outer Continental Shelf.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

Mr. REID. Mr. President, before we do that, I ask unanimous consent that the time on this matter, which is divided an hour on that side and 30 minutes on this side, be divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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

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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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum, and I ask that the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we have two Senators who wish to speak on the pending amendment. The junior Senator from Texas wishes to speak for 5 minutes. I understand the Senator from California wishes to speak for 15 minutes immediately following the Senator from Texas.

Mrs. BOXER. Mr. President, I will not object at all. I want to understand, I thought I already had 15 minutes from yesterday. I am just clarifying that point.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, some of the time has been used on quorum calls. That time was charged equally against both sides this morning. The Senator still has 15 minutes.

Mrs. BOXER. Mr. President, I thank the Senator.

Mr. REID. We may not have 15 minutes for somebody else, but there are 15 minutes for the Senator from California, Mrs. BOXER.

The ACTING PRESIDENT pro tempore. Quorum calls have been charged proportionately to both sides. At this time, the Senator from Texas is recognized for 5 minutes.

AMENDMENT NO. 884

Mr. CORNYN. Mr. President, I rise to say a few words in opposition to the Graham-Feinstein amendment. I am opposed to this amendment for several significant reasons.

This amendment would restrict our ability to conduct an inventory and analysis of our own energy resources. Section 105 of this bill will commission a comprehensive scientific study by the Department of the Interior concerning the energy resources of the U.S. Outer Continental Shelf. It will provide the groundwork for an informed debate on the offshore drilling issue.

This amendment will only decrease our knowledge of these issues. That is why I call it a know-nothing amendment. The American public has a right and a need to know the status of its national resources. We survey, catalog, and inventory our forests, our fisheries, our coal reserves, and other valuable living and non-living natural resources. We should also allow for the study of our domestic offshore energy resources.

The information that we currently have concerning our oil and natural gas resources is limited, dated, and lacks the specificity required for this important debate. This legislation will allow the Department of the Interior to use the latest technology, except drilling, to update its resource estimates using all the available scientific data.

As we reexamine our growing energy needs for the future, the geopolitical reality of our Nation's dependence on foreign oil becomes all the more disturbing. The demand for natural gas in this country continues to increase, while domestic production continues to decrease. Decreased production will result in American increased prices for natural gas, fertilizers, agricultural chemicals and electricity.

The OCS survey is vital to our energy future, and to our ability in the Senate to make energy decisions based on the best available information.

The energy industry in my home State of Texas and all throughout the Nation has established a strong record on safety and environmental issues, and they are the most critical part of our continuing work to find alternative sources for energy.

While we are debating this matter on the floor, Cuba has already launched well projects north of the island in the Gulf of Mexico. Just last month, the Castro regime invited oil companies from other nations to drill, just miles away from our own international borders. We should not restrict our Nation's knowledge and ability to make responsible decisions regarding energy policy, while other nations plow ahead, with no U.S. oversight, no U.S. safety regulations, and no U.S. environmental standards.

With the prospect of energy challenges looming on the horizon, now is not the time to ransom our sovereignty over our energy resources for the sake of short term political gain.

These natural resources belong to the American people, and they deserve an accounting of them. The debate over offshore drilling is a critical one, and it deserves our full attention.

I oppose this amendment as imprudent and inappropriate. That is why it was defeated by a strong bipartisan vote in the Senate Energy Committee. That is why it deserves to be defeated again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague from Texas for being brief and to the point. I am also glad he went first because I could not disagree more with what he said. It gives me a really good jumping-off place for my comments this morning.

I am pleased to cosponsor Senator GRAHAM's amendment to strike section 105 from the Senate Energy Bill, and I thank him and Senators FEINSTEIN, WYDEN, and CANTWELL for their heroic efforts in the committee itself to remove this section so we would not have to have this fight on the Senate floor.

The Senator from Texas called this amendment a know-nothing amendment. I call it an amendment that stands up for American values. What could be more of an American value than protecting and honoring the environmental legacy given to us by God, a legacy we must protect. It is our duty to protect. Section 105, which I wish to strike, would require the Secretary of the Interior to conduct an inventory and analysis of oil and gas reserves beneath the waters of the Outer Continental Shelf, including the moratorium areas. Let me repeat that. This is such a radical proposal that it would allow harmful analysis to go on, and I will explain why, beneath the waters of an area or areas in our country where they are so precious, they are so beautiful, they are so respected by the people we represent, that they have been subjected to moratoria by this Congress for 20 years now.

By the way, that tracks how long I have been in Congress actually, just about. I have supported that all the time, and this provision undermines the premise behind these moratoria, which is to protect these magnificent areas from activities such as the ones authorized in this bill.

It may sound very simple to say, oh, we are going to analyze what resources lie off our coasts and in our ocean, but when we realize the kind of work that will go on—seismic surveys, sediment samplings, other destructive exploration technologies that harm ocean habitat and marine life—it is worth getting upset about.

To this point, this bill is really an abomination. I do not know how else to put it. I am known to be very direct. It brings back nuclear energy, and I compliment the Presiding Officer today for his work to try and strip the subsidies to the nuclear power industry from this bill. We do not even know what to do with the nuclear waste we have. It is dangerous. It lasts for thousands of years. We do not even know what to do with it, and now this Senate has decided to turn away from the Wyden-Sununu amendment and say to nuclear power companies, before we know what to do with this waste, we are going to back you up, we are going to give you a loan guarantee so if you want to build a nuclear powerplant, you can go get a $3 billion loan guarantee from the Federal Government. So if there is a crisis, if there is a problem, if the plant does not work, you are going to be bailed out by the taxpayers.

Well, on behalf of the taxpayers of California, we are a State that has turned away from a couple of our nuclear powerplants because we have had problems—and now we are encouraging it. That is what this bill does. This bill has a safe harbor provision for ethanol.

Maybe ethanol will be fine, but we are not sure. A blue ribbon panel in EPA said they are not sure. If there are problems, if people get sick, if children are harmed, there is a safe harbor for the companies making ethanol. What a corporate give-away is this bill. And now we are turning our back on 20 years of bipartisanship and 20 years of leadership from Republican and Democratic Presidents and saying, go into those precious areas in the ocean, drill your heart away and we are going to tell you, as the Senator from Texas said, oh, that is a good thing for the country.

Wrong. It is a bad thing for our country. It is a bad thing for our children. It is a bad thing for their children because we would be undermining the protections for these valued, sensitive coastal areas and ignoring again this bipartisan moratoria we have had for years on the Outer Continental Shelf.

By the way, we beat this back 2 years ago. I cannot wait to tell the people of California what is happening. I am saddened by it, but I cannot wait to tell them because they need to hear it. This is another environmental rollback that is deadly serious. It was tried 2 years ago and it did not succeed, but I am not sanguine this time because we have had changes in this particular body.

Two years ago, Senator JOHN KERRY and I offered an amendment, which was included in the manager's amendment, to strip this deadly language out and to preserve the moratorium, and it passed.

Now, I will tell my colleagues why my people in California are so adamantly opposed to drilling off our coast. A very long time ago, 34 years ago, there was an incident that was so horrific that Californians who were around then will never forget it, and their children are told stories. In 1969, disaster struck when a major oil spill occurred from a platform 6 miles offshore from Santa Barbara, CA. Over 4 million gallons of oil poured into the ocean, contaminating the waters, killing thousands of animals and ruining over 200 square miles of Santa Barbara's coastline. Prior to that event, Santa Barbara's beaches were considered a recreational paradise with some of the most beautiful coastline in our country. After the spill, these same beaches smothered with a slick coating of oil, resulting in a loss of millions of dollars in tourism and recreation and broken hearts all over my State. Local governmental officials, community leaders, grassroots organizations, conservation groups, and citizens rallied for justice after the destruction of their coast. They decided then that absolutely no more drilling should be permitted off the coast.

Due to the Santa Barbara spill in California, there is strong and enduring support for the protection of our oceans and our coastlines, and any candidate for any office coming into my State saying we ought to go back to the days of drilling off that coast is not going to get the support of Democrats, is not going to get the support of Republicans, is not going to get the support of independents, and everybody else in between. They can sugar-coat it any way they want. We know the truth. We saw it in Santa Barbara. We made a decision that any potential benefits that might be derived from future oil and gas development were not worth the risk of destroying our priceless coastal treasures. I will show a picture of my coastline because it is worth looking at.

My friends on both sides of the aisle who support this underlying amendment, if they think they are helping the economy, they are not. The economy of mine and other coastal States relies on a beautiful and clean environment. The economic benefits of our California beaches are very clear. Two-thirds of California residents visit one of the State beaches at least once a year. In 2001, there were at least 132 million visits to California beaches by people from outside the State. These are your constituents. Maybe it is even you. Maybe you even came with your family to our beaches. These visits generated $61 billion in total spending in my State. That is an economic boom.

There are some in this Senate who think the only economic boom to their States is drilling on precious areas. That is a good debate. But the people of California have made this decision. They have decided they do not want it. They understand the commercial fishing industry relies on a beautiful unspoiled coast and ocean. It is a $554 million industry with 17,000 jobs, and they say no to this bill; the shipping industry, 8.6 billion and 179,000 jobs. We are talking tourism, we are talking fishing, we are talking shipping, and we are saying no to this bill.

This Graham amendment will help us preserve that economy. These are hard economic times in our State. The last thing we need is to go back. Tourism, beautiful beaches, a clean ocean, that is what my State is about. We saw what happened in Santa Barbara. We made that decision. We have permanently banned new oil and gas development in State waters. How can we go out adjacent to State waters to the Outer Continental Shelf and run the risk of destroying this value of our State? It is about California's economy. It is also about a beautiful environment.

I will show a couple of other pictures of this breathtaking environment. This is our southern California coast. The picture we show now is Malibu Beach.

We are talking about $61 billion in total spending each year because of our magnificent coast and our ocean. When it is added up, the underlying bill is destructive to our environment, which Republicans, Democrats, and Independents in my State agree must be preserved. It undermines our economy.

By allowing predrilling activities to occur, our coast is threatened, commercial fishing jobs are at risk, fishing jobs are at risk, tourism is at risk, California's economy is at risk, and the beauty of California's coastline is at risk. That goes for every State along my coast, be it Washington, Oregon, or California.

As I look back to the bipartisanship we have had with the President in the past, Republicans and Democrats, this is the first time we have seen this move.

What is the history of Federal moratoria? For two decades Federal waters off the coast of California have been protected from additional offshore oil and gas development through a series of temporary bans. President George H.W. Bush signed an executive memorandum in 1990 which placed the 10-year moratorium on new oil and gas leasing. He did not try to go in there with seismic testing and destructive methods. He did not get up and say, we better drill there and find out what is there. He understood it. President Clinton understood it. He extended this moratorium to 2012.

Section 105 of this Energy bill completely ignores this moratoria by promoting destructive exploratory drilling in the Outer Continental Shelf. In a letter to me, the California Coastal Commission states the provision ''would seriously undermine the long-standing bipartisan legislative moratoria . . . that has been included in every appropriations bill for more than 20 years.'' We must defeat efforts to undermine the protection of our coast and the rights of coastal States and local governments to make decisions to protect their coasts. Section 105 of the Energy bill is intended for one purpose, I say to my colleagues, and one purpose only. You can dress up a pig and you can put lipstick on a pig, but it is still a pig. In this case, it is to promote oil and gas development on our precious coast.

Republicans in my State don't want that. Democrats in my State don't want that. Independents in my State don't want that. By allowing the Secretary of the Interior to use invasive, exploratory technologies, including the seismic surveys—sections 105 permits activities that have detrimental impacts on the marine environment, including air pollution from machinery and disturbance to the sea flora. While these seismic surveys sound innocent, let me explain what we are talking about.

Huge boats with large acoustic equipment go out into the ocean, a high-pressure air gun sends out constant high-decibel explosive pulses through the water and deep into the sea floor. We know these sounds have been reported to cause significant damage to fish and their ability to locate prey and avoid predators. As a result, the survival of fish populations is threatened by this technology. That is why the commercial fishing business in my State opposes this bill. These explosive pulses are also within the auditory

range of many other marine species, including whales. In fact, when this technology was used in the Bahamas and off the coast of Mexico, it caused whales to become disoriented and as a result to be fatally stranded on beaches.

Seismic surveys are accompanied by extraction of numerous samples from the sea floor. These samples are collected by dropping large hollow metal tubes from ships to vertically puncture the sea floor. Reports from Environmental Defense show the collection of these samples damages the ocean floor and harms the habitat of numerous species.

The Graham amendment is supported by the California Coastal Commission, in addition to the Natural Resources Defense Council, Environmental Defense, U.S. Public Interest Research Group, Sierra Club, Coast Alliance, Ocean Conservancy, Oceana, and the League of Conservation Voters.

This is a serious issue for the most populous State in the Union and for the entire west coast. I urge my colleagues who say they care about what people believe, care about the values of the American people, to seriously look at the danger and the damage this is going to cause. We stripped it out of the appropriations bill a couple years ago, and it is back now. I hope my colleagues will strip it out again. If you do not, there are going to be a lot of outraged citizens in this country when they find out what could happen from the underlying bill. I again urge colleagues to support this Graham amendment.

Since my colleague from Washington is in the Chamber, Senator CANTWELL, let me say to her—I mentioned this in her absence—how much I appreciated the heroic effort she made in the committee to strip this out of the bill. I hope we will be successful today.

I thank my colleague. I yield the remainder of my time to the managers of the bill, and I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Wyoming.

Mr. THOMAS. Madam President, I wish to comment on what I hope is the progress of our Energy Policy Act of 2003 that is before us. It is a policy that is essential to our Nation's energy security, to our economic security. I think it will play a vital role in where we go with energy.

This is comprehensive legislation that has to do with production, particularly in the West; let's say domestic production. It has to do with research, which is what this amendment is about. It has to do with understanding where we go in the future with alternative fuels. We take a total look at where we are.

One important provision calls for an inventory of the Outer Continental Shelf and the resources there for the United States. This requires the Secretary of the Interior to survey all the Outer Continental Shelf resources currently under production and under moratoria, and to develop an inventory of those reserves in the areas that are not in production. An analysis will utilize the latest available remote sensing technologies, but the legislation specifically states that drilling will not be permitted in conducting this inventory. The measure directs the Secretary of the Interior to submit a report to Congress on the inventory 6 months after enactment of the bill.

Offshore production, of course, has played an important part in our domestic picture. The western and central Gulf of Mexico have proven world class areas for natural gas and petroleum production, accounting for over 25 percent of domestic production.

It is believed substantial natural gas resources exist in the eastern gulf, Atlantic Ocean, and off the coast of California. However, exploration of these areas has been prohibited by previous Presidential moratoria. Senator GRAHAM's amendment now on the floor will strike that inventory from the Energy Policy Act of 2003.

Opponents contend the passage will violate the Presidential moratoria and open the door for development of coastal areas. This is completely untrue. The sole purpose of the offshore inventory in S. 14 is to collect data on domestic offshore oil and gas resources to fully understand the potential of these regions instead of making future policy judgments on information that is outdated and incomplete.

A number of people are very interested in this. I understand that. But I think we are being misled a little as to what it means. It is a comprehensive scientific inventory. I think the public has a right to know what the status of our national natural resources are for the future. We need to reexamine them because many of the assessments that were done some time ago are not up to par in terms of current technology.

We need to do this. A number of organizations are opposed to the amendment—the National Association of Manufacturers, the U.S. Chamber of Commerce, the American Farm Bureau Federation—simply because they are so dependent on energy in the future. This is something that really affects lots of people.

I have to say once again, it is an inventory of the resources that are available, not a license to produce.

I yield the floor.

Mr. DOMENICI. May I ask the Senator a question?

Mr. THOMAS. Absolutely.

Mr. DOMENICI. You mentioned various organizations that support this. I wonder if it might be fair to say that, regarding future jobs for America, we might have some interest in knowing what our resources are. Those concerned about jobs for the future, might they also be interested?

Mr. THOMAS. The Senator raises, of course, a basic question. As we talk about energy, what we are talking about is the future of our economy, in terms of jobs, in terms of doing the things we will want to do economically and environmentally.

I have the same kind of feelings about my place in Wyoming. We have mountains and we have areas we are going to protect. But that does not mean we ought to avoid the idea of having a notion of where those resources are, and to be able to use some of them where they work together, preserving the environment.

Certainly the U.S. Chamber, certainly the National Association of Manufacturers, are concerned about the future and the availability of energy so we can create jobs and continue to build the future economy.

Mr. DOMENICI. I thank the Senator for his remarks this morning.

The Senator from Oklahoma, Mr. INHOFE, is here. He asked if he might have time. How much time do we have?

The PRESIDING OFFICER. There are 17 and a half minutes remaining.

Mr. DOMENICI. I yield 7 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think it appropriate I make a few comments. My committee does have jurisdiction over any environmental aspects of the OCS. I consider this to be significant. I think it is very important for us. We hear all the stuff about the environment and we hear some extremist groups who are saying they don't want this to take place. There are some out there, maybe even some Senators, who might believe this somehow is going to authorize exploration or authorize drilling.

Section 105 of the bill directs the Secretary of the Interior to conduct an inventory and analysis of oil and natural gas resources in the Outer Continental Shelf. It does not in any way authorize any type of exploration; it doesn't authorize any kind of drilling. It will provide the American people, for the first time, using new technology—and we have new technology—a comprehensive overview of the country's offshore oil and natural gas resources.

This 3–D seismic technology—I have heard the chairman of the Energy Committee talk about this modern technology. It was developed in the 1990s and has allowed us to identify 100 trillion cubic feet more natural gas in the Gulf of Mexico than was previously found.

We have surveys for the rest of the country's natural resources. We have surveys of how many forests we have, how many trees we have, how many fish we have, how much coal we have. Why is there so much resistance to knowing how many oil and gas resources or reserves are out there? How can we have a comprehensive national energy policy without knowing how much oil and gas the country has? That is really the key to this.

I have criticized Republican and Democrat administrations alike for not having a comprehensive energy policy. I remember, during the Reagan administration, trying to get a comprehensive energy policy. We were not able to

do it. During the first Bush administration, we were not able to do it.

Consequently, back when I was so concerned about our dependence upon foreign oil for our ability to fight a war, during the Reagan administration, our dependence was only 36 percent. Now it is 57 percent. So it has just gotten worse and worse.

Finally, I applaud the President for saying we are going to have a comprehensive energy policy, and I applaud the Senator, the chairman of the Energy Committee, for coming up with a well-thought-out plan. But, again, how can we have a comprehensive policy if we don't even know what resources the Nation has?

Many colleagues are concerned that section 105 undermines the State's right to determine what happens in Federal waters off its shores.

How can that happen? It is just a study. In fact, not knowing what oil and gas is off States' shores infringes upon a State's right to make an informed decision. Indeed. The liberal mantra here is the right to know. Given that, how can they oppose knowledge? No State has the right to infringe upon interstate commerce. That would be unconstitutional. If legislators are successful in prohibiting the access to the people's resources, then no amount of information about America's oil and natural gas reserves is going to change that protection.

Secretary of the Interior Norton, in a recent letter to my colleagues, Senators GRAHAM and NELSON, states:

> The language does not affect the moratoria.

You have to understand that. I just hope the people of America are watching this because we are really just saying we don't want the knowledge. We are facing a natural gas crisis. I don't think anyone is going to stand up here and say that we are not. This crisis is universally acknowledged through widespread awareness. This crisis has really just begun in the past year or so.

In a wonderfully bipartisan way, Congress has come together to try to reduce America's reliance on foreign sources of energy, including oil and natural gas.

Limiting the American people's access to knowledge about the American people's resources, let alone the resources themselves, is a guaranteed way to increase dependence on foreign sources of energy. It is sort of an ''ignorance-is-bliss'' strategy.

Also, many States are facing budget shortfalls. They turn to us for options for addressing these shortfalls. The ones I have talked with are appreciative of the fact that we need to know what resources are off our shores.

Again, this amendment authorizes only a study and will allow us to make good and informed decisions about resources. I can't imagine anyone being against something which is merely shedding light on what we have and informing the people of America what the resources are so we can intelligently address those resources in the future.

I certainly encourage my colleagues to oppose this amendment which would strike the people's right to know what kinds of resources are out there.

Again, I repeat that it has nothing to do with exploration. It has nothing to do with drilling oil. All it deals with is finding out what our resources are.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise to support the Graham amendment. I thank my colleague from California for speaking so eloquently about how important it is for the entire west coast of the United States. I know Senator GRAHAM is articulating those same concerns in Florida. I am sure we will hear from Members of other parts of the country. I find this debate almost amazing—amazing in the sense that Congress has enacted moratoria on drilling since 1982. In every instance since 1982, Congress has responded and said we don't want to explore for natural gas or oil off of our pristine coasts. So we go over this time and time again. Yes. We are going to go over it again today. People have raised these economic arguments. I can tell you what the people in Washington State think.

We have a 7.4-percent unemployment rate. We want jobs. But I guarantee this is not where we think we are going to get jobs. In fact, we want protection from our high energy costs. My ratepayers have had a 50-percent rate increase. Why? Because we were gouged by Enron contracts.

To say to the people of the Northwest that somehow your economy and your future are going be taken care of because we are going to let you drill off the coast of Washington is ludicrous. We want economic relief. We want statutory relief from the Federal Energy Regulatory Commission to do their job. We want them to basically say that the fat boys and these Enron schemes have been illegal and we are going to help you get out of your high energy prices.

The fact that we are out here talking about this isn't really going to lead to drilling. Then why spend the taxpayers' dollars trying to study something we don't want to do. I don't want to drill off the coast of Washington. I don't want to spend the taxpayers' money assessing that situation. I don't think we ought to spend the taxpayers' money looking in the Great Lakes for oil. I don't know that we want to go and say let us valuate putting a nuclear powerplant in North Dakota because it might be close to the Missouri River and a water source.

There are a lot of issues we can explore. The question is, do we want to follow through on those policies? I believe the answer is absolutely no, as to our pristine coastline. That coastline has already been a key part of our economy on the west coast. We have many fishing industries, shellfishing industries, and tourism dollars that all rely on that pristine coastline.

The Federal Government has entered into treaties with the tribes on shellfish and harvesting rights. Are we going to abrogate those Federal obligations that we have signed onto?

We also, as the Federal Government, implemented the Olympic Coast National Marine Sanctuary which encompasses most of the waters off the Northwest coast. It is a sanctuary for hundreds of species, including marine mammals. These mammals include the majestic orca whale, whose 20 percent population decline over the past decade recently triggered a ''depleted'' listing under the Marine Mammal Protection Act. Now are going to say to the country that we think we should look at putting oil rigs and transportation of oil in an area that we, as a country, have already designated as a pristine national monument?

If you want to know whether the people of my State are watching, they are watching. Guess what. They have a memory. They do remember. They remember thick carpets of oil, hundreds of dead birds and great shards of oil-blackened timber that followed the 1989 oil spill off of Grays Harbor. That disaster stained over 300 miles of coastline. An oil well blowout could be many times worse.

While some argue that simply studying this just gives us information, my response is that we should not spend millions of taxpayer dollars that could be put towards something else. My constituents won't accept drilling rigs off the vibrant coastline of Willapa Bay, Neah Bay, or the mouth of the Columbia River. Rigs are unsightly and the risk of an ecologically disastrous oil spill is just too high.

Instead of looking for oil and gas on the Outer Continental Shelf, my State is willing to do a variety of things.

We are still the home to the Hanford Nuclear Reservation, and we are spending billions of taxpayer dollars to clean up the nuclear waste. We are progressing on that in an aggressive fashion.

We have one of the largest wind farms in the West. We are trying to be a leader in new energy technology. We are even willing to look at wave energy technology off the coast of Washington and in other areas where it might be more appropriate.

I am a big advocate of moving forward on natural gas in Alaska to make sure we get a natural gas pipeline to give more natural gas resources to the lower 48 States. That is something which I think is critically important. The Pew Ocean Commission has recently highlighted the fragile nature of our oceans and coastal resources and recommended we look at our oceans in a holistic manner.

I think that report, which came out less than 10 days ago, basically says that we don't have our act together as it relates to our oceans and the health of our oceans.

I find it very frustrating being from a State that has high unemployment and a State that has high energy costs. Those energy costs have been costing us and no one is trying to help give us relief from those contracts.

Public documents say there has been market manipulation. Now somebody thinks they are proposing to us some panacea of studying drilling off the coast of Washington and you are going to have a great economy. It is a bunch of bunk.

What we need to do is what Congress has done since 1982, enact a moratorium on drilling. Stand up and say it is not appropriate. Follow the Bush administration, follow the Clinton administration, and follow the previous Bush administration. I am not sure where this Bush administration is, but basically say we don't want drilling off of our pristine coastline.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator?

Ms. LANDRIEU. Madam President, I understand the Senator from New Mexico has 11 minutes remaining. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Thank you, Madam President. I would like 5 of those minutes.

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

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, today I rise in opposition to Senate Amendment No. 884, offered by the Senator from Florida. Everywhere you turn these days you hear talk of a natural gas crisis facing this country. On May 21, the Chairman of the Federal Reserve testified before Congress that he was ''quite surprised at how little attention the natural gas problem has been getting,'' he said, ''because it is a very serious problem.'' Yesterday, while testifying before the House Energy and Commerce Committee, he went on to add that the increase in gas prices—more than double what they were last year—have put significant segments of the North America gas-using industry—chemical, fertilizer, steel and aluminum—in a weakened competitive position against industries overseas.

What Mr. GREENspan is referring to is the looming gap between natural gas demand and supply in this country. Currently, we produce about 84 percent of the natural gas we consume. By 2025, the Energy Information Administration, EIA, projects that imports of natural gas will provide 22 percent of demand. Quite simply, we are facing the prospect of our natural gas market following in the footsteps of our oil market where imports continue to account for a growing percentage of supply.

For years we have pursued a policy that is in conflict with itself. On the one hand, we encourage the use of natural gas in this country to meet our energy needs and environmental goals. It is viewed as a clean fuel to improve air quality and a low carbon-dioxide fuel to meet climate change targets.

However, we have ignored the supply side of the equation. National output has remained stagnant since 1995 but one of out of every two homes in the United States is now heated by natural gas. The amount of natural gas used to generate electricity has increased 33 percent in the past 5 years and will likely grow an additional 60 percent by 2015.

So, we now find ourselves living in a state of denial when demand outstrips supply and volatile prices occur.

In my State of Louisiana, chemical plants, which use natural gas as both a fuel and a feedstock, face record-high prices. Because of tight supplies, the average natural gas price—NYMEX—for the first quarter of 2003 was $5.91 per million Btus. This represents a staggering 129 percent increase over the average natural gas price for the first quarters of the previous 10 years, which was $2.58.

For ammonia plants in particular, the cost of natural gas can represent 70 to 90 percent of the total cost of manufacturing its products. Since 1998, the number of Louisiana Ammonia Producers, who account for approximately 40 percent of the U.S. production of ammonia, has gone from 9 companies employing more than 3,500 employees to 3 companies employing less than 1,000.

Thanks to the good work of the Energy Committee, led by Chairman DOMENICI, I believe there are some provisions in this Bill, that if enacted, would stimulate natural gas production in the short term. For example, I offered an amendment at committee that was accepted and would encourage deep gas production from wells in shallow waters on existing leases. Provisions such as this one can bring gas to market quickly.

While there are some conservation and efficiency measures we can take to try and slow high prices in the short term, we cannot continue to pretend that the supply imbalance does not exist. Believe it or not, the fight today is not over whether to produce more natural gas but instead focuses on a mere study, albeit a critical one.

The proponents of the amendment before us would have you believe that enacting the inventory called for under section 105 of the bill would open Pandora's Box and lead to oil and gas production everywhere on the Outer Continental Shelf, regardless of whether an area is currently under moratoria.

The fact is the inventory will do nothing of the sort. Section 105 will in no way affect existing moratoria on oil and gas activity in the OCS, nor will it diminish the rights of those states that oppose drilling off their coasts. Section 105 does not provide for the use of exploratory wells. The real truth behind section 105 is simply to inform the American public about how much potential oil and natural gas there is within these areas of the United States.

I believe that the American people should have the most up-to-date and accurate projections of these public assets. An amendment such as the one pending before the Senate sends a signal to America's consumers, homeowners and manufacturing industries that Congress is out of touch and not committed to addressing a problem that only continues to get worse.

The question might arise, why do we need to re-examine our offshore resources when many assessments of oil and natural gas resources off our coasts have been done? The answer is most, if not all, of these assessments relied solely on the geophysical and geological data yielded by company exploration and production efforts. In some areas, where moratoria have been in place for some time, the data is very old—10 years or more—and the estimates may no longer be accurate.

Since this frontier was officially opened to significant oil and gas exploration in 1953, no single region has contributed as much to the nation's energy production as the OCS. The OCS accounts for more than 25 percent of our Nation's natural gas and oil production.

With annual returns to the federal government averaging between $4 to $5 billion annually, no single area has contributed as much to the federal treasury as the OCS. In fact, since 1953 the OCS has contributed $140 billion to the U.S. Treasury.

In light of these tremendous contributions, it is particularly interesting to realize that almost all of our OCS production comes from a very concentrated area of the OCS, the western half, which really means offshore Louisiana and Texas. Ninety-eight percent of the nation's offshore production comes from this half of the Gulf of Mexico. In fiscal year 2001, offshore Louisiana accounted for almost 80 percent of total OCS gas production.

By taking this inventory, maybe we discover there are more resources on the OCS than we originally thought or maybe we actually learn less is out there. Regardless, we owe it to ourselves to find out.

Madam President, I yield the remainder of my time to the Senator from New Mexico.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Madam President, I want to reserve the remainder of our time. However, I thank the distinguished Senator from Louisiana for her excellent remarks. The real issue is knowledge: What should the American people know about their future in terms of our own resources?

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

Ms. COLLINS. Mr. President, I rise to express my concern over provisions

included in the Senate Energy bill that threaten the existing moratoria on leasing and preleasing activities related to oil drilling on Georges Bank, off the coast of Maine, and other areas of the outer continental shelf.

Section 105 of the Energy bill requires the Department of the Interior to inventory all potential oil and natural gas resources in the entire outer continental shelf. This provision would allow potentially damaging seismic technology in the vital fishing grounds of Georges Bank.

Georges Bank is a magnificent American resource. The unusual underwater topography and tidal activity of Georges Bank create an almost self-contained ecosystem, unique within the ocean that surrounds it. It is one of the most productive fisheries in the world, where Mainers and many others harvest cod, haddock, yellowtail flounder, scallops, lobsters, swordfish, and herring.

Mainers have fished Georges Bank for hundreds of years. Hundreds of small communities in New England depend on fish from Georges Bank for economic support and their maritime-based way of life. In recent years, Maine's fishermen have made significant economic sacrifices to work toward sustainable and healthy fish stocks. I am extremely worried that any drilling activities, even preleasing activities, could destroy their work.

An oil spill on Georges Bank would have catastrophic effects on the Georges Bank ecosystem and the economies of the coastal communities of New England. Georges Bank experiences some of the most severe weather in the world, and the frequent storms, strong currents, and high winds would cripple any post-spill cleanup effort. For this reason, and because of its great biological value, many scientists, fishermen, and other persons concerned with and knowledgeable about the unique ecosystem of Georges Bank have urged that no drilling activities occur in this region.

I have long worked to protect Georges Bank from the potentially devastating impacts of offshore oil and gas drilling. In 1999, when the Government of Canada was considering whether or not to drill on Georges Bank, I introduced a resolution in the Senate that asked the Government of Canada to impose a moratorium on drilling on the Canadian side of Georges Bank until 2012. I was very relieved when, several months later, Canada did indeed impose such a moratorium. The United States also has a moratorium on drilling Georges Bank until 2012.

This issue again arose in May of 2001, when the Outer Continental Shelf Policy Committee recommended to the Secretary of the Interior that she encourage congressional funding to assess the oil and gas potential of offshore areas covered by the moratorium. The recommendations also included a suggestion to explore lifting parts of the existing moratorium.

In response, I worked to include language in the fiscal year 2002 Interior Appropriations bill that would prohibit the use of funds for offshore preleasing, leasing, or related activity on Georges Bank. Along with Senators KERRY, KENNEDY, and SNOWE, I cosponsored an amendment that prohibits the Department of the Interior from spending any funds on leasing, preleasing, or related activities in Georges Bank and the entire North Atlantic, as well as the West Coast off California, Oregon, and Washington, and the eastern Gulf of Mexico. Our amendment was signed into law, and similar language has been included in subsequent Interior Appropriations bills.

I believe that Section 105 of the Energy bill is contradictory to the Interior Appropriations bill language and the expressed will of the Senate against the expenditure of funds for the use of preleasing activities in Georges Bank. I am pleased to join Senators GRAHAM, FEINSTEIN, DOLE, and many others in cosponsoring an amendment that will remove these provisions from the bill. I urge my colleagues to support our amendment.

Mr. REID. Madam President, would the Chair indicate how much time remains on each side?

The PRESIDING OFFICER. The Senator from New Mexico has 4 minutes 20 seconds; the Senator from Washington has 5 minutes, and the Senator from California, Mrs. FEINSTEIN, has 13 minutes.

Mr. REID. So a total of 18 minutes on this side, 4 on the other side.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Mr. REID. Madam President, it is my understanding that the leader wants to vote at 11:15.

Mr. DOMENICI. My understanding is we would like to change the time to 11:15, assure the time at 11:15.

Mr. REID. Madam President, I ask unanimous consent that the time, after whatever time expires that has already been allocated, be divided equally between the two sides.

Mr. DOMENICI. Between now and 11:15?

Mr. REID. Not the time between now and 11:15. Whenever the time expires—we have 18 minutes and you have 4 minutes; so 22 minutes—so it would be about 13 minutes would be allocated evenly.

Mr. DOMENICI. I have no objection.

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

Mr. DOMENICI. Madam President, I trust, with the time being so much more on their side, a Senator from that side will soon come to the floor and talk.

Mr. REID. Yes. I say to my friend, Senator FEINSTEIN is due here momentarily. Senator GRAHAM is expected. But I think, in fairness to Senator DOMENICI, that their time—they should be here, so I will suggest the absence of a quorum.

Mr. DOMENICI. I think that is fair, and I thank the Senator for suggesting it.

Mr. REID. 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.

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

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

Mr. REID. Mr. President, if the Senator will yield, how much time does the Senator from California have remaining?

The PRESIDING OFFICER. There are 9 minutes remaining.

Mr. REID. Mr. President, I say to the Senator from California, if she needs more time, there is time available. Does the Senator know how much time she will need?

Mrs. FEINSTEIN. I may need another 5 minutes.

Mr. REID. I ask unanimous consent that the time remaining to the Senator from California be a total of 15 minutes.

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

Mrs. FEINSTEIN. Mr. President, I thank Senator REID.

I wish to speak as cosponsor of the Graham-Feinstein amendment to remove the inventory of Outer Continental Shelf oil and gas resources from the Energy bill. I deeply believe that this proposed inventory threatens our coasts and should not be part of this Energy bill. The House already stripped the studies out of the Energy bill. The Senate should do the same.

The Energy bill's current language requires a new inventory of all the Outer Continental Shelf resources and a study of impediments to production. We oppose these studies because the purpose of the studies is really meant to undermine the moratoria which is in place. Many of these moratoria have been in place with bipartisan support on both coasts for 20 years.

Proponents of the inventory argue that it is meant to provide information and nothing more. However, the real intent is clear: The Minerals Management Service is specifically directed to inventory moratorium areas that are not available for development. Inventorying these areas does not make sense unless you want to overturn the moratoria.

The provision's second study on impediments to production makes the intent of the studies even clearer. In section 105, the popular moratorium that now protects our States' coastal resources is disparaged as ''an impediment to production.'' An impediment is something to be removed. So this is a hint as to the intention of these studies.

Perspective is important in this debate. The moratorium is there to protect our coast, not just to impede production of oil and gas. Facts are that

we do not need the information these studies would provide to make an informed decision. We have inventoried the Outer Continental Shelf's resources before. In fact, the Minerals Management Service already publishes an update of this inventory every 5 years. We have a good idea what resources are out there, and we do not need additional studies.

Californians are also too familiar with the consequences of offshore drilling. An oilspill in 1969 off the coast of Santa Barbara killed thousands of birds, as well as dolphins, seals, and other animals. We know this could happen again, and how well I remember that cleanup effort on those beaches.

A healthy coast is also vital to California's economy and our quality of life. One of our major economic areas is the visitor industry—conventions, tourists. People do not want to see oil rigs off the coast of California, and they do not come there for that purpose. The ocean-dependent industry is estimated to contribute $17 billion to our State each year. So the economics of what the ocean produces in its pristine state are critical to our State.

In 1991, the California Department of Parks and Recreation found that almost 70 percent of Californians participated in beach activities and 25 percent of our population did some saltwater fishing. So Californians know what is at stake, and we made an informed decision: We do not want drilling off our coast.

As Mike Reilly, chairman of the California Coastal Commission, said to me in a letter:

> The energy bill's provision is directly contrary to California's strong interest in safeguarding its precious coastal resources from offshore oil and gas-drilling related activities, and for that reason we oppose this study.

The California Coastal Commission is the State governmental agency in charge of the coastline. I myself served on one of the regional boards of the Coastal Commission, so I know it well.

Even without the threat of future drilling, we would oppose conducting these studies in moratorium areas. We have moratoria to protect our coasts. The studies would harm resources we want to protect.

I wish to focus for a moment on the destructive studies required by this provision. The provision's original language would have allowed for exploratory drilling. I appreciate that the current version no longer allows for exploratory drilling. However, the bill still requires invasive study methods that will harm our coastal resources.

The provision specifically calls for 3–D seismic testing. One might ask, What is that? This technology requires a sparker or air gun and loud repeated pulses of underwater sound. These sounds can be heard for miles under water.

Seismic surveys harm marine mammals and have been linked to strandings of whales on beaches on multiple occasions. Seismic testing also hurts fish. Recent studies show these surveys damage the ears of at least some fish species, and that the damage may well be permanent. Fish rely on their hearing for survival. Additional seismic testing would threaten our fishery resources and our commercial fishing industries. This is a $17 billion industry in California, so we cannot afford threats to our fisheries and our fishing industry.

The inventory would also likely include something called dart core sampling. Dart cores are collected by dropping large metal tubes from ships. The tubes sink fast enough to penetrate the sea floor to a substantial depth, remove a column of rock, and then are retrieved to the ship. This is suspiciously similar to drilling. So that is what is going to go on. This is not just a benign study of people sitting at their desks on land studying something. They are sinking these tubes down to some depth, obviously to examine core samples to determine the presence of natural gas or oil.

Dart core sampling also damages organisms and habitat on the ocean floor. The dart cores also create silt plumes that smother nearby organisms.

Protecting our coastlines is not a partisan issue. The Governors of both Florida and California oppose these studies. Furthermore, the successful effort to defeat the studies in the House was a bipartisan effort. A broad coalition of Senators, including the distinguished Senators from Florida and North Carolina, opposes the studies in this provision. We should not override the wishes of the most affected States and people to protect their own coastlines.

So I ask my colleagues to vote for our amendment to strike the Outer Continental Shelf study from the Energy bill. Directly following my remarks, I ask unanimous consent that a letter from the League of Conservation Voters dated June 10 be printed in the RECORD.

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

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, June 10, 2003.

U.S. SENATE,
Washington, DC.

RE: SUPPORT AN AMENDMENT TO S. 14 TO PROTECT SENSITIVE COASTAL AREAS FROM OIL AND GAS DRILLING

DEAR SENATOR: The League of Conservation Voters (LCV) is the political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to support an amendment that will be offered by Senators Graham (FL), Feinstein, Cantwell, Wyden, Nelson (FL), Lautenberg, Boxer, Edwards, Kerry, Murray, Lieberman, Leahy, Snowe, Dodd and Chafee to strike section 105 of S. 14. This provision would undermine the existing bipartisan Outer Continental Shelf (OCS) moratorium that currently protects some of the nation's most sensitive coastal and marine areas.

Section 105 requires the Interior Department to inventory potential oil and gas resources of the entire Outer Continental Shelf (OCS), including the moratorium areas, using seismic surveys, sediment sampling, and other exploration technologies that can damage sea life and ocean habitat. Section 105 also requires the Secretary to report to Congress on ''impediments'' to the development of OCS oil and gas, including the moratoria, and the role coastal states and localities have played in stopping environmentally harmful offshore oil-related activities. This lays the groundwork for an attack on the moratoria, as well as on the rights of coastal states and local governments to raise legitimate objections to offshore development and related onshore industrial development that affects their coasts.

Since 1982, Congress has included language in the Interior Appropriations bill that prevents the Department of the Interior from conducting leasing, pre-leasing and related activities in areas under moratoria. President George W. Bush included the traditional legislative moratorium language in his FY 04 budget request.

Section 105 is clearly inconsistent with more than 20 years of bipartisan legislative and administrative actions that protect sensitive coastal areas around the country from offshore oil and gas activity. Please support the Graham amendment to strike this damaging provision when the energy bill comes to the Senate floor, and please oppose this dirty, dangerous energy bill.

LCV's Political Advisory Committee will strongly consider including votes on this issue in compiling LCV's 2003 Scorecard. If you need more information, please call Betsy Loyless or Mary Minette in my office at (202) 785–8683.

Sincerely,

DEB CALLAHAN,
President.

Mrs. FEINSTEIN. That letter, of course, on behalf of the League, which has stood fast in defending and advocating important environmental issues solidly is in support of the Graham-Feinstein amendment.

I yield the floor, and 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. DOMENICI. 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. DOMENICI. Mr. President, parliamentary inquiry: How much time remains now for debate?

The PRESIDING OFFICER. Fourteen minutes evenly divided.

Mr. DOMENICI. If there are any Senators who wish to speak who favor this amendment, we will give them some of our time if they want to get down here and take a few minutes. It is a very interesting and exciting issue.

I will take a few minutes now. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Will the Chair inform me when I have used 5 minutes.

The PRESIDING OFFICER. The Chair will so inform the Senator.

Mr. DOMENICI. Mr. President, a lot has been said about this. A lot is not true. In a very few minutes, I will go through exactly what is true by reading specifically what the bill says and the interpretations that we have.

I do not believe there is any right-thinking American, knowing the dangerous nature of our reliance upon both oil and natural gas, who would not want to know tomorrow morning, if they could, how much in resources we have if we ever needed them. We only want to know about certain ones. We do not want to know about those who might want to drill out in the ocean. We just want to know about some of them. I think every American would say: Tell us how much we own, and then later on we will discuss whether it is worthwhile trying to use them.

The provisions in this bill do not lift the moratorium. It simply authorizes the Secretary to conduct a study. This language prohibits the use of drilling to obtain data, and it also directs the Secretary to use existing data. It is a prudent move to take an inventory of our domestic resources and where they are located. Technology has changed significantly over the years, and resource data that were developed in the 1970s are totally outdated. We did not have the advantage of 3–D seismic analysis, and MMS has never included 3–D data in its assessment of the Atlantic OCS resources.

Nearly 60 percent of our oil is imported today. Supply disruptions left the world oil markets in short supply. Not too many years ago, it also left lines in America where in New York they started waiting in lines at 4 in the morning. They got so mad at each other, they even shot each other because one was jumping ahead of the other in line. Just think of what would happen if that were the case and if then somebody stood up on the floor of the Senate and said, well, if 10 years ago that amendment would have passed and they would have taken an inventory, we could at least be taking a look to see whether we could use our own oil that is in the ocean that we already know how to get out without destroying anything.

Experts agree that the country faces a crisis. Over time, technological advances have allowed us to identify additional oil and gas in areas where they once were thought to be in limited supply. In 1995, the Federal Government estimated that the Gulf of Mexico contained 95 trillion cubic feet of undiscovered natural gas. Five years later, in 2000, which is not too long ago, that number was increased to 193 trillion of undiscovered gas, an increase of 100 percent.

Restrictions on preleasing activities do not preclude environmental, geological, physiological, economic engineering, or other scientific analysis studies and evaluations. Congress passed its own drilling moratoria. It included language in the conference report that specifically provided for new studies. The statute says what I just stated, that restrictions on preleasing activities do not preclude environmental, geological, physiological, economic, and engineering activities.

I am convinced that with the energy supply, a short supply in our country, the shortages in the 2000 and 2001 and the higher prices again this year, we are going to need to take prudent steps.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. DOMENICI. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. It is no surprise that informed people know what America's concern is, such as the American Chemistry Council, American Iron and Steel Institute, Council of Industrial Boiler Owners, National Association of Manufacturers, the Fertilizer Institute, the American Gas Association, the Farm Bureau, the U.S. Chamber of Commerce. Federal Reserve Chairman Alan Greenspan has also spoken out, not on this issue but on natural gas prices and the shortage. He said: I am quite surprised how little attention the natural gas problem has been getting because it is a very serious problem.

That is a true statement, and because of a committee that was asked to do work to plan a policy, we are doing something that Alan Greenspan said. He said he was surprised we are not doing more. We want to do more. This more is a simplistic more. It is a let-us-know-what-we-have more. That is all there is to it. Knowledge is better than no knowledge when it comes to problems. Knowledge of what you own is better than not knowing what you own, and that is the issue.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, it is my understanding that the vote is scheduled for 11:15.

The PRESIDING OFFICER. Time will expire at 11:15; that is correct.

Mr. NELSON of Florida. Mr. President, I would like to close on the amendment that is sponsored by Senator GRAHAM, and a number of other Senators, including this junior Senator from the State of Florida.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NELSON of Florida. Mr. President, there are a lot of States that are quite concerned about this so-called inventory, or so-called survey, to be done with regard to oil and gas drilling in the Outer Continental Shelf off our respective States. Why are we concerned? In a bipartisan way, we have heard Senators from each of these coastal States stand up in this debate that started last night and has continued through today tell the reasons, and they usually will boil down to two reasons. I will give a third today.

The two reasons are usually: No. 1, the harm to our environment if oil is spilled as a result of offshore drilling. In the experiences this country has had, we clearly understand what that does to the coastal environment.

There is a second reason that has been articulated in this debate, and it is that it will so devastatingly affect our State economies. In most of our coastal States, the travel and tourism industry is inextricably entwined with the viability and the beauty of our beaches. In the case of Florida, a coastline only exceeded by the coastline of a place such as Alaska in number of miles, we have a $50 billion annual tourism industry. A lot of that is reflective upon the desirability of people to enjoy our beautiful beaches.

So, too, in Georgia, South Carolina, North Carolina, and Virginia. And so, too, with the extraordinary environment in New England, especially in places such as Maine.

On the gulf coast of the United States, the Gulf of Mexico is generally divided into the eastern gulf, the central gulf, and the western gulf. There are 2,000 oil rigs in the Gulf of Mexico. All are in the central gulf off of Alabama, Mississippi, and Louisiana and in the western gulf off of Texas. Those particular States' populations support offshore oil drilling; on the eastern gulf, Floridians do not.

The Senate should listen to the coastal States. That is the first part of the argument. The second part of the argument is, where is the oil and gas? The geology shows it is not in the eastern Gulf of Mexico off the State of Florida; it is where the oil wells are now in the central and western gulf.

We did a survey in the year 2000 and we are scheduled to do another survey in the year 2005, 2½ years from now. What is the rush? That is why we are suspicious. We think it is the inevitable push by the oil interests playing out here, wanting to start drilling for oil and gas.

The debate articulated thus far is the environment and our economies. I mentioned a third reason. The third reason is the defense of this country, in the preparation of the defense of this country and the training that takes place off the coast of the United States. The military cannot train with a carrier if there are oil rigs out there. Since the naval training facility at Vieques, Puerto Rico, is being shut down, a lot of that training is now off the east coast of the United States and the gulf coast. Specifically, a lot of that training will occur off the coast of Eglin Air Force Base at Fort Walton Beach, the Pensacola Naval Air Station at Pensacola, and Tyndall Air Force Base at Panama City. We are able to do this because of the advance of technology. You can virtually create the target area desired, although it is in unrestricted airspace over the waters—in this case, the Gulf of Mexico. Can we have that kind of training if there are oil and gas wells out there? The answer is no.

The environment, the economy, and the preparation of our military to engage in the defense of this country are three obvious reasons.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON of Florida. I yield the floor and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 884.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Connecticut (Mr. LIBERMAN) are necessarily absent.

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—44

Akaka	Feinstein	Mikulski
Biden	Fitzgerald	Murray
Boxer	Graham (FL)	Nelson (FL)
Cantwell	Gregg	Pryor
Chafee	Harkin	Reed
Clinton	Hollings	Reid
Coleman	Jeffords	Rockefeller
Collins	Johnson	Sarbanes
Corzine	Kennedy	Schumer
Daschle	Kerry	Smith
Dayton	Kohl	Snowe
Dodd	Lautenberg	Stabenow
Dole	Leahy	Sununu
Durbin	Levin	Wyden
Feingold	McCain	

NAYS—54

Alexander	Cornyn	Lincoln
Allard	Craig	Lott
Allen	Crapo	Lugar
Baucus	DeWine	McConnell
Bayh	Domenici	Miller
Bennett	Dorgan	Murkowski
Bingaman	Ensign	Nelson (NE)
Bond	Enzi	Nickles
Breaux	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Hagel	Shelby
Byrd	Hatch	Specter
Campbell	Hutchison	Stevens
Carper	Inhofe	Talent
Chambliss	Inouye	Thomas
Cochran	Kyl	Voinovich
Conrad	Landrieu	Warner

NOT VOTING—2

Edwards	Lieberman

The amendment (No. 884) was rejected.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S. 824

Mr. FRIST. Mr. President, I ask unanimous consent that at 12:15 p.m. today the Senate proceed to the consideration of calendar item No. 83, S. 824, FAA reauthorization.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that the list of amendments that I will send to the desk be the only remaining first-degree amendments in order to S. 14 other than any amendments which may be pending at the time this agreement is entered; that any listed first-degree amendment be subject to second-degree amendments which must be relevant to the first degree to which offered; and that if any first-degree amendment on the list is described as ''relevant,'' that the definition of ''relevant'' be ''related to the subject matter of the bill'' and/or ''energy related''; provided, further, that following the disposition of the amendments which may be offered from the list, the bill be read a third time; further, that the Senate then proceed to the consideration of calendar No. 85, H.R. 6, the House Energy bill, and that all after the enacting clause be stricken and the text of S. 14, as amended, be inserted in lieu thereof; I further ask that H.R. 6 then be read a third time and the Senate proceed to a vote on passage.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The majority leader has the floor.

Mr. FRIST. I will suggest the absence of the quorum shortly, and we will have a discussion in a few minutes among ourselves.

Mr. President, in terms of the course of the day, we would like to work out the unanimous consent request just objected to, which had to do with getting the amendments on both sides of the aisle, which we have finally done after about a week and a half of discussion. That is real progress. It allows us to focus and give some order to the range of issues that must be discussed on the Energy bill. They are all very important amendments.

It is absolutely critical that we come to an agreement on what those amendments are so we can further that discussion.

Mr. DORGAN. Will the majority leader yield for a question?

Mr. FRIST. Yes.

Mr. DORGAN. Mr. President, I wanted to ask a question about the issue of relevancy. That piqued my interest because we have had experience here with respect to the definition of relevancy on amendments.

Could the majority leader explain it to me so that I understand the unanimous consent request that he had propounded dealing with relevancy? I think there is some merit in the discussions going on to try to get a list. I am not wanting to be destructive to that effort, but I would like to understand the discussion about relevancy. That has become an increasingly important issue for many of us.

Mr. FRIST. Indeed, Mr. President. In response to my distinguished colleague, the issue of relevance has become an issue. Therefore, in the unanimous consent request I said, ''relevant be related to the subject matter of the bill' and/or energy related.'' That is really to add what I think the Senator's concern is—is this relevancy going to be so tight that something having to do with energy will be excluded? By adding this clause, ''energy related,'' it is the understanding that we will consider other amendments on the list.

Mr. DORGAN. Mr. President, if the majority leader will yield further, that would satisfy my concerns, if I understand exactly what is intended by the leader. As I indicated, we have some concerns about the relevancy issues and the determination of what is relevant. If the wording is as the majority leader suggested, that would satisfy my concerns.

Mr. DURBIN. Mr. President, reserving the right to object, do I understand correctly that there are 350 amendments pending?

Mr. FRIST. Yes.

Mr. DURBIN. Has anybody looked at those and decided which ones are relevant?

Mr. DOMENICI. Mr. President, normally, we look at them when we get them—both sides—and we make decisions and talk with the proponents and we winnow down the list. The answer is, not yet.

Mr. DURBIN. That is my concern then, Mr. President. In all fairness to the Parliamentarian, the definition of relevancy, even as we define it may turn out to be a lot different when individual amendments are actually offered. I would object to the UC if it includes reference to relevancy until we have had a chance to look and determine whether my amendments or any others are irrelevant. Amendments have been written and a decision can be made.

The PRESIDING OFFICER. Objection was already heard on the proffered unanimous consent.

Mr. DORGAN. If the Senator will yield, my understanding from the majority leader is that it is not the relevancy determined by the Parliamentarian, but they must be related to the subject of energy, which is infinitely a broader definition. That is my understanding.

Mr. DASCHLE. If the majority leader will yield, there is one other clarification I think is important, and that is we have had a lot to do with putting the list together. There is no relevancy requirement for first-degree amendments. If it is stated as an amendment to the Energy bill, it can be on any subject matter. If it says relevant, then

we will use, as the distinguished majority leader has noted, the criteria he has laid out, subject generally to the energy issue.

So the relevancy requirement is only a requirement in those areas where relevancy is listed as a factor in the amendment itself. There is no relevancy with regard to first-degree amendments.

Mr. DURBIN. Mr. President——

The PRESIDING OFFICER. The majority leader has the yield.

Mr. FRIST. I am happy to yield to the Senator for a question.

Mr. DURBIN. I ask the leader, in reference to second-degree amendments, is there a relevancy requirement?

Mr. DOMENICI. Mr. President, there always has been on the first degree to which they are offered.

Mr. FRIST. Once again, I renew the unanimous consent request that I propounded and the proposal as spelled out before.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, first of all, I'll comment on this relevancy issue. I believe there is an understanding among the managers and the leadership. So I am confident we will be able to take care of the concerns just expressed.

With regard to the schedule, we will be turning to one more amendment on energy, which Senator CAMPBELL will be putting forward in a few minutes.

After that, at 12:15 today, we will be turning to consideration of the FAA reauthorization. My intent is to complete this FAA reauthorization before we leave for the weekend.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I briefly want to thank the leaders, particularly the majority leader, for helping to get the last Senators to sign up. This means we will get an Energy bill that contains plenty of what people want. It has ethanol and, before we are finished, it will have all of the what people want with reference to the continuation of wind and related energies.

This just means people will have every opportunity to look at amendments, and they have listed everything under the sun. There will be a chance to work on them. We thank everyone for cooperating. It looks to me that, with the majority leader and minority leader helping us, after we return from the recess, we can complete this bill in a week, based upon us finally having this list. I thank everybody.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Colorado is recognized.

AMENDMENT NO. 886

(Purpose: To replace ''tribal consortia'' with ''tribal energy resource development organizations,'' and for other purposes)

Mr. CAMPBELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL] proposes an amendment numbered 886.

Mr. CAMPBELL. I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CAMPBELL. Mr. President, I will try to explain the amendment. Indian lands comprise approximately 5 percent of the land area in the United States but contain an estimated 10 percent of all energy reserves in the United States, including 30 percent of the known coal deposits located in the western portion of the U.S.; 5 percent of the known onshore oil deposits of the U.S.; and 10 percent of the known onshore natural gas deposits in the United States.

Coal, oil, natural gas, and other energy minerals produced from Indian land represent more than 10 percent of the total nationwide onshore production of energy minerals.

Even though in 1 year alone over 9.3 million barrels of oil, 299 billion cubic feet of natural gas, and 21 million tons of coal were produced from Indian land, representing $700 million in Indian energy revenue, the Department of the Interior estimates that only 25 percent of the oil and less than 20 percent of all natural gas reserves on Indian land have been fully developed.

I have put up a pie chart to show the relationship of realized revenue and potential or unrealized revenue.

Despite what we may read once in a while in the Washington Post or New York Times about the so-called ''rich Indians'' and Indian gambling, it is also indisputable that Indians are the most economically deprived group in the United States, with unemployment levels far above the national average—in some cases well over 70 percent—and per capita incomes well below the national average.

The Labor Department just released the latest unemployment figures for the United States, which were about 6.1 percent, and they say that is the highest in 10 years. If you think 6.1 percent is bad, try 70 percent. For every tribe that is doing pretty well, there are 10 that are just barely making it through their daily lives.

Indian country suffers from the highest substandard housing, poor health, alcohol and drug abuse, diabetes and amputations, and a general malaise and hopelessness, even a high suicide rate among teenagers. Given the vast potential wealth residing in energy resources which could change this deprivation, it has long been a puzzle why these resources have not been more fully developed.

The answer lies partly in the fact that the energy research development is, by its very nature, capital intensive. Most tribes simply do not have the financial wherewithal to fund extensive energy projects on their own and so they must lease out their energy resources in return for royalty payments.

History also plays a big part in the evolution of this problem. Toward the end of the 19th century, Indian tribes were forcibly relocated to isolated areas and reservations where it was believed they would not hinder the westward expansion of the U.S. Government.

The natural resources on those lands were taken into trust by the Federal Government, to be administered for the benefit of Indian tribes. The ostensible reason for the trust was the belief that Indians were incapable of administering their own resources and would be susceptible to land and resource predators.

A legal and bureaucratic apparatus was formed to administer this trust, and over a century later this apparatus remains in place.

In her capacity as trustee of Indian resources, the Secretary of the Interior must review each and every lease of Indian trust resources to ensure the terms of the lease benefit the tribe and that the trust asset is not wasted.

However, this review and approval process is often so lengthy that potential lessees or investors that otherwise would like to partner with Indian tribes to develop their energy resources are reluctant to become entangled in the bureaucratic redtape that inevitably accompanies the leasing of tribal resources.

Hence, the framework that was originally designed to protect tribes has also become a disincentive to the development of tribal resources.

This is a case now, of course, of what fit the 19th century does not fit the modern day, and the Indians have the ability and right to make their own decision.

To help remedy these problems, earlier this year I, along with Senator DOMENICI, introduced the Indian Tribal Energy Development and Self-Determination Act of 2003 to provide assistance and encouragement to Indian tribes to develop their energy resources. This not only would help the tribal economy but it would help make us less dependent on foreign energy.

The assistance included the establishment of an Indian Energy Office; grants, loans, and technical assistance; capacity building; and regulatory changes to the rules governing the leasing of Indian lands for energy purposes.

At the same time, the other Senator from New Mexico, Mr. BINGAMAN, introduced his own Indian Energy bill, S. 424, that mirrored my bill. After several hearings and much debate, I merged the best of these two bills into a composite bill that came to be title III of the bill before us.

There are two major differences between the Bingaman bill, which was offered as a second-degree amendment yesterday, and our bill. That second-degree amendment was defeated, by the

way, as my colleagues know. If I had not withdrawn my amendment we would not need to proceed any further than we did yesterday.

One of the most important features of title III of S. 14 is section 2604 which deals with leases, business arrangements, and rights-of-way involving energy development and transmission.

Section 2604 establishes a voluntary process for those tribes that choose it to help develop their energy resources. No tribe is required to participate. They do not have to if they do not wish to, but if they do participate, under the process, an Indian tribe must first demonstrate to the Secretary of the Interior that it has the technical and financial capacity to develop and manage its own resources. Once it meets this burden, the tribe can negotiate energy resource development leases, agreements, and rights-of-way with third parties without first obtaining the Secretary's approval. That will not, however, circumvent the NEPA process. It will simply transfer the responsibility of NEPA compliance to the Secretary of the Interior.

By the way, this second chart points out very clearly under existing law that Indian tribes do not have to come under the jurisdiction of NEPA. If they use their own money on their own land, they are treated as State land, private land, or non-Federal land. They do not have to comply with NEPA. Only if they go to outside investors to get investment money do they have to comply with NEPA.

This bill will provide streamlining to the leasing process that is now burdened with this disparity in Federal regulation. Under current law, in order to be valid, all leases, business agreements, and the rights-of-way involving tribal trust or restricted lands must be submitted to and approved by the Secretary of the Interior.

Section 2604 provides tribes with the option of submitting to the Secretary a proposed government-to-government agreement, a ''tribal energy resource agreement,'' called TERA, that will set forth mandatory provisions for future leases, business agreements, and rights-of-way involving energy development on tribal lands.

If approved by the Secretary, the TERA will govern the future development of that tribe's energy resources. The TERA, by virtue of this section, will require tribal leases and agreements to have certain business terms, require compliance with all applicable environmental laws, notice to the public, and consultation with the States as to the potential off-reservation impact.

That was one of Senator BINGAMAN's concerns yesterday, consultation with off-reservation groups. That is covered in this amendment.

Remember, current law does not require tribes to comply with NEPA if they use their own land. However, neither the TERA nor any provision of title III would operate to subject the tribe's decision to enter into a particular energy lease or agreement to the provisions of the National Environmental Policy Act of 1969. The Secretary, in deciding whether to approve the TERA, would be required to examine the potential direct impacts of her decision under NEPA. The tribe would have to develop an environmental review process. It would have to follow it thereafter. The tribe itself would not be subject to NEPA but, as I said, that responsibility would be transferred to the Secretary.

There have been disincentives for poor tribes because they simply cannot afford to develop energy on their own land and thereby not comply with NEPA. It does not diminish the NEPA process at all. Under current law, if an Indian tribe chooses to develop its own energy resources using its own funds and, as I mentioned, there is no lease or Secretary approval, NEPA is not necessary.

It is not mineral development per se that triggers NEPA; it is the Federal action, the approval of the Secretary is what triggers NEPA.

I wish to mention there was also a concern that section 2604 would somehow diminish tribal sovereignty. I know that was Senator INOUYE's concern. It dealt really with trust responsibility. But the amendment I am offering today does not weaken the Government's obligations to Indian tribes to absolve it of its duties.

I point out on page 14, line 18 to page 15, line 3. If my colleagues cannot clearly read this, I will read it for them:

(6)(A) Nothing in this section shall absolve the United States of any responsibility to Indians or Indian tribes, including those which derive from the trust relationship or from any treaties, Executive Orders, or agreements between the United States and any Indian tribe.

(B) The Secretary shall continue to have a trust obligation to ensure that the rights of an Indian tribe are protected in the event of a violation of federal law or the terms of any lease, business agreement, or right-of-way under this section by any other party to any such lease, business agreement, or right-of-way.

(C) Notwithstanding subparagraph (A), the United States shall not be liable to any party (including any Indian tribe) for any of the terms of, or any losses resulting from the terms of, a lease, business agreement, or a right-of-way executed pursuant to and in accordance with a tribal energy resources agreement approved by the subsection (e)(2).

Subparagraph (C) is basically new. If the Secretary has no input at all in developing the agreement, then we are concerned that the Federal Government should have a liability component if they did not have anything to do with helping decide the issue.

In any event, I remind my colleagues that Native Americans are the only group in the United States who believe that the Earth is their mother, and they certainly do not need to be told how to take care of the Earth because it is in their religion. It is in their nature and has been for thousands of years. It is in their culture. It is a cultural thing with which youngsters grow up. For that matter, they do not need the Senate to tell them how to take care of the Earth either. An Indian mandate to take care of the Earth comes from a higher order than the Senate, and it is sometimes found insulting to be told that they need the Government to oversee what their own religion and culture teach them from childhood.

That is why so many tribes do support the Campbell-Domenici amendment, and I will list them, as I did the other day. A few more have come in: The National Congress of American Indians, which represents over 300 tribes; the Council of Energy Resource Tribes, which represents 50 energy-producing tribes. We have a number of individual letters from the Cherokee Nation, which is the largest Indian tribe in the United States; from the Chickasaw Nation, another very progressive and highly respected tribe in Oklahoma; from the Mohegan Tribe; from the Five Sandoval Indian Pueblos, which is in New Mexico; the Jicarilla Apache Tribe; the Oneida Indian Nation; the Eastern Shoshone Tribe of the Wind River Reservation in Wyoming, which receives a very large share of its governmental revenues from oil and gas production on its tribal lands; also from the National Tribal Environmental Council, an organization in Albuquerque, whose membership includes over 180 tribal governments; the Southern Ute Indian Tribal Council; the Native American Energy Group; the United South and Eastern Tribes, an organization consisting of 22 tribes located on the eastern seaboard from Maine to Florida. Also, support continues to come in. One non-Indian group that has submitted support is the U.S. National Chamber of Commerce.

I ask unanimous consent that those letters of support be printed in the RECORD.

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

NATIONAL CONGRESS OF AMERICAN INDIANS,
June 2, 2003.

Senator BEN NIGHTHORSE CAMPBELL,
Chairman, U.S. Senate, Committee on Indian Affairs, Hart Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: This letter is to offer general support for the Indian Tribal Energy Development and Self-Determination Act of 2003 (Title III). Sine the release of your mark in April, NCAI has been working feverishly to offer a solution to the concerns expressed by tribal representatives. NCAI engaged in this effort so that we could provide general support for this significant piece of legislation once these concerns were addressed. Through this collaborative process, we believe this legislation has the potential to enhance economic development initiatives and will be of great benefit to economic development in Indian country.

As you may be aware, concerns were raised by a number of tribes and tribal advocates regarding some provisions of the Chairman's mark for this measure. We shared in their concern regarding provisions that significantly limit the United State's liability and

release the Secretary of Interior from any accountability to Indian tribes for actions that she is required to undertake pursuant to the legislation. Additionally, we were concerned about the definition of ''tribal consortium'' which differed greatly from the definition that is traditionally employed in legislation affecting Indian tribes and offers federal money to non-tribal entities that should be going to Indian tribes. In addition to these two central concerns, we were not satisfied with provisions pertaining to environmental review and we had some general drafting-related issues.

Given these concerns, NCAI has convened several conference calls with tribal representatives including the Navajo Nation, Council of Energy Resources Tribes, and the Intertribal Council on Utility Policy, and developed a series of tribal recommendations for modifying Title III. We also convened with your staff and Senate Energy and Natural Resources Committee staff to discuss the tribal recommendations. Thereafter your staff held a conference call for those same representatives and staffers from the Senate Energy and Natural Resource Committee. Although we are pleased that we were able to craft better language for the trust responsibility provisions, we are still concerned with some of the limitations.

Nonetheless, we realize that in this political climate, the language as currently revised is likely the best compromise that can be reached. We appreciate the effort of your staff and other committee staffers to negotiate language that attempts to address the tribal concerns in light of the current political environment. Again, I want to underscore that the tribal support comes from working with a group of tribal representatives and organizations from diverse perspectives, but not all perspectives. Because of this, our revised version of your mark may not reflect the needs and desires of all tribes who wish to utilize this legislation to develop their energy resources.

We would like to thank you and your staff for all of their hard work on this very important issue. I cannot stress enough how grateful we are to your commitment to developing legislative solutions to age-old problems in Indian country. Title III is just one more example of how Indian tribes benefit from your championship.

Sincerely,

JACQUELINE JOHNSON
Executive Director.

COUNCIL OF ENERGY RESOURCE TRIBES,
Denver, CO, June 3, 2003.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: On behalf of the 53 CERT member Tribes, I am writing to express CERT's support for the Title III Indian Energy provisions of S. 14.

As you know, there are some provisions in section 2604 of the Title III of the bill as reported that has caused concern among CERT member Tribes. Fortunately, we believe those concerns have largely been addressed by language agreed to between Committee staff and representatives of CERT and several member Tribes. At this time, we believe we have reached agreement that addresses the concerns of CERT and the Southern Ute Indian Tribe, the Navajo Nation and the Jicarilla Apache Nation. We expect you will hear from each of those Tribes as well.

CERT has agreed to language that insures that the Tribal Energy Resource Agreements (TERA) process is a voluntary, opt-in program for development of Tribal energy resources. We have also agreed to language to be certain that the public comment opportunities go to the environmental and other impacts of the development and not to the terms of the business agreements themselves. CERT accepts the revised language that better describes the Secretary's trust duties under this section. Finally, the scope of the Secretary's NEPA review of the TERA is settled.

While drafting final language for this section has been somewhat difficult, we compliment the staff of both the Senate Energy Committee and the Senate Indian Affairs Committee for their dedication to resolving the remaining differences between us on language relating to trust protections and environmental issues.

Again, we are pleased to support Title III with these changes to section 2604 and appreciate your steadfast support of the right of Indian Tribes to gain a better measure of control over the development of energy resources on their own lands.

Sincerely,

A. DAVID LESTER,
Executive Director.

CHEROKEE NATION,
Tahlequah, OK, June 2, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

Hon. DANIEL K. INOUYE,
Vice, Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN AND MR. VICE CHAIRMAN: It has come to my attention that several changes have been made to Title III of the Senate Energy bill. I understand that these changes will reduce any risk to Tribes, and wish to offer the Cherokee Nation's continued support of S. 14, the Energy Policy Act of 2003.

I thank the Committee for its hard work on this issue and for incorporating tribal recommendations into the bill. Your leadership is greatly appreciated.

Please feel free to contact my office if you have any questions or comments, I may be reached at (918) 456–0671.

Sincerely,

CHAD SMITH,
Principal Chief.

OFFICE OF THE GOVERNOR,
THE CHICKASAW NATION,
Ada, OK, June 5, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We support the inclusion of Title III, as it is, in Senate Bill 14. Thoughtful development of our tribal natural resources serves all Americans.

We are grateful for the opportunities and support Title III provides to the Chickasaw Nation, and for all of Indian Country, as we explore and develop our natural resources. The language allows us to exercise our own progressive style in development and regulation; yet, it provides for those tribe which prefer the more traditional approach.

Having a voice in the U.S. Department of Energy will highlight and expedite tribal energy issues. This is an opportunity for every tribe to enter into the nation's economic mainstream with the support of the federal government.

Your help, and that of Senators Bingaman and Domenici, is appreciated.

Sincerely,

BILL ANOATUBBY,
Governor.

THE MOHEGAN TRIBE,
Uncasville, CT, June 5, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Mohegan Tribe supports the inclusion of Title III in S. 14, the Energy Policy Act of 2003. Offering flexibility and support in developing natural resources throughout Indian Country, Title III creates opportunities in which all Indian nations can benefit. We also appreciate the hard work of Senators Domenici and Bingaman in this matter.

Sincerely,

MARK F. BROWN,
Chairman.

FIVE SANDOVAL INDIAN PUEBLOS, INC.,
Bernalillo, NM, June 5, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Five Sandoval Indian Pueblos, Inc. supports the inclusion of Title III in S. 14, the Energy Policy Act of 2003. We appreciate all aspects of the language and the flexibility it creates with obvious regard for the individual strengths and needs of each tribe.

We are grateful to Senator Domenici and to Senator Bingaman for their thoughtful hard work and leadership on our behalf.

Having Title III in the Energy bill provides every tribal nation in this country an opportunity to enter into the nation's economic mainstream through development of their natural resources.

Thank you.

Sincerely,

JAMES ROGER MADALENA,
Executive Director,
Five Sandoval Indian Pueblos, Inc.

THE JICARILLA APACHE NATION,
Dulce, NM, June 9, 2003.

Hon. PETE V. DOMENICI,
U.S. Senate,
Senate Hart Building, Washington, DC

DEAR SENATOR DOMENICI: I am writing on behalf of the Jicarilla Apache Nation (''Nation'') to express our general support for the Indian Energy Title in S. 14. This legislation will provide a strong policy directive for the Department of Energy to formalize and institutionalize its support of tribal energy development needs, and the legislation will provide critical resources and tools for Tribes to access for these purposes. We applaud your focus on Indian energy and commitment to addressing the energy needs of Indian Tribes in New Mexico and across the country.

Oil and gas development on the Jicarilla Apache Reservation is critical to our tribal governmental operations. Our Reservation is located on the eastern edge of the Sam Juan Basin, the second largest gas field in the lower 48 states. The Nation relies on revenue generated from the development and production of our oil and gas to provide essential government services to our members and other residents; revenue from royalties and taxes accounts for over 90% of the Nation's operating budget. Clearly, the legislation at hand is extremely important to the Nation.

During the Senate Energy and Natural Resources Committee markup of the Indian Energy Title in late April, the Nation expressed concerns with some of those provisions. In the past month, the Nation joined a tribal workgroup which included the National Congress of American Indian (NCAI), the Council of Energy Resource Tribes (CERT), the Navajo Nation, the Southern Ute Tribe and other tribal representatives in developing language to address some of our mutual concerns. The tribal workgroup presented and

discussed our proposed language in several key discussions with staff from both the Senate Indian Affairs and Energy & Natural Resources Committee. We appreciate your efforts and that of your committee staff to work with the Tribes and be responsive to our concerns.

We arrived at a compromise that was deemed to be the most political viable approach given that the energy bill is currently being debated on the Senate floor and the fact that the House has already passed its energy bill which does not include a comprehensive Indian energy title. The Nation believes that this collaborative effort addressed most of the central concerns that we raised.

Specifically, the Nation's primary concern relate to section 2406, the provisions on leases, business agreements, and rights-of-way involving energy development or transmissions. The policy goals of this measure, as stated in Section 2602(a), would be ''to assist Indian tribes in the development of energy resources and further the goal of Indian self-determination.'' Section 2604 would establish a voluntary program, through a Tribal Energy Resource Agreement (TERA) submitted by a Tribe for approval by the Secretary of the Interior. The TERA approach provides a mechanism for participating Tribes to streamline the approval process for energy development on Indian Reservations. While the Nation does not take issue with these important objectives, we have concerns about Section 2604's impact on the United States' Indian trust responsibility.

For instance, Section 2604(7)(A) would absolve the Secretary of any liability ''for any loss or injury sustained by any party (including an Indian tribe or any member of an Indian tribe) to a lease, business agreement, or right-of-way executed in accordance with tribal energy resource agreements approved under this subsection.'' Section 2604(7)(B) would further bar an Indian Tribe ''from asserting a claim against the United States on the grounds that the Secretary should not have approved the Tribal energy resource agreement.'' The Nation, along with NCAI, CERT, the Navajo Nation and others strongly objected to these provisions because they would significantly limit the United States' liability and release the Secretary from any accountability to Indian tribes for actions that she is required to undertake pursuant to the legislation.

To address these concerns, the tribal workgroup first proposed to delete the language that would bar an Indian Tribe from asserting a claim against the Secretary for her failure to abide by the statutory directive in the legislation itself. Second, we proposed a more concrete recognition of the general Indian trust responsibility and language reaffirming the Secretary's specific trust obligation ''to ensure that the rights of an Indian tribe are protected in the event of a violation of federal law or the terms of any lease, business agreement or right-of-way under this section by any other party to any such lease, business agreement or right-of-way.'' With regard to the release of the Secretary's lability, we limited such release of liability to ''any of the terms of, or any losses resulting from the terms of, a lease, business agreement, or right-of-way executed pursuant to and in accordance with tribal energy resource agreements'' approved under section 2604(e)(2). Our proposed language would limit the liability question to the specific terms agreed to by a Tribe in the TERA itself, and would not affect existing statutory and regulatory duties and obligations of the Secretary in the management of trust minerals and other assets. We understand that these changes were deemed to be acceptable by Committee staff.

These changes are vitally important to the Nation's on-going activities in auditing and overseeing royalty collections of our oil and gas leases. The Nation has a cooperative agreement with the Secretary pursuant to Section 202 of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), to carry out inspection, auditing, investigation, enforcement and other oil and gas royalty management functions. Under this statutory scheme, the Nation has taken a lead role in performing these functions, and even has an office set up in the Mineral Management Service (MMS) in Dallas, Texas. The MMS provides operational costs to the Nation under the 202 Agreement, and works closely with us to ensure compliance with leases and the various statutory royalty payment requirements. FOGRMA does not release the Secretary from liability for the functions taken over by the Nation, but rather embraces an approach that provides an avenue for tribal self-determination while keeping the federal Indian trust responsibility fully intact. If the Nation were to consider entering into a TERA at some point in the future, we would likely do so without releasing the Secretary of her responsibility under the 202 Agreement. Therefore, the language crafted by the tribal workgroup is extremely important to ensure the vitality of these specific FOGRMA provisions as well as relevant judicial decisions that delineate the Secretary's obligations in the leasing of oil and gas on our Reservation.

The Nation also endorses other revisions negotiated by the tribal workgroup regarding the definition of ''tribal consortium'' and the provisions pertaining to the environmental review process. We believe our central concerns have been satisfied to ensure that federal money authorized by the legislation be directed to Indian Tribes and not to non-tribal entities that may use Tribes as a front for these purposes. We also worked to ensure that Tribes not be overly burdened in the environmental review process and that public notification and commenting requirements be limited to the environmental document while ensuring that a Tribe's proprietary and business dealings be protected from public disclosure. With regard to our concerns about the legislation's lack of capacity building assurance, the Nation will continue to raise such concerns in the context of the appropriations process to implement the legislation.

While not a part of the Indian Energy Title, the Nation continues to pursue and support the enactment of a federal tax credit for Indian oil and gas production to stimulate additional domestic production. We supported your bill (S. 1106) in the 107th Congress to establish a federal tax credit based on the volume of production of oil and gas from Indian lands. This type of a credit would make our reserves more competitive and increase the return on our nonrenewable trust resources. Generating significant new revenue to tribal mineral owners, in the form of tax credits, royalties, and tribal taxes, tax incentives would stimulate tribal economies and increase the overall domestic oil and gas supplies, thereby reducing the United States dependency on foreign sources of energy. We urge your continued support for this measure during the floor consideration of the energy tax provisions.

Thank you for your consideration of our views. As always, we appreciate your strong leadership and understanding of our needs. Please contact me in Dulce at (505) 759–3242 if you have any questions or need additional information.

Sincerely,

CLAUDIA VIGIL-MUNIZ,
President.

ONEIDA INDIAN NATION,
ONEIDA NATION HOMELANDS,
Veruna, NY, June 10, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, U.S. Senate, Committee on Indian Affairs, Hart Building, Washington, DC.

Dear Chairman Campbell: On behalf of the Oneida Indian Nation of New York, I am writing in support of S. 14, specifically Title III, the Indian Tribal Energy Development and Self-Determination Act of 2003. This bill will significantly strengthen the ability of Indian tribes to develop the energy resources that are currently going underutilized on their land.

Your legislation will create a mechanism to allow Indian nations access to grants and low-interest loans from a newly established Office of Indian Energy Policy and Programs. The legislation would allow certain tribes to cut through the red tape that has discouraged third parties from investing in Native American energy in the past.

In addition, under the legislation, federal agencies may provide preference in Indian firms when purchasing energy; this will help the new industry get started while also promoting national energy self-sufficiency. Energy production is a capital-intensive industry, and without the assistance of your bill, too many tribes will remain mired in dismal economic limbo.

The bill will help to bring electricity to the 14.2 percent of Indian homes that now have none. And by encouraging the vertical integration of tribal energy resources, the bill will help to bring jobs to reservation communities, where unemployment levels have reached as high as 70 percent.

The Oneida Indian Nation of New York appreciates your leadership in tackling the myriad challenges facing Indian Country. The Indian Tribal Energy Development and Self-Determination Act of 2003 is a positive step that not only makes sound national energy policy but would provide Indian nations with additional tools in their efforts to become self-sufficient and self-determining.

Naki'wa,

RAY HALBRITTER,
Nation Representative.

JUNE 9, 2003.

Re supporting Campbell-Domenici amendment to Title III—Indian Energy Title to S. 14, The Energy Policy Act of 2003.

Hon. PETE V. DOMENICI,
Chairman, Senate Energy and Natural Resources Committee, U.S. Senate, Senate Dirksen Building, Washington, DC.

DEAR CHAIRMAN DOMENICI: On behalf of the Eastern Shoshone Tribe of the Wind River Reservation in Wyoming, I am writing in support of the Campbell-Domenici amendment to the Indian Energy Title in S. 14. Our Tribe participated in the tribal workgroup effort which resulted in the amended language embodies in this amendment. We appreciate your efforts and that of the Senate Energy and Natural Resources and Indian Affairs Committee staff to work with our tribal workgroup to resolve some of the earlier controversial provisions.

The Eastern Shoshone Tribe and the Northern Arapaho Tribe share the Wind River Reservation, which encompasses over 2.2 million acres with significant quantities of oil and gas reserves. The production of oil and gas reserves on the Wind River Reservation is the primary source of revenue for the Tribes accounting for over 90% of the Tribes' governmental revenue. Accordingly, the Wind River Reservation Tribes have a keen interest in supporting the enactment of comprehensive energy legislation for Indian reservation development.

In summary, we believe that the Campbell-Domenici amendment addresses our primary

concerns regarding the United States trust relationship owed to Indian Tribes in the context of mineral production, protection of sensitive tribal business dealing, and a sound environmental review process. Specifically, the amendment eliminates language that would have barred an Indian Tribe from asserting a claim against the Secretary for her failure to abide by the statutory directive in the legislation itself. The amendment also provides a specific affirmation of the United States' trust responsibility and duty to ensure that the rights of an Indian tribe are protected against statutory or lease violations of leases executed pursuant to secretarial approved Tribal Energy Resource Agreements (TERA). Moreover, the Campbell-Domenici amendment appropriately limits the release of the Secretary's liability to the specific terms agreed to by a Tribe in the TERA itself. Accordingly, this language would not affect existing statutory and regulatory duties and obligations of the Secretary in the management of trust minerals and other assets. Finally, the Campbell-Domenici amendment addresses our concerns that a Tribe's sensitive commercial business dealing are protected from public disclosure and that Tribes not be subject to overly burdensome environmental review requirements.

The Eastern Shoshone Tribe remains concerned with capacity building for Tribes interested in pursuing a TERA. Given the immediate movement of the legislation, however, we do not believe these concerns should prevent Congress from acting favorably on the entire Indian Energy Title. We will urge full support for tribal capacity during the appropriations process.

I would also like to take this opportunity to apprise you of our efforts with Senator Thomas to secure an amendment in the energy tax title for a federal tax credit for oil and gas produced on Indian lands. This provision is similar to the bill, S. 1106, you introduced in the 107th Congress which would structure the credit based on the volume of production of oil and gas from Indian lands. This type of a credit would make our reserves more competitive and increase the return on our nonrenewable trust resources. The proposal would not only generate new revenue to tribal mineral owners, it would also stimulate tribal economies and contribute to the Nation's domestic oil and gas supply. We are awaiting the revenue estimate from the Joint Taxation Committee, and we urge your continued support for this proposal during the floor debate on energy tax provisions.

In closing, I want to again express our appreciate to you, and recognize the efforts of Senator Thomas, in moving forward with the historic piece of legislation.

Sincerely,

VERNON HILL,
Chairman, Eastern Shoshone Tribe.

NATIONAL TRIBAL ENVIRONMENTAL COUNCIL,
Albuquerque, NM, June 5, 2003.

Hon. Senator BEN NIGHTHORSE-CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR NIGHTHORSE-CAMPBELL: On behalf of the National Tribal Environmental Council, we are writing in support of the Title III Indian Energy Provisions in S. 14.

The National Tribal Environmental Council is a not-for-profit organization with a membership comprised of over 180 tribal governments. As such, we strongly support the principle embodied in the authorizing language of the amendment that Tribes can develop their energy resources in a manner that respects the ecological integrity of their reservation environments as well as their sacred sites, cultural resources, historical, archeological resources and other cultural patrimony.

We condition our support of Title III to acknowledge that we are aware of the serious concerns of the Navajo Nation that this legislation has the potential to legislate the recent Supreme Court decision against their interests. We respectfully request you consider clarifying the legislative history to reflect the fact that the Secretary must continue to act in the best interests of the Indian tribe, as was similarly included in the Indian Minerals Development Act of 1982.

Another concern we have with the provisions of Sec 2604 of the Title III is not the delegation of federal authority based on the voluntary opt-in program but the potential for the federal responsibility to transfer to the tribes without the commensurate resources to ensure an adequate the tribal regulatory infrastructure.

As you know, tribal governments have been struggling but succeeding in their efforts to develop complex and tribal-specific environmental programs with very limited resources. Maintaining the trend of increasingly sophisticated and consistent implementation of tribal environmental processes and standards on a national scale is dependent on increased funding. Adding additional needs to the tribal governments at this time—without adequate funding—is cause for concern. This is a concern, however, that we will voice as part of the appropriations process and it should not be viewed as undermining our support for the Senate amendments to S. 14.

Thank you for this opportunity to support this important initiative for Indian Country and for your on-going efforts to recognize and include Indian Country in these important national policy debates.

Sincerely,

DAVID F. CONRAD,
Executive Director.

SOUTHERN UTE INDIAN TRIBAL COUNCIL,
Ignacio, CO, May 27, 2003.

Re Indian Tribal Energy Development and Self-Determination Act of 2003; S. 14, Title III.

Chairman PETE V. DOMENICI,
Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN DOMENICI: Approximately one month ago, the Southern Ute Indian Tribe submitted a statement of conceptual, but qualified, support for the Indian Tribal Energy Development and Self-Determination Act of 2003. Our Tribe's activities have shown that tribal energy development can provide tremendous economic development opportunities for tribes while simultaneously assisting the Nation in meeting its energy demands. For tribes that have demonstrated the capacity to represent themselves effectively in energy development activities, we have long-advocated legislation that would provide the option of bypassing the stifling effects of the Bureau of Indian Affairs approval requirements applicable to tribal leases, business agreements and rights-of-way. The reference legislation addressed this very matter, however, as Section 2604 of Title III emerged from the Senate Committee of Indian Affairs and the Senate Committee on Energy and Natural Resources, it contained a number of provisions that were objectionable to the Indian community.

Over the last month, committee staff members and representatives of tribes and Indian organizations have engaged in an intense dialogue about the problems in the draft legislation, and, as a result of their tireless efforts, proposed amendments have been developed that would eliminate the problems previously identified. A list of those proposed amendments is attached for reference purposes. Among the different matters resolved to our satisfaction have been the following: (i) confirmation that Section 2604 is a voluntary program available to Tribes on an opt-in/opt-out basis; (ii) inclusion of pre-approval public notice and comment opportunities regarding the environmental impacts of a proposed tribal mineral lease, business agreement or right-of-way, but preservation of the confidentiality of the business terms of such documents; (iii) acceptable balancing of the limitations on and ongoing responsibility of the Secretary to perform trust duties associated with a participating tribe's activities undertaken pursuant to this legislation; and (iv) confirmation of the appropriate scope of NEPA review that would be associated with the Secretary's decision to approve a Tribal Energy Resource Agreement (''TERA''), which is the enabling document permitting a tribe to proceed with independent development of mineral leases, business agreements, or rights-of-way. Again, we helped develop and wholly support these amendments.

During the course of debate on this legislation, some have suggested that Section 2604 will eliminate effective environmental protection on affected tribal lands. We want to assure the members of the Senate that this is not the case. Energy resource development by a tribe generally carries with it a deep commitment to preserving one's backyard. Tribal leaders are directly accountable to their members for preserving environmental resources. In the Four Corners Region, it is not unusual for private landowners or BLM lessees to comment enviously on the environmental diligence employed by our Tribe in the development of our energy resources. We renew our invitation to members of the Senate to visit our Reservation and see firsthand our energy resource projects.

In conclusion, with the referenced amendments, we strongly support S. 14, Title III. We urge other members of the Senate to also support this legislation, and we commend those who have worked toward its development and passage.

Sincerely,

HOWARD D. RICHARDS, SR.,
Chairman, Southern Ute Indian Tribal Council.

NATIVE AMERICAN ENERGY GROUP, LLC,
Ft. Washakie, WY, May 7, 2003.

Senator PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: Native American Energy Group (NAEG) is an Indian owned company working with tribes and allottees throughout the country to determine how best to develop oil and gas reserves and help provide for the energy security of this country while also protecting the interests of mineral owners. The recent Indian provisions of the Energy Bill are a big step in the right direction to accomplish positive results for the Indian people of this country.

One of the areas of contention is the environmental area with many people stating that these provisions will gut the NEPA process. While this is a legitimate concern, nowhere have I read or heard that this is the intent of these provisions. In fact recent language in the Bill clearly denotes compliance with all applicable tribal and federal environmental laws. Even without this new language though my understanding was always that the intent was not to gut environmental laws. Tribal governments with energy resources are pro-development but by the same

token they are also pro-environment. This may seem a dichotomy of sorts but my read on this bill is that the language will strengthen tribal sovereignty, develop tribal capacities and make tribal and allotted oil and gas operations more accountable with less impacts. In addition, the federal trust oversight will not be diminished which is always a concern of tribal governments.

NAEG appreciates the work and coordination that goes into an effort of this magnitude and you and your staff are to be commended for the recent provisions as presented in the bill. The history and discussions surrounding this bill recognize the importance of bringing tribes into the mainstream of the energy picture of this country and providing the mechanisms for the technical, administrative and legislative efforts to occur.

The research your staff has undertaken in support of this bill very well explains the amounts of energy resources situated on tribal and allotted lands. This largely untapped resource can be a boost for this country as we seek to provide jobs and diversify our economy, while helping America meet its energy needs. Please share with the rest of the Senate Indian Committee our support for these endeavors and if there is any information we can provide to assist you in your work please do not hesitate to call me.

Sincerely,

WES MARTEL,
President.

UNITED SOUTH AND EASTERN TRIBES, INC.,
Nashville, TN, June 9, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

Hon. DANIEL K. INOUYE,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN AND MR. VICE CHAIRMAN: I am writing on behalf of the United South and Eastern Tribes, Inc. (USET), an intertribal organization comprised of twenty-four federally recognized tribes from twelve states. I am writing in support of the Indian Tribal Energy Development and Self-Determination Act of 2003, Title III and its inclusion in S. 14, the Energy Policy Act of 2003.

We understand that tribal energy development can provide tremendous economic development opportunities for our member tribes while simultaneously assisting tribes in meeting energy demands. Our tribes are aware that other tribes have concerns regarding the provision of Title III to which tribal input has been solicited and received to address the issues.

Our tribes support the compromises reached by the parties and we call upon the leadership of the committee to further engage and respond to tribal concerns. We hope that compromises on the remaining outstanding points may be reached whereby all of Indian Country can support inclusion of Title III in S. 14.

Sincerely,

JAMES T. MARTIN,
Executive Director.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, June 6, 2003.

To the Members of the United States Senate:

The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses of every size, sector, and region, supports an amendment to S. 14, the Energy Policy Act of 2003, offered by Senators Domenici and Campbell. This amendment would add an Indian Energy title to the bill that facilitates energy exploration on Indian lands while ensuring the same level of environmental protection as is provided in the state in which the lands are located.

The Domenici-Campbell amendment is a sensible component of a comprehensive national energy policy. While Indian land accounts for five percent of the land area of the U.S., it contains 30 percent of the nation's identified coal deposits, five percent of its oil deposits, and 10 percent of its natural gas reserves. However, the Department of the Interior estimates that less than one quarter of these assets have been developed. This amendment will spur domestic energy development by removing bureaucratic obstacles on Indian lands and by providing grants and loan guarantees for building the necessary energy infrastructure.

An amendment to the Domenici-Campbell amendment is anticipated that would require a tribe to comply with the National Environmental Policy Act each time it enters into an energy project with a private sector company. Such an amendment is simply an attempt to force a tribe into undertaking an environmental impact statement as if it was a federal government agency. If such an amendment passes, it will subject tribes to years of bureaucratic study followed by years of litigation, notwithstanding the fact that the project has complied with all federal and state environmental permitting laws.

Our nation will need 43 percent more energy in the next twenty years and will need it from all sources, including coal, oil, gas, nuclear, and alternative fuels. These tribal territories are sovereign and the federal government must allow them the means for adequate economic development so they can participate in the many benefits of our nation, including the right to economic self-determination.

The U.S. Chamber of Commerce urges you to support the Domenici-Campbell amendment that would increase domestic energy supplies in an environmentally compatible manner and reject all weakening amendments.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President.

Mr. CAMPBELL. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I know we will be back on this bill. I note that the Indian tribes and organizations listed are not in full. We have additional ones since this was prepared, and they will be added in due course.

I compliment the distinguished Senator, Mr. CAMPBELL. I am pleased to be his cosponsor, and I say for those who are going to now look at this bill, I hope our Indian leaders also are aware that there will be those who look at it from the standpoint of how can they make it more difficult for the Indian people to be able to develop their resources. That is what some of the time and effort will be spent on during the intervention between this bill and its final vote. How can organizations that do not want the Indian people to produce their raw materials into energy and resources, thus jobs and opportunity for the Indian people, get their hands on this bill and try to offer amendments to try to harm this bill? I am certain some will do that.

We will be vigilant, we will be aware, and we are asking the Indian leaders who support this to inform their Senators that this is the bill they want as part of America's policy on energy. We are asking every Indian leader to advise those Senators who have been with them in the past to support this bill. This bill is their bill. It is for their future. It is for jobs and money and resources for them. We need them telling their Senators that this is the bill they want. If they do that, come July we will have a real Fourth of July celebration for the Indian people, for in a sense they will be free, free to develop their resources, where heretofore their hands have been tied.

There will be those during the intervening time who will look for ways to put more ties and strings back into the Campbell bill. We want to tell our Indian leaders to tell their friends in the Senate they do not want that; they do not want changes to this bill that will make it harder for them to develop their resources in partnership, singularly or otherwise, with other Americans.

This amendment is the product of many hours of negotiation and cooperation among the interested tribes, the Indian Affairs Committee and the Energy and Natural Resources Committee.

I am also pleased that this amendment enjoys the support of numerous tribes including the Jicarilla Apache Nation, the Cherokee Nation, the Southern Utes, the Chickasaw Nation, the Native American Energy Group, the National Congress of American Indians, Dine Power—a Navajo Corporation, the Council of Energy Resource Tribes, which represents nearly 50 energy producing tribes and The National Tribal Environmental Council, which represent 180 tribe,

I am pleased that Indian tribes across the country will play an important role in our national energy plan. By passing this legislation, we will streamline the tribal leasing process that outside parties have more incentive to partner with tribes in developing energy resources and provide investment in critical energy infrastructure on Indian land.

Indian lands contain some of the richest energy reserves in the Nation. Although Indian land accounts for only 5 percent of the land area of the U.S. it contains: 30 percent of identified coal deposits; 5 percent of our nation's oil; and 10 percent of our natural gas, which is in very tight supply.

Despite the fact that reserves are present, the Department of the Interior estimates that only 20 to 25 percent of these assets have been developed.

Energy projects are capital intensive and most tribes do not have the financial capability to develop the resources.

Tribes face an additional burden in attracting partners and that is a result

of the paternalistic lease approval system that requires the Secretary of the Interior to approve all tribal leases. This delays action and creates investment uncertainty.

In an attempt to resolve this out-of-date process, the Indian Affairs Committee and the Senate Energy Committee have taken key elements of both Senator CAMPBELL's legislation S. 522 and Senator BINGAMAN proposal, S. 424.

The title adopts Senator BINGAMAN's proposal to create the Office of Indian Energy Policy and Programs within the Department of Energy. This office will provide grants and loan guarantees to tribes to facilitate the development of their energy resources and infrastructure.

Section 303, of this title will change the existing lease agreements between the Secretary of the Interior and tribes to allow tribes to enter into a lease or agreement without the approval of the Secretary so long as those leases or business agreements conform to regulations promulgated by the Secretary.

The section establishes a process by which a tribe may submit a plan governing leases and rights-of-way to the Secretary for approval. It also requires the tribe to demonstrate to the Secretary that the plan includes provisions regarding lease and contract terms, environmental regulation, and public notification and comment.

I think that is very important to note that this entire proposal is voluntary. Let me repeat that. This proposal is completely voluntary. Tribes will not be forced to adopt this proposal if they feel it would not benefit the tribe as a whole.

We have numerous letters from tribes who support the proposal and I am confident they will benefit. However, any tribe that opposes this proposal probably will not participate and can continue to operate under the status quo.

This amendment also protects the environment. I think the statement of President Joe Shirley of the Navajo Nation before the Senate Indian Affairs Committee accurately captures the environmental responsibilities all tribes must comply with. President Shirley stated,

> Tribes may already promulgate regulations that are more, but not less, stringent than Federal regulations governing the same subject matters (environment). The following is a list of some of the federal statutes that already control regulations for land use, both State and tribal: National Environmental Policy Act, Clean Air Act, Clean Water Act, Endangered Species Act, Federal Land Management and Policy Act, National Historic Preservation Act, Native American Graves Protection and Repatriation Act, Surface Mining Control and Reclamation Act and the Indian Mineral Leasing Act.

Clearly, the tribes must fully comply with our environmental statutes.

Following markup of S. 14, the Indian Affairs and Energy Committees have worked to address concerns regarding the trust responsibilities between tribes and the Secretary of the Interior. These agreed-upon changes make up the amendment Senator CAMPBELL has offered.

This amendment deserves the strong support of the Senate.

I ask unanimous consent for 1 additional minute for Senator CAMPBELL to speak.

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

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank the Senator from New Mexico, who is a stalwart supporter of this movement.

There is no question, if we do not take this back up between now and July, if there is a second degree offered at that time, we will be giving the opponents of this bill—instead of giving Indians an opportunity to get up off their knees and get some jobs—an opportunity to gin up some opposition. I think that is what the delay is for. I appreciate the support of the Senator from New Mexico.

AVIATION INVESTMENT AND REVITALIZATION VISION ACT

The PRESIDING OFFICER. Under the previous order, the time of 12:15 having arrived, the Senate will proceed to consideration of S. 824, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 824) to reauthorize the Federal Aviation Administration, and for other purposes.

The Senate proceeded to consider the bill (S. 824) to reauthorize the Federal Aviation Administration, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49.

[(a) SHORT TITLE.—This Act may be cited as the ''Aviation Investment and Revitalization Vision Act''.

[(b) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

[SEC. 2. TABLE OF CONTENTS.

[The table of contents for this Act is as follows:

[Sec. 1. Short title; amendment of title 49.
[Sec. 2. Table of contents.
[TITLE I—REAUTHORIZATIONS; FAA MANAGEMENT
[Sec. 101. Airport improvement program.
[Sec. 102. Airway facilities improvement program.
[Sec. 103. FAA operations.
[Sec. 104. Research, engineering, and development.
[Sec. 105. Other programs.
[Sec. 106. Reorganization of the Air Traffic Services Subcommittee.
[Sec. 107. Clarification of responsibilities of chief operating officer.
[TITLE II—AIRPORT DEVELOPMENT
[Sec. 201. National capacity projects.
[Sec. 202. Categorical exclusions.
[Sec. 203. Alternatives analysis.
[Sec. 204. Increase in apportionment for, and flexibility of, noise compatibility planning programs.
[Sec. 205. Secretary of Transportation to identify airport congestion-relief projects and forecast airport operations annually.
[Sec. 206. Design-build contracting.
[Sec. 207. Special rule for airport in Illinois.
[Sec. 208. Elimination of duplicative requirements.
[Sec. 209. Streamlining the passenger facility fee program.
[Sec. 210. Quarterly status reports.
[Sec. 211. Noise disclosure requirements.
[Sec. 212. Prohibition on requiring airports to provide rent-free space for FAA or TSA.
[Sec. 213. Special rules for fiscal year 2004.
[TITLE III—AIRLINE SERVICE DEVELOPMENT
[Sec. 301. Delay reduction meetings.
[Sec. 302. Reauthorization of essential air service program.
[Sec. 303. Small community air service development pilot program.
[Sec. 304. DOT study of competition and access problems at large and medium hub airports.
[Sec. 305. Competition disclosure requirement for large and medium hub airports.
[Title IV—Aviation Security
[Sec. 401. Study of effectiveness of transportation security system.
[Sec. 402. Aviation security capital fund.
[Sec. 403. Technical amendments related to security-related airport development.
[Title V—Miscellaneous
[Sec. 501. Extension of war risk insurance authority.
[Sec. 502. Cost-sharing of air traffic modernization projects.
[Sec. 503. Counterfeit or fraudulently represented parts violations.
[Sec. 504. Clarifications to procurement authority.

[TITLE I—REAUTHORIZATIONS; FAA MANAGEMENT

[SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

[(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended—

[(1) by inserting ''(a) IN GENERAL.—'' before ''The'';

[(2) by striking ''and'' in paragraph (4);

[(3) by striking ''2003.'' in paragraph (5) and inserting ''2003;'';

[(4) by inserting after paragraph (5) the following: