

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.

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.

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. INOUBE,
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 provide 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 tribes which prefer the more traditional approach.

Having a voice in the U.S. Department of Energy will highlight and expedite tribal en-

ergy 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.

Mr. CAMPBELL. I say to my colleagues, in supporting the amendment, you are not only assisting Indian tribes and the development of energy resources but helping the United States become less dependent on foreign energy which I think is the goal of all.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WEAPONS OF MASS DESTRUCTION IN IRAQ

Mr. BENNETT. Mr. President, I am going to take two literary allusions and put them together as the background for the points I wish to make. The first one is a novel that has become a worldwide classic called "1984," written by George Orwell. You may recall that in this particular novel, George Orwell describes a terrifying future. And the principal character in his novel, Winston Smith, works at the Ministry of Truth.

His job at the Ministry of Truth is to go back over old newspapers and clip out things that contradict the current party line and send those down the memory hole; in other words, destroy them, so that if someone comes along and tries to determine whether there is any past support for the present position, the past has been scrubbed to the point where everything there agrees with the present position. Anything that was said previously that disagrees with the present position of Big Brother, the figure that controls the world in the novel, has been sent down the memory hole. It has been destroyed.

Keep that in mind as I take another literary allusion. This is an exact quote from Ben Bradlee, formerly editor of the Washington Post and one of

the great journalists of our time who said:

Journalism is the first rough draft of history.

I cite those two because I want to put them together in the debate that has occurred on the floor and even more so that is going on out in the world of the media—the debate about whether we had proper justification for going into Iraq. We are being told over and over again that the world was lied to, the American people were lied to, the Congress was lied to because we were told that Saddam Hussein had weapons of mass destruction. And since we haven't found any, that means we were deceived at the very beginning when the justification was given to us by the Bush administration to move ahead with respect to the operation in Iraq.

I submit to you, those who make that argument have tried to reconstruct their own memory holes. They have tried to take past information and scrub it from the record and pretend it was never there. In other words, to go back to Ben Bradlee's comment that "journalism is the first rough draft of history," they are prepared, even this quickly after the journalists have reported what was said, to try to change the first draft of history and create, virtually overnight, a new history that never existed.

Well, my memory hole has not been used. I have not scrubbed from my memory a series of statements and comments that have been made prior to Iraq. And I intend to go through those comments here tonight to make it clear that those who claim that the President misled the Congress, the people, and the rest of the world with respect to his reasons for going into Iraq are, in fact, trying to rewrite history.

The record is very clear. It is very firm. And unless Winston Smith is suddenly somehow materialized to change history, the record stands in firm denunciation of those who are now attacking the President on this issue.

Let's go back to the question of weapons of mass destruction. I remember going to S-407 in this building, the room on the fourth floor where we go to receive confidential, highly classified briefings from administration officials. I remember sitting there and listening to Madeleine Albright, Secretary of State, outline for us in detail the reasons we had to attack Iraq. President Clinton, who appointed her Secretary of State, was even more pointed in his public statements of the fact that Iraq possessed weapons of mass destruction. In the President's phrase, "Saddam Hussein will surely use them." We needed, according to the President and the Secretary of State, to move ahead militarily in Iraq.

I remember walking out of that meeting in S-407 convinced that the bombs would start falling within days. As it turned out, the administration changed its mind and moved away from that particular decision. They backed off. But they never backed off their

statement that weapons of mass destruction were there, that weapons of mass destruction would be used, and that Saddam Hussein could not be trusted long term with weapons of mass destruction.

Vice President Gore—however much he has attacked this administration and its positions—has nonetheless stated on the record his firm belief that there were weapons of mass destruction in Iraq. I think it is clear that if President Bush were involved in some kind of sleight of hand to pretend that weapons were there when they were not, and create some sort of conspiracy among the members of his administration to peddle this false notion, former Vice President Gore would not be part of that conspiracy. As Vice President, he saw the intelligence briefings. He was in a position to evaluate how accurate they were, and Vice President Gore has said publicly on the record, speaking of Saddam Hussein on September 23:

We know that he has stored secret supplies of biological and chemical weapons throughout his country.

One of the men in Iraq who worked with Saddam Hussein in creating those weapons had a piece in the Wall Street Journal where he made this statement: "Inspectors will never find them." Also, he pointed out that the artillery shells that had been found by the inspectors that were hollow were, in fact, a demonstration of the fact that there were weapons of mass destruction—that is, chemical and biological weapons—because when the inspectors said, oh, there is no problem here, the warheads are hollow and there is nothing there, this man who worked in Iraq to create these weapons said, of course, they are hollow; the weapons are not put into the artillery shells until just before they are to be used. The artillery shells are prepared for weapons of mass destruction—for chemical or biological weapons—and then stored hollow.

So instead of saying that the discovery of these weapons proves they don't have chemical or biological capability, in fact, the reverse is actually true. We do not have a storehouse in the American military of hollow artillery shells because we don't use chemical weapons. The Iraqis have hollow shells because they expect to put chemical agents in those shells. All of this is part of the record and was available prior to the current debate of those who just want to look back and find it.

Senator BOB GRAHAM, who used to be chairman of the Intelligence Committee when all of this intelligence was being developed, and is still the ranking member of that committee, had this to say when Colin Powell went before the United Nations and laid out the case:

I applaud Secretary Powell for finally making available to the world the information on which this administration will base its actions in Iraq. . . . In my judgment, the most significant information was the con-

firmation of a linkage between the shadowy networks of international terrorists and Saddam Hussein, the true coalition of evil.

All of this information was available to all these individuals prior to the time we went into Iraq, and all of them were satisfied that it was sound information. All of them were satisfied that it was real. And now the press is pretending that nobody—nobody—believed there were weapons of mass destruction in Iraq except the Bush administration, and that everybody simply took the Bush administration at its word and now is being betrayed by the facts because we have not found enough of it to satisfy them; we have only found hollow artillery shells; we have only found chemicals that could be used for pesticides.

I wonder if anyone has done an analysis of just how many pesticides Iraqi agriculture requires. Looking at the stores of chemicals they have found, chemicals that have dual use—yes, they could be pesticides or they could be a component part of a chemical weapon. Look at the quantities we have found and ask yourself: Do the Iraqis really need this much for pesticides? Or do they have another purpose?

We have not yet found Saddam Hussein. As KIT BOND said today at lunch, if we don't ever find Saddam Hussein, is that proof of the fact that he doesn't exist? If we don't find him, will that be evidence that the Bush administration made him up? If we don't find him, is that proof that he never was in Iraq? That same kind of reasoning is being applied here. We have not found all of the weapons of mass destruction that all of the critics would like to have as proof of their position, so our failure to have done that so far is, in their logic, proof that these weapons never existed or proof that they were never in Iraq.

I think Senator BOND's question is a legitimate one. If we don't find Saddam Hussein, does that mean he never existed or he was never in Iraq? Of course not. It means something happened. Either we killed him the first night with that first strike and his remains have been removed by the SSO—his central group of key supporters—so that his body will never be found or he has left the country or he was killed somewhere else. But we know he was there. Everybody knew he was there, and our failure to find him now does not mean he was not there when the attack began. Quite the contrary. Everybody is satisfied he was there.

The same thing applies to the weapons of mass destruction. As I have demonstrated, starting with President Clinton, we have known they were there, we have known they had them. If we cannot find them all, that means either they were destroyed by us or by the Iraqis or they have been moved somewhere. It doesn't mean they never existed. The evidence that they existed cannot go down the memory hole just to make the present arguments sound more convincing.

I read a commentator who quoted Deputy Secretary Wolfowitz, in what the commentator thought was a damning admission on this story, when he said:

Yes, we had other reasons for going into Iraq, but we stressed weapons of mass destruction because that was the one everybody was focused on.

According to the commentator, that is a damning admission on the part of the Secretary that we had other motives, and that is part of the attack that is being mounted on the floor, that the Bush administration was duplicitous: They told us they were going after weapons of mass destruction, but they had other motives. And here, Secretary Wolfowitz has admitted it; a smoking gun.

Back to my memory. I remember very clearly that the Bush administration openly and directly said they had other motives. Let me go down them as I remember them.

Weapons of mass destruction—there are many countries that have weapons of mass destruction. If we were to go after the country in the world, other than ourselves, that has the highest stock of weapons of mass destruction, we would go after Russia. Why don't we? Because weapons of mass destruction alone are by no means justification for attacking another nation. They must be tied to other motives. This is what I am sure Deputy Secretary Wolfowitz was talking about.

Right now President Putin and President Bush have a good relationship. Russia and the United States have a trusting relationship. Why should we attack Russia just because it has weapons of mass destruction when that relationship exists?

Iraq was ruled by a tyrant, and not just your everyday tyrant but a brutal, bloody tyrant who had demonstrated that he not only possessed weapons of mass destruction, he was willing to use weapons of mass destruction and has done so—the only person in the world whose government has employed weapons of mass destruction against anyone else—in this case it was his own people—in the last half century. So, yes, there are other motives besides possessing weapons of mass destruction. They are the man's personality and his history.

We are not just interested in nations that have WMD. We are interested in brutal tyrants who will use weapons of mass destruction.

Next, Iraq was clearly a crossroads of terrorist activity. That is what Senator GRAHAM referred to, not just al-Qaida. Iraq was one of the principal financial supporters of the terrorist suicide bombings in Palestine. They offered a \$100,000 reward to anyone who would kill himself as long as he took a few Jews with him. How many tyrants around the world are willing to harbor terrorists and support terrorists? The list gets a little smaller.

North Korea has weapons of mass destruction. North Korea is ruled by a

brutal tyrant. But North Korea has not invaded any of its neighbors for half a century, and North Korea is not a haven for al-Qaida, Hamas, Hezbollah, and the other terrorist organizations. We are closing down here on the other motives.

Attacking your neighbors. Saddam Hussein has attacked his neighbors twice in the last dozen years, set off two major wars, and is responsible for killing more Muslims than any other person on the planet.

The other motives that the Bush administration had in dealing with Iraq were the totality of the situation. Yes, they wanted to deal with WMD. Yes, they wanted to deal with a tyrant who was brutalizing his own people. Yes, they wanted to deal with terrorism. And, yes, they wanted to deal with somebody who was threatening his neighbors. If you take that criteria and apply it to all the countries in the world, you come up with only one that qualifies on every count.

It was not the single issue that current commentators and candidates, pundits and pollsters are talking about that prompted President Bush to give the order to go ahead in Iraq. It is a distortion of history to hammer again and again on the fraud that says only weapons of mass destruction drove us to go into Iraq, and it is our failure to find weapons of mass destruction in this time period in Iraq that demonstrates we were wrong.

Nobody has gone to the last part of that sentence. Nobody has said yet that we were wrong to have taken out Saddam Hussein. They come close to that in their attack on the President. They say he lied. They say he manipulated. They say he distorted. But they cannot quite bring themselves to say we were wrong to have done it, and no one will say the world would have been a better place if we had not. Why? Because we have discovered some other things we did not know.

If you are going to talk about intelligence failures, our intelligence community did not know until we got into Iraq about the mass graves. We did not know about the prisons holding children who were put in there as young as 4 and 5 years of age and have been there for 5 years or more.

We did not know the details of the brutality of this man. We did not know that he treated his own population, those who were hostile to him or, indeed, simply suspect in his eyes, as brutally as Adolf Hitler treated the Jews in World War II in Germany. We did not know that. We have discovered that now. So no one will quite go to the point of saying we made a mistake, that Bush did the wrong thing.

One commentator closed his attack on the Bush administration with this interesting quibble, in my view. He said: It was the right war but it was fought for the wrong reason. I find it very difficult to reconcile those two. If it was the right war and has achieved the right result, it was the right thing

to have done, and it was the right thing to have done for all of the reasons that people who hate this administration are now conveniently forgetting all of the historical buildup to this that has gone down the memory hole that people are now conveniently saying never happened.

This is a historic Chamber, and it has seen all kinds of debates, high and low. It has seen all standards of rhetoric, good and bad, and, yes, if I may, true and false. There has been a call for the rafters here to be ringing in a discussion of the Iraqi war and America's activity. I wanted to answer that call and do what I can to see that the rafters are ringing with the truth; that the rafters are ringing with real history, not invented history; that the rafters are ringing with a recognition that what the Bush administration has done in Iraq was the right thing to have done; it was based on sound and careful analysis that ran over two administrations; that was vetted thoroughly with our allies abroad, bringing Great Britain, Australia, Poland, and others, into the fight, and the result has demonstrated that the world is a safer place.

The Iraqi people live in a safer society, and the prospects for the future are better than would have been the case if we had gone to the brink, as President Clinton did, and then changed our minds. President Clinton thought the evidence was overwhelming but decided not to act. President Bush thought the evidence was overwhelming and did act, and the rafters should ring with at least one speech that applauds that decision and that level of leadership.

I say to my colleagues, I say to the country, I say to my constituents, I believe the history is there that justifies the decision, and I believe the evidence is there after the fact that more than justifies the decision.

In this case, America and her President can stand proud before the world as having done the right thing for the right reason.

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

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

MORNING BUSINESS

Mr. BENNETT. I ask unanimous consent that the Senate proceed to a period for morning business.

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

CONGRATULATING ROBERT AND ERMA BYRD ON THEIR 66TH WEDDING ANNIVERSARY

Mr. DASCHLE. Mr. President, last Thursday marked an important—and