

“(b) ENCOURAGEMENT OF INDIAN TRIBAL ENERGY DEVELOPMENT.—Each Administrator shall encourage Indian tribal energy development by taking such actions as are appropriate, including administration of programs of the Bonneville Power Administration and the Western Area Power Administration, in accordance with this section.

“(c) ACTION BY THE ADMINISTRATOR.—In carrying out this section, and in accordance with existing law—

“(1) each Administrator shall consider the unique relationship that exists between the United States and Indian tribes.

“(2) power allocations from the Western Area Power Administration to Indian tribes may be used to meet firming and reserve needs of Indian-owned energy projects on Indian land;

“(3) the Administrator of the Western Area Power Administration may purchase power from Indian tribes to meet the firming and reserve requirements of the Western Area Power Administration; and

“(4) each Administrator shall not pay more than the prevailing market price for an energy product nor obtain less than prevailing market terms and conditions.

“(d) ASSISTANCE FOR TRANSMISSION SYSTEM USE.—

“(1) An Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power.

“(2) The costs of technical assistance provided under paragraph (1) shall be funded by the Secretary of Energy using nonreimbursable funds appropriated for that purpose, or by the applicable Indian tribes.

“(e) POWER ALLOCATION STUDY.—Not later than 2 years after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary of Energy shall submit to the Congress a report that—

“(1) describes the use by Indian tribes of Federal power allocations of the Western Area Power Administration (or power sold by the Southwestern Power Administration) and the Bonneville Power Administration to or for the benefit of Indian tribes in service areas of those administrations; and

“(2) identifies—

“(A) the quantity of power allocated to Indian tribes by the Western Area Power Administration;

“(B) the quantity of power sold to Indian tribes by other power marketing administrations; and

“(C) barriers that impede tribal access to and use of Federal power, including an assessment of opportunities to remove those barriers and improve the ability of power marketing administrations to facilitate the use of Federal power by Indian tribes.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$750,000, which shall remain available until expended and shall not be reimbursable.

**“SEC. 2606. INDIAN MINERAL DEVELOPMENT REVIEW.**

“(a) IN GENERAL.—The Secretary shall conduct a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

“(b) REPORT.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Congress a report that includes—

“(1) the results of the review;

“(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources; and

“(3) an analysis of the barriers to the development of energy resources on Indian

land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

**“SEC. 2607. WIND AND HYDROPOWER FEASIBILITY STUDY.**

“(a) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

“(b) SCOPE OF STUDY.—The study shall—

“(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

“(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

“(3) assess the wind energy resource potential on tribal land and projected cost savings through a blend of wind and hydropower over a 30-year period;

“(4) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

“(5) include an independent tribal engineer as a study team member.

“(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary and Secretary of the Army shall submit to Congress a report that describes the results of the study, including—

“(1) an analysis of the potential energy cost or benefits to the customers of the Western Area Power Administration through the blend of wind and hydropower;

“(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

“(3) recommendations for a demonstration project that could be carried out by the Western Area Power Administration in partnership with an Indian tribal government or tribal energy resource development organization to demonstrate the feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

“(4) an identification of—

“(A) the economic and environmental costs or benefits to be realized through such a Federal-tribal partnership; and

“(B) the manner in which such a partnership could contribute to the energy security of the United States.

“(d) FUNDING.—

“(1) There is authorized to be appropriated to carry out this section \$500,000, to remain available until expended.

“(2) Costs incurred by the Secretary in carrying out this section shall be nonreimbursable.”.

(b) CONFORMING AMENDMENTS.—The table of contents for the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by striking items relating to Title XXVI, and inserting:

“Sec. 2601. Definitions.

“Sec. 2602. Indian tribal energy resource development.

“Sec. 2603. Indian tribal energy resource regulation.

“Sec. 2604. Leases, business agreements, and rights-of-way involving energy development or transmission.

“Sec. 2605. Federal Power Marketing Administrations.

“Sec. 2606. Indian mineral development review.

“Sec. 2607. Wind and hydropower feasibility study.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 5, 2003, at 10 a.m. to conduct an oversight hearing on “Reauthorization of the Defense Production Act.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Title XI, on Thursday, June 5, 2003, at 2:30 p.m., in Room SR-253.

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

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, June 5, 2003, TBA, to mark up a revenue title to S. 824, the Aviation Investment and Revitalization Vision Act.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 5, 2003 at 1:30 p.m. to hold a hearing on Life Inside North Korea.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, June 5, 2003, at 10:30 a.m. for a nomination hearing to consider the nominations of C. Stewart Verdery, Jr., to be Assistant Secretary for Policy and Planning, Border and Transportation Security Directorate, Department of Homeland Security; Michael J. Garcia to be Assistant Secretary for the Bureau of Immigration and Customs Enforcement, Department of Homeland Security; and Joe D. Whitley to be General Counsel, Department of Homeland Security.

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

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 5, 2003, at 9:30 a.m. in Dirksen Room 226.

## I. NOMINATIONS

R. Hewitt Pate to be Assistant Attorney General, Antitrust Division, U.S. Department of Justice; David B. Rivkin to the Foreign Claims Settlement Commission; Richard C. Wesley to be United States Circuit Judge for the Second Circuit; J. Ronnie Greer to be United States District Judge for the Eastern District of Tennessee; Thomas M. Hardiman to be United States District Judge for the Western District of Pennsylvania; Mark R. Kravitz to be United States District Judge for the District of Connecticut; John A. Woodcock to be United States District Judge for the District of Maine.

## II. BILLS

S. Res. 116, A resolution commemorating the life, achievements and contributions of Al Lerner.

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

## COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, June 5, 2003, at 2:00 p.m., to conduct a hearing on Senate Rule XXII and proposals to amend this rule.

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

## SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Thursday, June 5 at 9:30 a.m. to conduct a hearing regarding S. 485, the Clear Skies bill, to examine emissions-control technologies and utility-sector investment issues.

The hearing will take place in SD 406.

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

## SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, June 5, 2003, on Intercity Passenger Rail Finance at 10 a.m. in Room SR-253.

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

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Jerry Perez, a legislative fellow in the office of Senator LEAHY, be given the privilege of the floor during the remainder of the debate on S. 14.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that John Gaginis be granted floor privilege today.

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

Mr. AKAKA. Mr. President, I ask unanimous consent that Barbara Peichel, my legislative fellow, be allowed floor privileges during the remainder of today's session.

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

## UNANIMOUS CONSENT AGREEMENT—NOMINATION OF MICHAEL CHERTOFF

Mr. BENNETT. As in executive session, I ask unanimous consent that at 5:15 on Monday, June 9, the Senate proceed to executive session for the consideration of Calendar No. 201, the nomination of Michael Chertoff to be U.S. circuit judge for the Third Circuit; provided further that there then be 30 minutes for debate equally divided in the usual form prior to a vote on the confirmation of the nomination, with no intervening action or debate. I further ask consent that following the vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Reserving the right to object, Mr. President, this will be the 128th judge that this Senate has approved during the term of this President. This will be the 25th circuit judge that has been approved. I want the record to make sure everyone understands that, 128 to 2. Two have been held up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I would make a comment before I proceed to the next consent request. With respect to Mr. Chertoff, I became well acquainted with Mr. Chertoff when he served as counsel to the special committee created by Senate resolution to investigate the Whitewater matter. I found him competent, direct, thorough, well prepared, and a delightful human being. I probably will not get into the debate, the amount of time being limited, but I want the record to show how highly I esteem him and how enthusiastically I will vote to confirm him for the circuit court position to which he has been nominated.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar, Calendar No. 203. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. REID. No objection.

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

The nomination considered and confirmed is as follows:

## DEPARTMENT OF JUSTICE

Peter D. Keisler, of Maryland, to be an Assistant Attorney General.

## LEGISLATIVE SESSION

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

## COMMEMORATING LIFE, ACHIEVEMENTS, AND CONTRIBUTIONS OF AL LERNER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 122, S. Res. 116.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 116) commemorating the life, achievements, and contributions of Al Lerner.

There being no objection, the Senate proceeded to consider the resolution.

Mr. VOINOVICH. Mr. President, I rise today to honor Alfred Lerner. Al, as he was called by those who knew him best, was a man of great success and wealth but also great compassion and charity.

Al was born in New York City, graduated from Columbia College and proudly served in the Marine Corps as an officer and pilot from 1955 through 1957. The son of Russian immigrants, Al Lerner had an amazing sense of patriotism and was so proud to accept the Ellis Island Medal in honor of his immigrant heritage and individual achievements in 2002.

My personal relationship with Al developed because of the fondness we shared for the city of Cleveland, and Cleveland is a better place because of Al Lerner. His generosity was seen in well known ways such as his contributions to Rainbow Babies and Children's Hospital, where the Lerner Research Institute was founded, and to the Cleveland Clinic. In fact, Al Lerner's \$100,000,000 contribution to the Cleveland Clinic was one of the largest donations to academic medicine in the history of the United States. Al gave so much of himself to these institutions, serving as president and trustee of the Cleveland Clinic Foundation and establishing the Lerner Research Institute at the Clinic to conduct research of new treatments for cancer, coronary artery disease and AIDS.

Al Lerner also understood how important professional football is to the city of Cleveland, and due in large part to his business savvy, Lerner and his partner, Carmen Policy, were able to reestablish a football team in Cleveland. He was subsequently appointed chairman of the National Football League Finance Committee, and I am confident that the Cleveland Browns' 2002 playoff appearance, just 4 years after returning to the league, had a great deal to do with Al's leadership