''(ii) REQUIREMENT.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

Mr. MENENDEZ. Mr. President, I appreciate and respect the desire of the Senator from Virginia to be an advocate for his State for the pursuit of whatever natural resources it may have. However, the ocean is not refined to defined blocks that can be confined in terms of consequences. We share that Atlantic Ocean along many States. So the decision of one State, while it may be seen to be sovereign to it, actually has a ripple effect to other States, and the consequences can be very significant.

Now, the Warner amendment, far from helping end our dependence on oil, is seeking to tap another vein to feed our oil and our fossil fuel addiction. I would say to all of my colleagues in this body, all States and Members of those States who reside within the Outer Continental Shelf should be paying a lot of attention to this amendment because the undoing of the moratorium for one State can create a domino effect that will undo the whole basis of the moratorium throughout both the east and west coasts. That moratorium has existed for a quarter of a century, and for good reason. It has existed for a quarter of a century, and for good reason because it is about preserving the very essence of other natural resources as well—the shorelines of those States which often generate billions of dollars in economic activity—and also about being good stewards of the land for future generations of Americans.

Now, I appreciate that the Senator from Virginia has in his amendment a percentage of the proceeds, some which will go to the Commonwealth of Virginia, some which will go to a fund to potentially mitigate damages, but that recognizes, in fact, that damage is possible to other States. I don't want to be in a position of New Jersey having to mitigate damages caused to its coastal shoreline which is critical in estuary capacity, critical in terms of the economy of our State, critical to the fishing industry of our State, critical to the tourism of our State, and critical to the State of New Jersey. I would replicate that through other States throughout the Atlantic seaboard as well as on the Pacific seaboard. So having a fund that says to other States: Well, if there is damage, we will work to mitigate it, is not very consoling. And to think that one would say: We will only drill for gas, don't worry about it, it is not about oil, we are only going to drill for gas, but if while we are drilling for gas we happen to hit oil, to believe that, oh, we are going to stop and plug it up and we are not going to pursue oil exploration I think is rather ludicrous.

The Clean Energy Act of 2007 which we are debating is supposed to be—supposed to be—about transforming our economy from one based on fossil fuels to one based on renewable energy; from an economy which threatens our planet to one which is sustainable; from energy sources which are old and inefficient to ones which conserve our resources and use them efficiently. Instead, this amendment would promote oil and natural gas drilling in the mid-Atlantic. To me, that is an unacceptable threat to New Jersey's coastline.

The area the Senator from Virginia is interested in opening to drilling is about 75 miles from Cape May, NJ—more than close enough for spills to pollute New Jersey's beaches. Furthermore, any drilling in the mid-Atlantic puts us on a slippery slope toward a day when oil rigs are the norm along the entire eastern coast. One of the greatest jewels of New Jersey is without a doubt our shore. Millions of people visit the Jersey shore every year, bringing an estimated $20 billion into the State's economy—$20 billion into the State's economy—and creating hundreds of thousands of jobs. We simply cannot afford to put our shoreline at this type of risk.

Mitigation doesn't help us. We had a time in New Jersey history where oil slicks, where garbage came up on New Jersey's beaches and shores, and the consequences were enormous for the State's economy, for the vitality of the communities that are along the shoreline, consequences in employment. We worked very hard at cleaning up through the Clean Water Act and other initiatives to make sure the shoreline was preserved for future generations of New Jerseyans and, for that fact, the entire Outer Continental Shelf for the future generations of Americans who call that part of our country home.

Now, the proponents of this amendment say that other States on the east coast will have the opportunity to provide input into any drilling decision, but to be very honest, the Secretary of the Interior will have the ability just to ignore their views and approve a recommendation for drilling anyway. Actually, this administration has already, through the mineral-mines management part of the Interior Department, been promoting a plan that actually seeks to create more drilling off the Outer Continental Shelf. It is an advocate of that regardless of any potential consequences to natural resources. So I have no faith in a Secretary of Interior directed by an administration that promotes drilling, and all he has to do is say: OK, I heard you, New Jersey; thank you, but no thanks. That doesn't do anything to safeguard the sovereignty of any State that may be affected by the decisions of another State as it relates to the Outer Continental Shelf. This would leave States well within the scope of environmental impacts helpless—helpless—to stop most leases and, more importantly, for the circumstance at hand in my home State of New Jersey, we could not object to any drilling off the coast of Virginia—object in a way that would ultimately have a consequence—even though this drilling could seriously endanger our coast.

Now, the proponents of this measure also claim drilling for natural gas will not have any negative environmental impact on our shores. With all due respect, that assertion is just simply not rooted in science, and it couldn't be more wrong. Massive amounts of waste muds and drill cuttings are generated by drilling operations. Most of this waste is dumped untreated into surrounding waters. Drilling muds often contain toxic metals, including mercury, lead, and cadmium. Mercury in particular has been found in very high concentrations around rigs in the Gulf of Mexico and has raised significant concerns about contamination of fish.

In our own State of New Jersey, one of the challenges—and I know Virginia has very significant port activity as part of its economic generation—where there are ports, in the nature of the activity that takes place in those ports, there is often contamination of various sites. We had that reality as we dealt with the Port of Elizabeth in Newark and the Port of Newark in New Jersey, the megaport of the east coast. So the reality is that drilling muds often contain toxic metals, and mercury in particular is one of those.

A second major polluting discharge is called produced water. Produced water typically contains a variety of toxic pollutants, including benzene, arsenic, lead, naphthalene, zinc, toluene, and can contain varying amounts of radioactive pollutants. All major field research programs investigating produced-water discharges have detected petroleum hydrocarbons, toxic metals, and radium in the water column downcurrent from the discharge. Again, these pollutants have a devastating effect on fish populations that are already under considerable stress, particularly along the eastern seaboard, and those industries are very important, not only to the economies and the jobs they create and the economies of those States but to the consumers of those States who seek to have fish as part of their daily diet.

Now, even if offshore areas are leased for gas exploration, there is always the possibility that oil could also be found, and if oil is found, the exploration company will surely drill for it since there has never been an instance where a lease prohibits—prohibits—an oil company from developing oil if oil is found in a ''gas-prone region.'' Without such a restriction included in the lease, there would be no assurances that oil, in fact, would not be developed, raising the possibility of an oil spill.

According to the Department of the Interior, 3 million gallons of oil spilled from Outer Continental Shelf oil and gas operations in 73 incidents between 1980 and 1999. Oil is extremely toxic to a wide variety of marine species. Even if oil is not found, liquid natural gas condensates and can also spill. These gas condensates are highly toxic to virtually all forms of marine life.