

which I am now once again a member. Throughout her career, Ms. Chao has accepted the challenges that have confronted her and pursued her responsibilities with firmness, fairness, and always with a quiet dignity.

Ms. Chao will be a great leader at the Department of Labor, and I look forward to voting in support of her nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. THOMAS. Mr. President, I would like to proceed, if I may, under the order. I believe this time is allotted to us.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

NOMINATION OF GALE NORTON

Mr. THOMAS. Mr. President, we were talking about confirmation of appointments. Among the next ones that will take place tomorrow will be the Secretary of the Interior, Gale Norton. I want to spend a little time talking about the Secretary, but perhaps more as a preliminary matter, I want to talk about the importance of Federal lands and the impact they have on the West in particular. Of course, they are national lands.

First of all, I am very hopeful and confident that Gale Norton will be confirmed. I think she has done an excellent job in responding to the legitimate questions she has been asked. That is the role of the Senate: to inquire, ask questions of these aspiring nominees. She has done, I believe, an excellent job of responding.

She is a superb candidate for this job. She has experience. She has experience as attorney general of the State of Colorado, during which time, of course, she had to deal with a good many land, water, and air quality issues and I think dealt with them professionally.

She is knowledgeable, certainly, about the West. The West is unique—I will talk about that in a moment—where, in many cases, more than half of a State belongs to the Federal Government. It is very important to all of us.

Gale Norton has a background in land use and park use, not only from her experience in Colorado but also her experience in the Interior Department as an associate solicitor for the Fish and Wildlife Service, as well as the Park Service. I have had some occasions to talk with her as chairman of the parks subcommittee.

I certainly have an interest in this job in that this Secretary has jurisdiction over the National Park System. She is certainly a conservative conservationist. We have sometimes gotten into the position where those things seem to be an oxymoron; they seem to be conflicting. Indeed, it seems to me they are not.

She is a conservative and I am a conservative, but we are conservationists in that we want to protect the resources so they will be there in the future for our kids and future youngsters. These two things are not incompatible. Under most definitions, they would be quite compatible. I would substitute conservationist—at least to some we have to be an environmentalist. That perhaps is another step.

In any event, I do believe Gale Norton will be confirmed as Secretary, and I certainly support her nomination. I do want to talk about public lands, since we have some time today.

In my State of Wyoming, nearly 50 percent of the land belongs to the Federal Government in various categories. Some was set aside for national parks. We have two of the most famous national parks, Yellowstone and Grand Tetons. We also have Devils Tower and other facilities as well. Some of the land was set aside for U.S. forests. Much of the land, on the other hand, is BLM land, which really was remaining land after the Homestead Act was finished and lands were taken for private ownership. These were the lands that remained and stayed in Federal ownership.

This map shows the holdings throughout the country. They represent millions of acres—a great deal of public land. In Alaska, 68 percent of the land belongs to the Federal Government. In Nevada—Senator REID was just here—they believe theirs is closer to 87 percent federally owned lands. It goes all the way to New Mexico, the Presiding Officer's State, with about 26 percent.

They are very important. Not only are they important because they are public lands and they are great treasures that we want to preserve, but of course they have a great deal to do with the way we live. They have a great deal to do with our economy. They have a great deal to do with our culture.

Those who live there often talk about public lands, and I understand people in Maryland or people in Connecticut often are not quite as familiar with the fact that we have millions of acres that are either mountains or high plains.

When we talk about those things, there is not much recognition of what the problems are. I suppose we are guilty of the same thing with regard to coastal lines. We do not have coastal lines in Wyoming. We need to talk about some of these things so we will better understand them.

I am very interested, of course, in the parks. I grew up right outside Yellowstone Park in Cody, WY. The park is one of the real treasures of this country. It seems to me the purpose of the park is to protect those treasures. The second purpose is to allow the owners, the American people, to enjoy them, and, from time to time, how we do that becomes somewhat controversial.

These places are unique, and some are managed for a single purpose: wil-

derness areas. I support wilderness areas. They are set aside and restricted as to how they can be used.

I hope we do not change the old sign of the Forest Service which said "Land of many uses," to what some would like to change it to: "Land of no uses." I do not believe that is where we ought to be headed, and I do not believe that is where our Secretary of the Interior will be heading.

There are many uses for which the land should be made available, not all economic. There is hiking and camping. You would be surprised by the number of letters I receive, when we talk about the roadless areas, from veterans organizations. Some of our disabled veterans are not going to have access to these lands if we do not provide it. Not only are there resources there such as grazing and timbering, but also recreational access, of course, is most important.

We also need to understand that these resources do need to be managed. We had this year probably the most devastating series of forest fires on public lands in the West. Managing those forests more in terms of access if there is a fire, in terms of thinning to prevent fires, is a very important issue.

We have a unique relationship with the Federal Government because of this involvement. Generally, it is a pretty good relationship. Interestingly enough, often the relationship with regard to the forest and BLM lands is pretty good on the local level with the staffs that are doing the actual work, but when you get to the policy level, the regional level, the national level, that coordination and cooperation seems to become more and more difficult.

We need to find some ways to make the Government a better neighbor to the people of the West so that we can work together. There has been a promise on the part of this administration, and particularly on the part of Gale Norton, to work more closely to involve local people and local governments in management of these lands.

One of the things that has happened, and needs to happen more, and at least be done more effectively and efficiently, is what is called a cooperating agency agreement where, when you have an EIS or study on a particular change of a regulation, why, the surrounding States, the surrounding counties, officials can be brought in as cooperating members and cooperating agencies to help make these decisions. It is true they are Federal lands and the final decision rests with those agencies, but the people who live there ought to have some input, and we hope that can be the case.

Throughout this past administration, it was more difficult. I understand the Secretary of the Interior and the last President were seeking to make some history for themselves, some legend in terms of setting aside public lands. Much of that was done without any commitment or involvement of local people at all.

On the contrary, Escalante Staircase, in Utah, was announced in Arizona when the Governor and the delegation had not been consulted about setting aside millions of acres in the State of Utah. That is not the kind of thing that makes for a good arrangement for managing these resources well or providing an opportunity for local people to participate that each of us thinks they ought to have.

Also, of course, there are a number of agencies that are involved. It isn't just the Department of the Interior. Certainly, in terms of access, we have the EPA, which has a great deal to do with some of the things that are involved with the endangered species and that sort of business. We have the whole access question, which has to do with Transportation, and other agencies. So we hope there will be an effort to bring together agencies that have sometimes conflicting jurisdictions in the Interior Department.

Certainly, I hope, for the most part, these lands, other than those that are set aside for special purposes, can be used for multiple use. And "multiple use," I am afraid, is sometimes interpreted as being very detrimental to the environment. It does not necessarily need to be that way. There can be these uses, if they are managed well—renewable resources, such as grazing, for example. Grazing can be, if it is managed properly. It is certainly not detrimental to these lands. It harvests a crop that is there and will be there again next year.

So multiple use is very important to our States and to the economy there. This, of course, is not to say in the least that we in the West are not as interested in preserving the resources as anyone else in the country. One of the real problems, however, is the decisions with respect to that have generally been made from the top down, where the whole system really was designed in the NEPA arrangements that are in place, and so on, to start at the bottom and move up. And we have had, in our case in Wyoming recently, several instances of changes that were to be made, the most recent one being the use of snow machines in Yellowstone Park, where we had a 2-year winter-use study. They went all through this thing. They came up toward the end with some preferred decisions, and the Assistant Secretary—the very person we are talking about here—came there and said: Wait a minute. We are going to change that. And that was after all the people had participation in it.

In Jack Morrow Hills, which is in the Red Desert in Wyoming, the very same thing happened recently with the Secretary. You go through this process and you talk about partnerships and participation, and then somebody from the administration, at the top level, comes out and says: All right, we are going to change all that.

That is not really what is intended for participatory government. Hopefully, we can do some things that will help to change that.

I emphasize, however, again, that when we talk about preserving resources, I think you will find the people who live there are as adamant and emotional about preserving the resources—more so—than most people because that is where they live. That is where they are. Those are the things that are very important.

So we need to have a little better understanding of the plan and process. Frankly, more recently, it has been my experience, that when people from Washington went out to talk about a proposed roadless plan they were not certain what the plan was when they got to the meeting. And there would not be a lot of support for it among the people who were actually managing the process.

We have a process for a forest plan that comes up for renewal about every 10 years. That is where the decisions ought to be made for the Medicine Bow Forest, not here in Washington. So I hope that is what we can do; that there can be public involvement.

So, Mr. President, I am very excited about the opportunity to support Gale Norton. Certainly, the appointments of the other officials in the Department will be equally as important—when you appoint the Director of the Park Service, when you appoint the Director of the Fish and Wildlife Service, or in the Department of Agriculture, where you have a Secretary who is over the Forest Service and the Forest Service management, as well as, of course, the Chief of the Forest Service, who does not happen to be one who is confirmed by the Senate.

But those are very important items. I hope we can help build some understanding that people who are interested in having multiple use of the lands are not interested in destroying those lands. We sometimes get that view promoted by some of the environmental groups in New York City and other places, that if you are going to use it, it destroys it. That does not need to be the case. Indeed, it should not be the case.

In fact, of course, in the parks we work very hard to provide facilities so that people can come and enjoy them. They have to be managed. I mentioned the sled issue. The parks said: We are going to do away with them because they are too noisy and have too much exhaust. They do. The difference is, there has been no management effort made over the last 20 years to separate the snow machines from the cross-country skiers. There has been no effort made to have standards so that the manufacturers of the sleds would reduce the noise and the exhaust. They were willing and able to do that, if they had some standards that would ensure that the investment they made could then be legitimate.

So I think these are the things we are looking for, to have a little different way of managing these kinds of resources. I am excited about the prospects that Secretary Norton will bring to this agency.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I join my colleague, Senator THOMAS, in supporting the nomination of Gale Norton as Secretary of the Interior. She will, indeed, provide the kind of consultation that has been lacking in this past administration on important issues such as the designation of lands for conservation areas, or monuments, and some of the other issues on which there has been little consultation with the stakeholders, the people who are really most affected by the decisions of the Department of the Interior. Because so much of that Department's role recently has been the recommendation to the President of unilateral executive decisions on his part, that kind of consultation is going to be critical. Gale Norton is the kind of person who throughout her public career has brought people together and has reached solutions to problems that were primarily acceptable to all sides.

I have known Gale Norton for over 20 years. First of all, she is one of the smartest people I know. She actually scored 100 percent on her law school admissions test, the so-called LSAT. She graduated magna cum laude from the University of Denver. She attended the University of Denver Law School, where she was a member of the school's honor society.

She has held a variety of positions in her career, including chairing the Republican National Lawyers Association. She served under the previous President Bush on the Western Water Policy Commission. She served as chair of the Environmental Committee for the National Association of Attorneys General when she was attorney general of the State of Colorado.

As a matter of fact, when she was at the Department of the Interior, in her earlier career, serving as Associate Solicitor for Conservation and Wildlife, she was the primary legal adviser for the National Park Service and the Fish and Wildlife Service. She also played a key role in something—the Presiding Officer has, I think, perhaps been to my office. There is a very large painting in my office of the Vermilion Cliffs in northern Arizona, which is the area where the California condors were brought—this endangered species—to try to rejuvenate the species. This is an area where they thought the condor could survive. They are having a fairly tough time of it, but we hope they will survive. In any event, she was instrumental in protecting the condor.

She was instrumental in negotiating an agreement to deal with the noise from overflights over the Grand Canyon. There are a whole variety of things that Gale Norton did while at the Department of the Interior, and then as the attorney general of Colorado. For example, she was successful in persuading the Federal Government to accelerate the cleanup of a hazardous waste area near Rocky Flats in

Colorado, which is the former nuclear weapons production site there, and at the Rocky Mountain Arsenal, a chemical weapons manufacturing site. There are a whole variety of things that one could mention in her record. I think most of them have been pretty well discussed in connection with her confirmation hearings.

But the point is to illustrate, first of all, the fact that she is an extraordinarily capable person, a lawyer with great experience in this Department of the Interior, as well as an attorney general, and other positions, all of which qualify her now to become the Secretary of the Interior.

She has experience in a wide variety of areas with which she will have to deal, including environmental protection—as I mentioned, hazardous waste cleanup, and other things.

As the Presiding Officer is well aware, one of the things the Department of the Interior, of course, has to deal with is giving great care and commitment to be the primary trustee for our Native Americans.

Because the United States has that trust responsibility and it reposes primarily in the Secretary of Interior, it is a critical position.

I ask unanimous consent to print in the RECORD a letter from Kelsey Begaye, President of the Navajo Nation, in support of Gale Norton for the position of Secretary of Interior.

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

THE NAVAJO NATION,

Window Rock, AZ, January 16, 2001.

Hon. JOHN KYL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KYL: On behalf of the Navajo Nation, I convey our support for Ms. Gale Norton, nominee for Secretary of the Department of the Interior. The Navajo Nation, in its government-to-government relationships, works with the Department of the Interior on myriad issues affecting the Nation. Although there are times when we disagree with one another we continue to work together for the benefit of the Navajo People. We wish to continue the working relationship with the new administration and we look forward to working with Ms. Norton.

The Navajo Nation's past experience with Gale Norton involved issues with the Southern Ute Tribe during her term as Attorney General for the State of Colorado. During that time Ms. Norton approached the tribes and asked how she could help. She provided testimony to the House (Natural Resources) Committee on the Animas-LaPlata project which benefitted the tribes. Her willingness to support the tribes demonstrates her knowledge of Indian nations and their position within the federal system.

The Navajo Nation does have its concerns with regard to Indian country policies and initiatives. We advise the new administration to follow the basic goals and principles of affirmation of the commitment to tribal sovereignty and self-determination, protecting and sustaining treaty rights and the federal trust responsibilities, and supporting initiatives which promote sustainable economic development in Indian country.

The Navajo Nation supports the nomination of Gale Norton for Secretary of the Inte-

rior and we trust she will continue to work with Indian country as she has done in the past. We look forward to working with her in advancing Indian country policies and Indian initiative for the Bush/Cheney Administration.

Sincerely,

KELSEY A. BEGAYE,
President.

Mr. KYL. In this letter he notes that Gale Norton has in the past exhibited an understanding of the needs of Native Americans. She worked on one of the settlements when she was attorney general of Colorado that involved water and other issues relating to the Colorado Ute tribe.

On other areas as well, President Begaye notes that she has an understanding of Indian issues which will make her a fine trustee. In all of these regards, it is clear that Gale Norton is well positioned to be a fine Secretary of Interior.

I conclude with what I began—namely, she is the kind of person who is able to bring people together to work on solutions to problems that have been somewhat contentious. Because we are dealing with so many different needs and different groups of people with our western lands and resources, it is important to bring these groups together. She will do that and will make a strong Secretary of Interior.

NOMINATION OF JOHN ASHCROFT

Mr. KYL. Mr. President, I rise briefly to discuss the nomination of another Cabinet official, the Attorney General, John Ashcroft. Hopefully, we will be able, on the Judiciary Committee, to have the vote on Attorney General designate Ashcroft tomorrow. We hope to have that meeting on Tuesday, at the very latest Wednesday. We are hoping to consider his nomination on the floor of the Senate and get that done by Thursday afternoon prior to the time that the Senate recesses for the week.

It is important that this nomination be confirmed. There are a lot of things pending. The Attorney General is one of the officers of the Cabinet who is always on watch. There are all of the assistant attorneys general, U.S. attorneys around the country who are looking for guidance from Washington on a wide variety of matters. We have more terrorist issues that demand the attention of the Attorney General. My colleagues on both the Democratic and Republican side are interested in commencing the process of judicial nominations to fill so many vacancies that exist. All of these and many more issues require an Attorney General who is active and in place. The sooner we can get the President's nominee for Attorney General confirmed, the better for the Nation.

I will comment briefly on some comments that have been made. One of my colleagues this morning spoke, as a matter of fact. The charges are pretty much the same. Let me summarize three or four things that have been said with regard to John Ashcroft and try to put them in proper context.

One of my colleagues this morning commented on the floor that there is a new John Ashcroft. I would have thought that since they didn't particularly like the old John Ashcroft, this would be good news, but it turns out not to be. What they are basically saying is, they don't know which one to trust. You have the old John Ashcroft who, as a Member of the Senate, was pushing legislation to do this and legislation to do that. Now as Attorney General, he says he will abide by the law. Well, which is it? The fact is, John Ashcroft has served in different capacities in his life, and they are not always the same.

As Members of the Senate, we put ideas forth. They are partisan ideas, they are philosophical ideas, and we debate them. In the crucible of this institution, those ideas are put to tests. They are molded, and they are amended. And consensus develops around solutions that we eventually will pass. None of us get our way on any of this legislation, but we all put it forth. We have our debates and then we move on.

That is a very different position than the position of a judge or Attorney General. There you have to take the law as it is, and you have to apply it. You have to interpret it. You have to argue it to the court and so on. I, for the life me, cannot understand why some of my colleagues are not able to make this distinction. Perhaps they are able to and choose not to because it is an unfair criticism of John Ashcroft that he will not apply the law as he is required to do as Attorney General simply because, as a Member of the Senate, he argued for other positions.

We can all walk and chew gum. We can all do different things at different times. There is nothing to suggest that John Ashcroft won't do exactly what he swears he will do when he puts his hand on the Bible and swears to uphold the Constitution and the laws. He did that as attorney general of the State of Missouri. One should not expect that it would change if he is Attorney General of the United States.

Secondly, there is this question of whether he would enforce laws with which he disagrees. Two thoughts about that: First, everyone is assuming he disagrees with certain laws that he doesn't disagree with. The so-called FACE law, the freedom of access to clinics entrances law, he supports that law. He opposes abortion. Some of his opponents say if he opposes abortion, he therefore must oppose that law, and therefore he probably won't enforce it. Wrong on two counts. You can oppose abortion and still support the law, as I do, as Senator Ashcroft does, which says that people should not be harassed when they want to lawfully go into a place which is a lawful place of business. There is nothing inconsistent with opposing what goes on inside that office but upholding the law that says people have a right to enter. He has said he would do that. That is the second point.