

I don't know why people don't believe that. There is nothing in his record to suggest he would not uphold that law. He supports the law. He says he will uphold it. I don't understand why people, therefore, in effect question his motivation or his commitment to abide by the oath he will take. That bothers me because it suggests they don't trust John Ashcroft. Yet there isn't a single Senator who has served with John Ashcroft who hasn't, when asked to remark upon this, confirmed that, no, they understand his integrity and it is not that they don't trust John Ashcroft. There is something else.

I think it has to do with the fact that there are so many liberal special interest groups that have a reason to oppose John Ashcroft because his views are not the same as theirs that it is forcing our colleagues then to say things that are inappropriate. Because to suggest that John Ashcroft is not a man of integrity and that he won't keep his commitments is quite unfair to this fine and decent man.

That finally brings me to the third point. My colleague, Senator LEAHY, ranking member of the Judiciary Committee on which I sit, made a very important point this morning with which I agree. He said the office of Attorney General is a little different than the other Cabinet positions in that there is a special kind of responsibility there. With most of the other Cabinet positions, there are policy issues and administration involved, but there is not the necessity of upholding the rule of law. In that, Senator LEAHY was absolutely correct. One could argue that there are a couple other Cabinet positions that also have a unique responsibility.

The Secretary of Defense, I am sure, would fall into that, protecting the American people, not just being interested in policy. But certainly he is right that the office of Attorney General is something special.

We expect the Attorney General to care first and foremost about the rule of law and to represent all Americans as well as the President in upholding that rule of law. As a matter of fact, Senator LEAHY said—paraphrasing here—no position in the Cabinet is as important for evenhanded justice. I didn't do him justice in paraphrasing, but I agree with that sentiment.

It seems to me that people who focus on that issue now with respect to John Ashcroft would have a lot more credibility in making their case against John Ashcroft if they had demonstrated an equal concern for the rule of law in a whole variety of issues that involved the Clinton administration for the last 8 years. On this, many of his opponents have been relatively silent. Every single one of the Democrats in this body voted against the punishment that the House of Representatives offered forth with respect to the impeachment of President Clinton. That was all about the rule of law. As it has transpired, the President has ad-

mitted to making knowingly false statements to officers of the court. This is not something which enhances the rule of law. Yet I heard all manner of excuses about the President's conduct at that time.

Nor have we heard much about the rule of law as to the current Attorney General's refusal time after time after time to appoint special counsel or otherwise look into what were clear violations of the law and very questionable conduct with respect to campaign contributions, among other things. When her special counsel Charles LaBella recommended the appointment of a special prosecutor to look into this, when Louis Freeh, head of the FBI recommended the same, time after time Attorney General Reno said no.

When we talk about politicizing the office of Attorney General, I think it is important for our Democratic friends to understand that Republicans have been concerned about the rule of law and the politicization of the Department of Justice for a long time. We are anxious for an Attorney General to go into that office and, frankly, clean it up so that there isn't the politics that has characterized it for the last 8 years.

It is hard for me to give much credence to those on the outside who question whether John Ashcroft can do this and who question his commitment to the rule of law when, for 8 years, they have been silent about repeated matters involving very strong charges that the rule of law is violated by various people and an unwillingness on the part of the Attorney General to do very much, if anything, about it.

Even the last act of President Clinton in pardoning a whole group of people has drawn very little criticism from our friends who are critical of John Ashcroft and are now very concerned about the rule of law. One of these was the pardoning of Marc Rich. A few of my Democratic Senate colleagues have been coached to come out with mild statements, or expressions of concern, about that pardon. I think that is appropriate. There ought to be expressions of concern about it.

My point is that if we are going to talk about concern over the rule of law and how John Ashcroft as Attorney General will protect and preserve the rule of law in this country, then I think it behooves us to be consistent in our concern for the rule of law and apply it equally in the situation of the immediate past Attorney General.

This is an example where I suspect many Americans look at this and say, well, I guess where you stand depends on where you sit. It is easy to criticize somebody on the other side. You don't want to criticize somebody on your own side. That is a natural characteristic of politics. But when we are talking about actually voting against John Ashcroft to be Attorney General of the United States, it seems to me that at last my colleagues who will have an opportunity to vote on that—

and I now separate them from the special interest groups about which I have been speaking—need to look at this carefully, look at what they have said about the rule of law over the last 8 years, before they raise concerns about John Ashcroft and the rule of law.

There has never been a more qualified nominee for Attorney General than John Ashcroft and I doubt many with greater integrity. I know many Attorneys General have served with great integrity. Neither his integrity nor qualifications has been questioned. All it boils down to is that some people object to his conservative ideology.

The President of the United States is elected, and I believe he has an opportunity to serve the American people and ability to do so in following through on his campaign commitments, following through on his ideas of how we ought to proceed with public policymaking. The Attorney General will have something to say about that. But mostly, as Senator LEAHY said today, the Attorney General's job is to administer the law. About that, there is no question where the President stands and where John Ashcroft stands.

I urge my colleagues to think very carefully how a "no" vote on John Ashcroft would look perhaps 2 years from now, 5 years from now, 10 years from now. Will it look like a good call or will it look petty? Will it look like an act of statesmanship or will it look like an act of partisanship? I urge my colleagues to think very carefully about this vote before they cast it.

EXECUTIVE SESSION

NOMINATION OF GALE ANN NORTON TO BE SECRETARY OF THE INTERIOR

The PRESIDING OFFICER (Mr. BYRD). Under the previous order, the hour of 2:04 having arrived, the Senate will now go into executive session and will proceed to the Norton nomination, which the clerk will report.

The legislative clerk read the nomination of Gale Ann Norton, of Colorado, to be Secretary of the Interior.

The PRESIDING OFFICER. The Senator from Utah, Mr. BENNETT, is recognized.

Mr. BENNETT. Mr. President, I understand there is to be 3 hours of debate on this nomination to be equally divided, and my request is that I be allowed such time as I may consume and to make it clear to my colleagues that I have no intention of coming close to the hour and a half that is allocated for our side.

The PRESIDING OFFICER. The Chair should state that under the previous order there will be 3 hours of debate equally divided between the chairman and the ranking member of the Energy and Natural Resources Committee.

Under the previous order, there will now be 60 minutes to be equally divided

between the two leaders, or their designees. The distinguished Senator from Utah is recognized during the period which is equally divided between the two leaders.

Mr. BENNETT. I thank the Chair for the clarification.

Mr. President, when I decided that I would run for the Senate, I had been out of any active kind of political involvement for close to 18 years.

I left Washington in 1974, the same year Richard Nixon, the President in whose administration I served, left Washington. I remember being in a taxicab in Burbank, CA, on my way to an airport to come back to Washington to pick up my family when on the radio playing in the taxicab Mr. Nixon announced his resignation from the Presidency. At that time, I thought I would never return to anything connected with public life or politics and settled into a career as a businessman.

But life has a way of changing things that we think are set in our lives. I found myself in 1991 contemplating a return to the political arena for the first time as a candidate for a serious office. I discovered in the 18-year hiatus since I had been gone that there were a number of issues I had not paid any attention to which were burning issues in the political arena of that time. One of them was clearly the question of the environment and the use of public lands.

In Utah, we have a tremendous number of public lands. Indeed, two-thirds of our State is owned by the Federal Government, and a large percentage of that which is owned by the State government is given over to State parks and other State land uses. One of the most inspiring of those State parks is known as Dead Horse Point. It is a place where you can go out and look over a huge vista way down below and, for reasons which I don't understand, is named after a dead horse.

As you stand on that point—Dead Horse Point—you get a picture of the grandeur that is available in southeastern Utah. As I went down in that area to look for votes, I discovered that one of the biggest controversies there was the question of an oil well built in an area that could be seen from Dead Horse Point. I went down there absolutely determined that I would do whatever I could to see to it that there would be no oil exploration anywhere in an area that might despoil or damage the glorious views of Dead Horse Point.

When I got there, I found that the local Republican leaders were involved in the oil well. Indeed, the woman, whom I had not met before, who took me around and introduced me into that area, said her husband worked on the oil well and outlined for me what it meant to their family economically if something were to happen to close oil wells. I thought, Well, here I am caught between the economic impact that is benefiting their family and other families and the aesthetic impact

of seeing to it that things must be done properly as well as to protect the environment. What am I going to do about it? Then she said something that was very appropriate and, frankly, rare among politicians. She said: Why don't we go look at it? Why don't you see firsthand what this is all about? I said: Fine. That was a good way to delay the issue and not have to announce my position while I would let her take me out and show me where the oil well was.

The gentleman who had driven me down into that part of the State and I got into her pickup truck and we went out looking for the oil well. I say "looking" because you couldn't find it. If you didn't have a guide who knew her way very well, you couldn't find the oil well. You couldn't see it.

To further complicate things, on that particular day it was a little bit overcast and there was not necessarily fog but some confusion in the atmosphere making it difficult for us to get our bearings from surrounding mountains. She was a native of the area, knew it very well, but got lost nonetheless. We made a wrong turn. We wandered around. She tried to get her bearings and finally, retracing our steps, she took us to the place where there was the oil well. We got out of the truck and walked out into an area maybe twice the size of the Senate Chamber.

It had been bermed up around the area, possibly by a bulldozer, but the result was that the oil well was in the bottom of what you might consider a very shallow basin. That is why you couldn't see it. It was not the great derrick we think of when we think of the movie "Giant" and Some of the other visual depictions of drilling for oil. It was what is called a Christmas tree, a series of valves that come together. I had my picture taken standing on it, and the Christmas tree was no higher than I could reach. I could put my hand out on the top of this and stand there. This was the total visual impact of this oil well. It was painted in such a way as to blend into the surrounding flora, and it was at the bottom of a shallow basin. If you were more than 100 feet away from it, you couldn't see it. I realized that the idea it could be seen from Dead Horse Point maybe was true if you had a very high-powered set of binoculars and knew exactly where to look and maybe had some sort of laser device to help you aim, but that no one in the normal course of enjoying the outdoor experience of Dead Horse Point would ever see this oil well.

I went away from the experience determined that I would support the oil well and the pumping of oil in that area to see to it that the people of that area would get some economic stability to their lives, knowing it could be done in an environmentally sensitive way that would see to it that visitors to Dead Horse Point would have no diminution of their outdoor experience in southeast Utah.

I described this experience in this kind of detail for this reason: We are going to discuss the nomination of Gale Norton to be Secretary of the Interior. The opposition to Gale Norton as Secretary of the Interior comes from those who insist that her attitude toward the wise use of our natural resources in this country is so inimical to the idea of wilderness, environmental enjoyment, and environmental protection that she must be defeated.

I suggest we need to, as a nation, go through the same kind of experience that I as an individual went through when I was trying to make up my mind on which side of this divide I would come down. I discovered that you can, in fact, if you are willing to look at the facts, come down on both sides simultaneously; they are not mutually exclusive.

The wise exploitation of our natural resources in an environmentally sensitive way can and should go forward, and it need not—indeed, should not—impinge upon our national commitment to preserve that which is wonderful about the American environment, and particularly the American West where I come from. Those two can and should work closely together.

I learned another thing out of that experience and out of my time in the Senate: The greatest environmental degradation comes in the areas that are the poorest. I was talking to a friend of mine who travels widely around the world for his jobs. He said: The worst pollution I have ever seen in my entire life in all the places I have visited is in Katmandu. It is one of the poorest places on the planet. The reason they have such tremendous pollution is that they don't have the money necessary to clean it up.

We in America have the money, and we have spent the money, and we are continuing to spend the money to see to it that we can have this combination of what I have spoken: Sound economic activity, along with proper reverence for and preservation of our environment. The aspect of that balancing act is this: If we do things in the name of preserving the environment that has the effect of destroying our economic strength, paradoxically, that will come back to hurt the environment. Environmental protection of the kind we have embarked on as a nation costs money. Environmental preservation of the kind to which we have dedicated ourselves as a people is expensive. And the most pollution-free and the most scenically preserved areas in the world are those in the areas where people are the most economically strong.

I say to those who view the nomination of Gale Norton with hostility, recognize that if you are so pure in your determination that nothing whatever can be done of an economic nature on public lands, you run the risk of damaging those public lands. If you do things that damage the American economy, you undercut the American ability to pay for environmental protection, just as the people in southeastern

Utah, if they say absolutely no to any kind of oil exploration or pumping, run the risk of degrading the economy in that part of the State to the point where there can be no money for environmental protection. The two must go hand in hand. Not only can they go hand in hand, they must go hand in hand for the benefit of the environment.

The Senator from Alaska has invited me and every other Member of this body to go with him to the Alaskan wildlife preserve, not to be sold a bill of goods, not to go up there with any predetermination. He is willing for us to come up under whatever sponsorship and attitude we might have and see for ourselves what drilling at ANWR really would mean. In other words, he has asked Members to do what I did in southern Utah: Look at it on the ground. See for yourself what it would mean. I intend to take him up on that, by the way, Mr. President. I believe when we do that, we can make a wise decision without going up determined, either for drilling or against drilling, prior to our visit.

One other personal comment about all of these debates. I served in the Nixon administration when the question arose as to whether or not to build the Alaskan pipeline. We had all of the same debates then that we are having now. One that I heard over and over again was the statement that the building of the Alaskan pipeline would not only disturb but would ultimately destroy the caribou herd in Alaska because the pipeline went right through the caribou's traditional mating grounds: We must not allow this; the caribou are too important; the caribou are too vital to our heritage to allow anything to go forward.

That argument did not prevail back in the 1970s. The pipeline was built, and now we can look back at it with nearly 30 years of experience and discover that the amorous urges of the caribou were not affected by the presence of a pipeline. Indeed, the caribou herd is now larger than it was when the pipeline was built, and caribou that have been born since the pipeline was built see it as part of their natural environment, having not been told in advance they were going to be against it, and enjoy the pipeline as their mating grounds. They rub up against the pipeline because it is warm and it is an opportunity for them to get warm in a hostile environment. And the caribou, as I say not being educated to the contrary, think this is a good thing.

I think we can learn a lesson from that experience, the same lesson, again, that we can have proper preservation of the environment and economic development side by side. We need not have this wide schism.

Finally, one last story that frames my approach to this nomination, this seems to be my day to go down memory lane. I go way back this time, to the time when my father served in the Senate and the issue before the Senate

was the building of the Glen Canyon Dam, the creation of Lake Powell. There were those who opposed the building of the Glen Canyon Dam, just as there are those now who want it dynamited and taken down. One of the arguments for the Glen Canyon Dam was the need for electric power. There were those who said: This is ridiculous. We will never as a nation need that much electric power. We have plenty of power. The building of the Glen Canyon Dam with its hydroelectric facility will only depress prices because it will produce so much extra power that we will never, ever need.

We can look back on that, with 40 years of experience, and realize that their projections of this Nation's power needs were wrong and that we clearly do need the power. But the interesting footnote of that debate was this: During that debate, people said: If we should be wrong and somehow, some way, the country should need that much extra power, we do not need Glen Canyon Dam and hydroelectric power. There is all that coal in the Kaparowitz Plateau, right next door, that could be burned to provide the power that we need. So let us not build the dam. If we should, by some strange circumstance, need that power, we can always burn the coal.

That was the argument made while my father was a Senator, trying to get the Glen Canyon Dam built. By coincidence, when I became a Senator, President Clinton used the Antiquities Act to create a national monument on the Kaparowitz Plateau for the sole purpose of preventing us from burning that coal.

In today's circumstance it is interesting to note that the coal in Kaparowitz represents enough power to heat and light the city of San Francisco for the next 100 years. Given where we are right now in the California energy crisis, that is an interesting circumstance.

So I have given this history of my own involvement to make it clear why I am an enthusiastic supporter of Gale Norton. She understands that we can do both, we must do both, and we should do both—protect the environment and support the economy. I say to those who say no, no, no, she is too extreme, on one side or the other: Do what I did. Go to the ground. Look at it yourself and try to take a long view of the next 20 or 30 years and see what would be the result of Gale Norton's stewardship, for both the economy and the environment in that circumstance.

Mr. President, I endorse her nomination. I will vote enthusiastically for it. I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Alaska, Mr. MURKOWSKI.

Mr. MURKOWSKI. Mr. President, let me recognize the senior Senator from West Virginia, former President pro tempore of this body. It is certainly a privilege to have him in the Chair. I wish him a very good afternoon.

I make an inquiry relative to the time agreement pending. Am I correct

in assuming we have 3 hours equally divided between my colleague, Senator BINGAMAN, who co-chairs the Energy and Natural Resources Committee, and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Is there additional time, if necessary, to be divided between the leaders?

The PRESIDING OFFICER. The Senator is correct. There is an additional hour to be divided between the two leaders.

Mr. MURKOWSKI. For further clarification, it is my understanding that Tuesday at 10:30 there will be a number of Senators recognized to speak for roughly 2 hours?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. It is the intention of the leadership to vote at 2:45 tomorrow, on the nominees, Whitman, Chao, and Norton?

The PRESIDING OFFICER. The Chao nomination has already been disposed of. The other two nominees will be voted on at 2:45 p.m. tomorrow.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, it is my intention to defer my extended opening statement and yield to Senator DOMENICI and then it will be Senator BINGAMAN's turn in sequence to speak at length.

Before I yield to Senator DOMENICI, let me point something out concerning the nomination of Gale Norton for Secretary of the Interior. The Committee on Energy and Natural Resources voted her out with a mandate, 18-2. I might add, for the benefit of Members, that she answered some 224 written questions. She answered all of them in detail.

It is my own view that the environmentalist's attacks on her have gone too far. I think they overstep the bounds of reasonableness. I think to some extent the environmental groups lost credibility with their overzealous attacks on her.

If I were a member of some of those environmental groups, I would want to know whose decision it was to spend the millions of dollars that have been spent in advertisements in newspapers that made false statements about her record. It seems to be the case, when the facts are not on your side the attack seems to be on the person. It is my view that that is what has happened here.

Finally, they have attempted to try to rub out the messenger, but they cannot rub out her message. Her message was that she will enforce the law if confirmed by this body.

I yield to the senior Senator from New Mexico.

The PRESIDING OFFICER. How much time is yielded to the Senator?

Mr. MURKOWSKI. I yield whatever time is necessary. Again, I recognize the junior Senator from New Mexico, and as we have agreed, we encourage other Senators who intend to speak to come to the floor and be heard this afternoon during the available time.

The PRESIDING OFFICER. The Senator from New Mexico, Mr. DOMENICI, is recognized for whatever time is necessary.

Mr. DOMENICI. Mr. President, for the Senators present and for my friend from New Mexico who might want to speak next, I do not think I will use more than 10 minutes.

First, let me say it is a pleasure seeing you in the Chair. For a number of years, obviously, when it was not 50/50 and we were in control, we did not see you there very often. Now we will and it is really a pleasure. I am hopeful that sometime when we have some difficult matters you might be there because your sense of parliamentary procedure is very good from what I can tell and it helps the whole Senate.

Mr. President, today on the floor is the Senator from West Virginia, the Senator from Alaska, and two Senators from New Mexico. It is rather interesting because I choose today to spend my time talking about a very serious crisis that Gale Norton can help us with.

The American people are just finding out that we have an energy crisis of serious proportions. We are on the Budget Committee and we will be talking about grave matters, such as Dr. Greenspan's statement about the surplus being so big and how we ought to start giving back to the people.

You, Mr. President, sat in attendance and listened for 4 hours when he testified, without a recess.

The most important thing in our society is the energy that moves every American's daily life. From the automobiles they drive, the houses they own, the ironing boards they use, the electric washing machines, and, yes, even the industry down the road, be it little or big, all use energy.

I was on this floor way back when we had a big natural gas crisis. The Senator might remember it. It was one of the few times the Democrats told a Senator who was postclosure filibustering a natural gas bill to sit down. Even back then there was great fear that industries in America might not have enough natural gas for the 24-hour shift that they were on.

It was amazing. One of the Senators who objected most to deregulating natural gas—and for those hearing the word "deregulation," this is not deregulation like California deregulating the energy industry. This was deregulation in the sense of the marketplace determining whether they drilled for natural gas and what price was received.

It was important back then. Today America has more coal than Saudi Arabia has oil. What is happening? We have not built a coal-burning powerplant in America for I do not know how long, yet the last five we built were all natural gas.

There are 20-some plants in California and almost all of them are natural gas. They do not make us work at trying to fix the Clean Air Act and ex-

pand technology in order to make exchanges that will permit us to use what energy we own.

We have become so frightened about nuclear power. Nuclear power does not have to be a nemesis to coal. America needs a diversity of energy.

In the area of clean coal, we tried to put money into it, we even advanced appropriated money for clean coal technology because it was so important. I was here when it was done. I shared with the Senator in the Chair when he said: Why don't we do that?

I said: Let's do that.

I was not the only one, but we all did that. Even with that, we are so timid matching up the environment with the energy needs of America, and we never come down on the side of energy. It is amazing: New rules, new regulations, new ideas about conservation, but never has one of those issues come down in the last decade on the basis of how much energy are we losing.

This energy crisis is so severe and this President will set about to solve it in a very extraordinary way. The Secretary of the Interior, whom we are about to confirm, will be part of solving that problem; not all of it, but part of it. Why? Because on the public domain lands owned by Americans is more of the resources for energy than on any other properties in America. The Senate ought to know that on the basic properties that we own in the West in the public domain, there is more natural gas than we ever thought existed. There are some who say we have 20, 30, 40 times more than we need. We know for sure that in the past 8 years, the Secretary of the Interior, a wonderful, nice man who got along well with all of us, succeeded in taking lands out of possible production. The potential of drilling a natural gas well, according to the experts, are enough to produce 20 times what we are using per year now. That is a lot.

What if it was 10 times as much? That would be great. It means that much is there and we ought to get it.

What is this Secretary going to be doing? She is going to be part of what I am sure this President is going to do, and that is to task more than one Department to be concerned about energy. He has to task the Interior Department to begin to make decisions based on our energy future. He is also going to task the energy Secretary to get on board as well. In my opinion, he will even task the Director of the Environmental Protection Agency to do the same. Nobody thinks of that as part of our energy solution, but it is a huge potential. They have not been making decisions because nobody has yet asked them to.

When you are making something and you are balancing pluses and minuses, you have to consider energy at each of these Departments in their major decisions. We need an energy policy quickly that will let us have the kind of energy supply that America needs to stay on the path of prosperity. This kind of

prosperity will cease if our companies do not get the electricity they need, if those who travel the roads and sell their products do not get electricity, if those who are building new small businesses in the high-tech area which use a lot of electricity do not get what they need, from where is this prosperity going to come?

I am here today because I think it is the right time in history to change Secretaries of the Interior. The public had an election. They elected a Republican, and that means we are going to change the Secretary of the Interior from Mr. Babbitt, a nice man—I like him—to Gale Norton.

I hope she is confirmed. She is entitled to the job. We have probably never had a candidate for that job who is better educated or qualified in the areas of her jurisdiction than this lady. She is not going to be a fool. She is not going to do things in any extraordinary way to cause the people to say: She is forgetting about the environment. You count on it. She is just going to say some of the things we have been doing in the name of conservation are not needed for the environment. We can change them and produce more natural gas for America.

I am not talking only about ANWR because I do not think ANWR is a policy, it is part of a policy. It is part of looking at the public domain of America and asking, considering the nature of America's energy crisis now and for the next 25 or 30 years, can we preserve the environment? Can we produce energy and supply basic energy to help America continue to be the strongest nation on Earth militarily and economically?

It is interesting because I could say almost the same thing about Christine Todd Whitman, the Environmental Protection Agency Administrator nominee. I know that she is not going to be able to exclusively consider environmental matters with total disregard for any cost benefit as it pertains to reasonable costs of energy. That cannot continue. The heyday of that is gone as America tries to find a way to have energy so we can be powerful and prosper and have good jobs and good paychecks.

That is why I think Gale Norton should be confirmed overwhelmingly. There are some in this country who want to "put another Secretary Babbitt in office," and they are angry because this is not another "Secretary of the Interior Babbitt." As I said in confirmation hearings to Gale Norton: If you told the committee you would do everything like Secretary Babbitt, this Senator would not be voting for you because this is the time for a change.

Actually, we do not need more of the last 8 years. We need somebody who will bring balance so we will not have the kind of crisis that is occurring in California and all over America.

I want to close by saying I am very confident that our new President, together with these new Cabinet members will not hide from the facts. I

know they will continue telling America that we must do some things differently if we want to have a vibrant country. We have a lot of energy sources in this country there at our disposal and we can preserve this country's magnificence—the beauty of our parks and the like—while still producing energy for the American people.

I was very proud, as I listened to Gale Norton answering some of the accusations made against her. I also read about other accusations, such as the Summitville mining disaster in Colorado. Actually, she had more to do with trying to solve the Summitville crisis. Yet, that was put up as some reason for us voting against her.

Some talked about the Rocky Mountain Arsenal and Rocky Flats cleanup in Colorado. Actually, when it is all boiled down and you look at her record, she did a lot to help move that along. Incidentally, it is the best project we have of the seven on-going in the United States in terms of nuclear cleanup. We still have two or three big ones in California and the Carolinas, and we are not sure when we will ever clean them up.

So I close today. I put all the details about her background in the RECORD. Today, I have just chosen to say a few words about why she is going to be the right person on a team that will help move us in the right direction on energy. I do not think within the next 6 months to a year we are going to be short of good, positive ideas from this administration. I think they will come. I do not think we will be frightened by any of these ideas.

To reiterate, I support the nomination of Gale Norton as the new Secretary of Interior. She has extensive legal, regulatory, state and federal government experience which duly qualifies her to serve as Secretary of a department as diverse as Interior.

The Interior Department has a broad mission which includes responsibility for the internal development of the nation and the welfare of its people. Its broad coverage includes managing parks, water issues, basic responsibilities for American Indians, public lands management, and the rational exploration of our wilderness areas in balance with preserving our nation's resources.

Gale Norton has worked for over 20 years on environmental and federal land issues. She has demonstrated her commitment to a safe and clean environment by bringing all parties together in an effort to find solutions to these complex issues. She has proven herself as a negotiator, a skilled legal mind and a defender of the law. She exemplifies the qualities of a consensus builder, not a divider.

The issues arising in these areas are some of the most complex and contentious and require a leader who can balance the various competing interests. Gale Norton has repeatedly demonstrated that she is this type of leader.

One example of Gale Norton's consensus building leadership is exemplified in her handling of western water issues. She has led efforts to bring together state water users, federal agencies, and Indian tribes to settle water use disputes. In particular, during the Romer-Schoettler process that led to the development of the Colorado Ute Settlement Act Amendments of 2000, which recently passed Congress, Gale Norton worked to ensure that the water rights settlement with the two Colorado Ute Indian Tribes would be fulfilled in a way that would respect existing water uses and the social fabric of the area. This included balancing a variety of interests including that of current users and the Ute tribes while looking out for potential development and considering the needs of endangered species. Ms. Norton honored Colorado's commitments to both the Tribes and the non-Indians living and working in Southwest Colorado and Northwest New Mexico. She worked through a very contentious issue looking for consensus and reasonable solutions.

Ms. Norton has mentioned the priority the new administration intends to place on American Indian issues. I commend her on her past efforts related to these issues, such as her role in the Animas La-Plata project, and I look forward to working with the new administration on American Indian issues.

Ms. Norton has had other extensive experience with western water issues. She has actively participated in the negotiation, litigation, and settlement of multi-state compact claims and has dealt with other complex water issues including federal reservation rights, interstate water use, and the balance between water rights protection for states and preservation of endangered species.

Gale Norton has successfully balanced environmental concerns while being sensitive to businesses and other citizens whose interests are at stake. Ms. Norton created an environmental crimes task force to prosecute the most flagrant polluters. She played a leading role in the cleanup of numerous sites in Colorado to protect the environment and ensure its preservation for future generations.

Ms. Norton has always worked to find innovative ways to protect the environment. While at Stanford she researched "emissions trading" approaches, like those adopted in the Clean Air Act, that created market based incentives for businesses to reduce emissions. The Colorado "audit law" that Gale Norton supported achieved better environmental protection by encouraging early and full identification of environmental problems and, most importantly, long term solutions.

Ms. Norton is committed to enforcing the law and has a record of bipartisan cooperation and negotiation. Additionally, Ms. Norton understands the im-

portance of the relationship between States and the federal government and has proven her ability to negotiate with both. She has worked towards finding innovative solutions to environmental problems, while at the same time working towards the goals advocated by interested parties. She understands that these issues are important to a variety of people and will work to ensure that all competing interests are balanced within existing laws.

I am convinced that Interior needs this type of balanced leadership, and needs that leadership today. I look forward to working with Gale Norton as the new Secretary of Interior and it is my strong recommendation that the Senate move quickly to approve her nomination.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico, Mr. BINGAMAN.

Mr. BINGAMAN. Mr. President, I will give a short statement that relates to the nomination of Gale Norton myself, and then I know there are three other Democratic Senators here who have indicated a desire to speak briefly. I know Senator MURKOWSKI wishes to speak, and there are others on his side as well.

As the principal steward of our public lands, the Secretary of the Interior is responsible for overseeing and protecting the natural and cultural treasures of our Nation, including all units of our National Park System, national wildlife refuges, most national monuments, national conservation areas, and many of our wilderness areas.

When the Energy and Natural Resources Committee, which Senator MURKOWSKI chairs, and which I serve on as the ranking Democrat, began its hearings on the nomination of Gale Norton to be Secretary of the Interior, I indicated that I had serious doubts about whether Ms. Norton's past views on the role of the Federal Government in enforcing environmental protection laws were consistent with the responsibilities of the Secretary of the Interior. In her many published articles, Ms. Norton had amassed a record that championed the rights of individuals over the public interest in many natural resource issues; she had argued that key environmental protection laws—including critical provisions of the Endangered Species Act and the Surface Mining Act—were unconstitutional; and she had often supported the interests of economic development over environmental protection.

During two days of hearings, however, Gale Norton presented a much different picture of her future actions as Secretary of the Interior, a different picture than her previous writings would have suggested. She testified that she was, as she put it, a "passionate conservationist" and that her "top priority" will be the "conservation of America's natural resources." She recognized that—this is a quote from her testimony—"the great wild places and unspoiled landscapes of this

country are the common heritage of all Americans" and she pledged to work to conserve them for present and future generations.

She testified in support of laws she had previously opposed. She proposed the committee—this is a quote from her testimony—she "will be fully committed to ensuring that our nation's environmental laws and laws for the protection of natural resources will be fully enforced."

With respect to the Endangered Species Act, she testified that she supports not only the goals of the act, but also that she "will apply the Act as it is written, and as the courts have interpreted it." When specifically asked whether she will support the protection of critical habitat for threatened and endangered species—a provision she had previously opposed while attorney general of Colorado—Ms. Norton replied that "the courts have decided that, in addition to things that affect the species directly, the Fish and Wildlife Service has the ability to regulate on private land, and I will enforce that provision."

When questioned about another key environmental law she had earlier opposed, the Surface Mining Control and Reclamation Act, Ms. Norton testified that "I will certainly enforce the law in the way it has been interpreted by the U.S. Supreme Court."

Contrary to some of her critics' past accusations, Ms. Norton testified that it will be her responsibility to enforce Federal environmental laws, and that she will ensure that all parties comply with those laws. She expressly refuted a previous statement written long ago suggesting that corporations had a "right to pollute."

She made it very clear that both President Bush and she support continuing the moratoriums on offshore oil and gas leasing off the coasts of California and Florida, and that she would work with other States opposing drilling activities off their coastlines.

Finally, she recognized the Secretary's special responsibility to Native Americans, and promised to improve Indian education programs.

In addition to answering two days of questions before our committee, she responded in writing to another 227 questions that were submitted to her by committee members and other Senators.

It is clear that the Gale Norton who testified before our committee presented different views about the Federal Government and its role in protecting the environment than the Gale Norton who authored controversial articles challenging that same Federal authority previously. Frankly, reconciling some of her past views with her current testimony is not that easy.

However, I take Gale Norton at her word when she testified under oath in front of our committee that she will uphold our Nation's environmental laws, and that she will be a strong defender of our natural and cultural her-

itage. I listened to all of her testimony and have reviewed all of her written responses to our questions. Based on her testimony and those written responses, to our questions, and because of the promises she made at the hearing, I am supporting her nomination.

While I will vote to confirm her nomination tomorrow, I still do have reservations about some issues that Ms. Norton declined to provide specific answers for. For example, she did not take a position on whether she would work to ensure the protection of those areas designated as national monuments by President Clinton, or whether she would support efforts to modify or repeal the Antiquities Act. She did not give us specifics as to how she will balance the Secretary of the Interior's resource protection responsibilities against the need to ensure continued energy resources from public lands. She avoided answering questions on whether she will support and enforce Federal reserved water rights for wilderness areas or endangered species.

In the final analysis, Gale Norton's actions on these and other issues as Secretary of the Interior will ultimately speak louder than any statements made during her confirmation hearing. While I am willing to give her the benefit of the doubt, I know that other Senators—and some who will speak here—still have reservations about whether she will be able to set aside her past policy positions and be a strong advocate for protecting the critical Federal resources under her domain.

But, based on the assurances she gave our committee, I will support her confirmation. I expect her to honor the commitments she has made to me and to other Senators to justify the trust that the Senate is going to place in her when she is confirmed tomorrow.

I yield the floor.

Mr. MURKOWSKI. Mr. President, in order to accommodate Members who have been waiting, I wonder if Senator BINGAMAN and I could agree to allowing time off each side by various Senators. I will ask Senators in the order in which they appear. We would like to go back and forth.

Mr. BINGAMAN. Mr. President, I believe the order Senators appeared was Senator WYDEN, then Senator FEINSTEIN from California, then Senator BREAUX from Louisiana, and I believe Senator STEVENS from Alaska. That is the order they appeared.

Mr. MURKOWSKI. I have no objection. I ask each Member how much time they might request. We want to run time equally. It is immaterial to me. We can run it equally.

Mr. BINGAMAN. How much time does the Senator from Oregon require?

Mr. WYDEN. I believe about 15 minutes.

Mr. BINGAMAN. I will be glad to yield 15 minutes off of my time.

Mr. MURKOWSKI. Then is it the understanding that we would go in that order; is that agreeable? It would be

understood that after Senator WYDEN, Senator FEINSTEIN, Senator BREAUX, and then Senator STEVENS, and then we will perhaps start again and go back and forth after that.

The PRESIDING OFFICER. Would the Senator please state the names in sequence so the Chair will have a clear understanding?

Mr. MURKOWSKI. I thank the Chair. It is my understanding that Senator WYDEN would be recognized next, and the time would be 15 minutes, and it would be off the time of the minority, if that is agreeable; Senator FEINSTEIN, the time would be 10 minutes, and that would be off Senator BINGAMAN's time; Senator BREAUX, 5 minutes from Senator BINGAMAN's time; and then Senator STEVENS for 7 or 8 minutes from our time. That would be the proposal.

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

Mr. MURKOWSKI. Again, I recommend any Senators who intend to participate please come to the floor.

The PRESIDING OFFICER. The Senator from Oregon, Mr. WYDEN, is recognized for 15 minutes.

Mr. WYDEN. Mr. President, every day the Secretary of the Interior makes decisions that directly affect the quality of life in the West. This Department manages almost 500 million acres of public lands, and the debates that westerners have about the management of these lands are not for the fainthearted. To the people I represent, controversies about spotted owls, raging forest fires and mining waste are not intellectual abstractions. Almost invariably, discussions about these issues divide into two camps, with the environmental community on one side, and the affected industries on the other. Finding common ground between these two camps is extraordinarily difficult, but it is the premier challenge in the natural resources field.

Today—and I say this with reluctance—I rise to state that I will be voting no on this nomination. I still have reservations about the nominee's commitment to make, as the central focus of her office, the bringing together of these two camps, the environmental community and the affected industries, to find common ground. America wants and deserves this because it is the common ground where we can protect our treasures and be sensitive to local economic needs.

First, I do not necessarily share the views of those who believe that Gale Norton will throw open the doors at Interior, invite in powerful interest groups and say: Feel free to plunder our natural treasures and resources. In her testimony before the committee, Ms. Norton committed to not just enforce the Federal environmental laws as written but also as interpreted by the courts. In my opinion, she significantly changed her previous position on the Endangered Species Act, the so-called right to pollute, and global warming science.

The Gale Norton who testified this month before the Senate is certainly no James Watt, but at this unique time in our history, that distinction alone is not enough to warrant confirmation.

My reservations about this nominee fall into two major areas. First, Ms. Norton's desire to provide flexibility to private parties and the States to comply with our environmental laws has not been accompanied by a demonstrated commitment to watchdog those companies and the States to ensure that our national treasures are not exploited.

Ms. Norton is right—what works for the Bronx does not necessarily work for Prineville, Oregon. One size does not fit all. But her demonstrated record suggests that she did not come down with hobnail boots on private parties who abuse our national treasures in the name of exercising flexibility.

Look at what happened at Summitville in Colorado where a vast amount of cyanide spilled into the Alamosa River. Colorado was supposed to supervise that mine. It was the State's job and the State didn't do it.

When I asked Ms. Norton at the confirmation hearings how she would prevent future "Summitvilles," she was unwilling to say that the key to preventing these environmental tragedies is leadership that steps in when private parties go over the line. After Summitville, Ms. Norton could have immediately pushed to extend the statute of limitations on environmental crimes, which would have allowed criminal prosecution in that case. But she didn't, and respected Colorado commentators took her to task for not doing so.

In another case involving heavy metal pollution at the Asarco plant in the Globeville neighborhood of Denver, Ms. Norton said she couldn't move quickly and aggressively because she could act only on referrals from the State health department. Every U.S. State senator knows that a State attorney general has more power than that. The State attorney general has the power to call in the officials from State agencies that are not doing their job and tell them to get on the stick and protect the public and the environment. Ms. Norton could have even taken her concerns about the State health department dragging its feet to the public, but she didn't. That absence of leadership led to a settlement from her agency that was so inadequate that a private citizens lawsuit recovered significantly more damages than Ms. Norton did.

The Secretary of the Interior has wide latitude under the law as to who gets the land for leases or how the land will be handled under those leases. The Secretary of the Interior has the right to say we will lease this land for oil and gas, but we will not lease this land for coal exploration or we will not lease it at all or we will lease it with the following requirements to protect

the environment. For example, many new oil and gas leases require the lessee to take the special precautions to protect wildlife on public lands. By Secretarial order, Ms. Norton could direct the Bureau of Land Management to weaken protective requirements enclosed in oil and gas leases, and at the same time significantly harm the environment. The fact is, the power of this office could allow virtually any private interest to build in one of our national treasures. In addition, through this office, the Secretary of the Interior can do much to deepen the prosecution of egregious environmental disasters. The reality here is: whether lawyers for the Interior Department are handling a case or the Justice Department is handling it, the Secretary of the Interior will be consulted just as any client is consulted by a lawyer about important appeals. Should there be an appeal at all? What kind of settlement would be appropriate? Is this offer satisfactory? Given Ms. Norton's record, the evidence does not demonstrate that she will be tough with polluters. The fact is, as you try to find the common ground between the environmental community and the affected industries, when one of those parties goes over the line, you do have to have a Secretary of the Interior who is willing to be tough about using the enforcement capabilities of the office.

Finally, I am concerned about Ms. Norton's interest and willingness to do the heavy lifting, to bring parties together, to find creative solutions to vexing environmental problems.

I am proud to have been able to work with the Senator from Idaho, Mr. CRAIG, in an effort that was successful in the last session to resolve the question of how you pay for schools and roads in rural communities that have historically been tied to the harvest of timber. When Senator CRAIG and I started that effort, the two sides were 180 degrees apart, and virtually no one thought we could bring them together. But with good will and rolling up our sleeves, we were able to do it.

When Ms. Norton was kind enough to come visit me at my office, I asked her to bring to the committee specific examples of how she would try similar efforts on other longstanding conflicts, such as the Endangered Species Act. I thought for a long time that it was extremely important to relieve some of the red tape and bureaucratic requirements on small private landowners, for example, under the Endangered Species Act, and I believe that can be done without destroying the mission of that critical statute. That would be the kind of thing that I would like to see the Secretary of the Interior take on and bring together these rival camps in an effort to find common ground.

But she didn't give us those examples at the hearing that was scheduled. I asked—not just when she came to the office, but at the hearing—for specifics where she might work to try these common ground efforts that are so important, but none were furnished.

So I will be a reluctant vote on Ms. Norton. I strongly hope that her record proves me wrong. As I stated in the committee, it would not be the first time, nor the last time, that that was the case. I hope Ms. Norton goes on to lead the Interior Department and that she will, in fact, look for specific ways to do what the President of the United States is asking us in natural resources and other areas, and that is to unite, not divide. On that important objective articulately stated by the President of the United States, Ms. Norton will always have my assistance.

I yield the floor.

THE PRESIDING OFFICER. The Senator from California, Mrs. FEINSTEIN, has 10 minutes.

MRS. FEINSTEIN. I thank the Chair. Mr. President, I associate myself with the comments made by the ranking member, the distinguished Senator from New Mexico, Mr. BINGAMAN. My assessment of this nominee is approximately the same. I will vote for her, and I want to take a few moments to explain to this honorable body why I will vote for her.

I am a new member of the Senate Energy and Natural Resources Committee. As such, I had an opportunity to hear her answers to questions presented firsthand, and I also had an opportunity to talk with her in my office. I talked with her about specific California issues. The first was something called CALFED; second, the Colorado River decision; third, oil drilling off the coast of California; fourth, the land and water conservation fund.

I think virtually all Members of this body know about the energy or electricity crisis in California, but I think what perhaps many Members of this body might not understand is that water is close behind.

Beginning in 1993, I asked Interior Secretary Babbitt if he would sit down and meet with the so-called water constituencies in California—the agricultural farmers, the environmentalists, the urban water users, a group called stakeholders in California's water future. As often said, whiskey is for drinking but water is for fighting. Lawsuit after lawsuit had characterized the situation with respect to water.

The basic fact is that California has a water infrastructure for 16 million people. That is when it was built, when Pat Brown was Governor of the State. Today the State has 34 million people, and it will be 50 million people within 20 years—with the same water infrastructure. That is not good for the ecosystem, not good for the largest agricultural State in the Nation, and it is certainly not good for clean drinking water for the people of California.

To make a long story short, this CALFED venture culminated last year in an agreement between the Governor of the State and the Secretary of the Interior called "A Plan For Action." That plan for action involved the State water project, which is the California water project, and the federally run,

built, and operated project, the Central Valley Project. It is to be a \$7 billion shared program over the next 7 years with some 700 individual projects. That program needs both an authorization this year and an appropriation this year as well. There was an attempt last year and it failed. So to have a Secretary of the Interior who would be willing, one, to put an appropriation, which is a substantial one, in her budget to send up to the Office of Management and Budget this year is important to me. Secondly, to have a Secretary of the Interior who is willing to designate a high-level member of her Department, just as Secretary Babbitt designated the Under Secretary to oversee the development of this State-Federal program, is important to me as well.

Ms. Norton has agreed to do both. She has agreed to take a good look—I know she has called the Office of Management and Budget and advocated for the CALFED program because we were called by OMB and they said that she had done so. Secondly, she has assured us that she will appoint a high-level official to oversee the various meetings with the stakeholders.

So for me, my No. 1 environmental priority this year is the authorization and the appropriation of the first year of a new CALFED program. I believe she has an open mind. I think she understands the importance of water. I think she understands the outdated nature of the water infrastructure, the struggle to keep the salmon running, to keep high-quality water for people to drink, and enough water to be able to produce what is in excess of a \$25 billion agricultural industry.

I also discussed with her the recent 15-year Colorado River agreement, which has been now agreed to by seven States, which will ensure that California will receive no more than its annual allowance of 4.4 million acre feet of water from the Colorado River.

The fact is, because of this water shortage, California has been over-drawing the Colorado River allotment by some 800,000 acre feet a year. Southern California, which uses water from the Colorado, has employed all sorts of additional water conservation methodology, water recycling and water transfer measures, to ensure that there will be enough water for the other States.

I am a strong supporter of this agreement. I would like to see it go forward. I believe this Secretary will do her due diligence on the agreement and also agree that it is a major and positive step forward for the seven affected States.

She has also categorically assured me that there will be no offshore oil drilling off the coast of California. That is something the people of California have very strong opposition to, and I believe she will keep her word.

We also spoke about the importance of the land and water conservation fund. I happen to believe it can be the most important environmental pro-

gram. I think there is an accumulation of \$13 billion in offshore oil revenues that can go for appropriation into the land and water conservation fund.

I supported a bill Senator MURKOWSKI and Senator LANDRIEU had put together, plus my own bill, which would assure the appropriation of some of this money on a regular basis—approximately \$900 million of that money.

I see the chairman of the Appropriations Committee on which I am a lowly member, and I know appropriators don't necessarily like being told how to appropriate. However, I can say this: I think the Land & Water Conservation Fund offers this Senate and the House of Representatives an opportunity for major improvements in our environmental legacy. I am hopeful that issue might be settled. I know there has been some significant opposition to Gale Norton. As a former Colorado attorney general, she has taken some positions with which I disagree. However, she had every right to do so.

I, for example, was troubled by her 1997 op-ed when she said there was no consensus on global warming. And quite categorically, to our committee, she stated that times have changed—and indeed they have—and that she has had an opportunity to reconsider her point of view and does in fact believe that global warming is real. I think what came through to me the most clearly when I had an opportunity to talk with her was that this is a very talented woman. She has strong skills. She is flexible. She is trying very hard to maintain an open mind, and I think it is very possible that she is going to do an excellent job as Secretary of the Interior.

At the very least, she has convinced me that she is willing to work on issues in a bipartisan fashion. She is willing to address the difficult issues which will confront her, as I believe she is open minded and I feel as though I can pick up the phone and call her and that she will, A, either return that call, or, B, listen to my concerns and try to work them out. As a Senator from the largest State in the Nation, that means a great deal to me.

I want to say one thing. I returned last night from Switzerland where I attended the World Economic Forum. I cannot tell you how deeply troubled other nations are by the fact that, as they see it, the United States is unwilling to put forward a major environmental presence. They express concern that the United States, with 4 percent of the world's population, uses 25 percent of the energy. They are concerned about global warming—particularly nations that are low lying that see the sea rising and have the possibility, within decades, of some of their coastal cities being wiped out. They are concerned about deforestation of the rain forest and the loss of wetlands, and they are concerned about clean air and clean water. I share their concerns. I believe this new Secretary of the Interior will also share these concerns as

the chief steward of land managed by the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the U.S. Geological Service.

In California alone, this includes the Mojave National Preserve, Yosemite, Joshua Tree, and Death Valley National Parks.

She has a tremendous responsibility.

I end my remarks by saying, once again, that she is a talented woman. She is flexible. She is committed, I believe, and she has the opportunity to be a very positive Secretary of the Interior. I will be very happy to cast my vote for Gale Norton.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Louisiana was ahead of me. I will be pleased to wait for him, if Senator BINGAMAN would like me to do so.

Mr. BINGAMAN. Mr. President, I don't know where he is. I suggest the Senator from Alaska go right ahead.

Mr. STEVENS. Thank you.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am very pleased to come to the floor to support the nominations of Gale Norton to be Secretary of the Department of the Interior. She has a proven record as a public servant and the credentials, experience, and character to be a great Secretary of the Interior. I know a little bit about this Department. I was at the Interior Department during the days of President Eisenhower first as a legislative counsel, then as Assistant to the Secretary of the Interior, Fred Seaton, and then as the Solicitor of the Interior Department. I recall that in those days we had informal meetings with Members of Congress to discuss the real issues facing Federal land managers and the people living and working near those lands. Those were nonpartisan talks that assured the success of later more formal administrative and legislative initiatives during the Eisenhower administration.

In Alaska, one-third of the lands are managed by the Bureau of Land Management, two-thirds of the lands managed by the National Park Service, and almost 90 percent of the lands managed by the Fish and Wildlife Service. All agencies of the Department of the Interior, and one-quarter of all the lands under the management of the Interior Department have been declared to be wilderness by the U.S. Congress and not available for our use.

Many of Alaska's Native people, as well as other Alaskans, live within the boundaries of these Federal conservation areas that have been withdrawn. They make their livelihood off of the land, and many times there are conflicts between our people and the Department of the Interior.

As an Alaskan, I am very pleased to support Gale Norton because of her background, and as a Senator, I say to

my colleagues that we are most fortunate to have this brilliant young woman as a guardian of our Nation's lands and native people. As a lawyer, she will look beyond rhetoric. As a former Interior Department official, she will understand the duty and stewardship and traditions of that Department. As a former attorney general of a Western State, she will remember the communities and the people who neighbor Federal lands under her jurisdiction. I shall vote for her nomination and welcome the opportunity to do so.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, I see the Senator from Idaho seeking time. May I ask how much he might require at this time? I yield 12 minutes, and I think Senator BINGAMAN and I agree that when Senator BREAUX returns, he will be recognized. I also am under the impression that Senator WARNER will be coming to the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague, the chairman of the Energy and Natural Resources Committee for yielding me time to speak on behalf of the nomination of Gale Norton as Secretary of the Interior. As someone who knows Ms. Norton, I commend her to my colleagues as an Interior Secretary who will cooperate with Congress and collaborate with States and local governments and communities of interest affected by her Department's decisions.

I also commend her to my colleagues as a person who demonstrated in her two days of testimony before the Committee on Energy and Natural Resources that she possesses the balanced views and judgment and personality required to be a Secretary of the Interior. That was perhaps somewhat of a surprise, I think, to some of our committee members who had heard about Ms. Norton only through the advertisements of a \$2 million media campaign waged against her nomination by national environmental groups. I don't believe it has been since Jackie Gleason—and we remember Jackie Gleason, fist doubled up, face flushed—railing against his Honeymooner's neighbor by the name of Norton. We kept hearing "Norton, Norton." I don't think we have heard that name Norton, spoken with so much venom since the days of Jackie Gleason. Unfortunately, national environmental groups literally have become the Ralph Cramden of the advocacy community—overbearing, overwrought, and overstuffed—in their case, with foundation money that could have been so much better spent on on-the-ground conservation priorities.

The Senate confirmation process is also a bit of an acronym in this era of 24/7 news coverage—that is, round the clock news coverage and continuous campaigning. Every elected official knows, as we all must understand, the

peril of letting an attack against a candidate or a legislative proposal go unanswered within a 24-hour news cycle. And yet, to protect our prerogatives as Senators in this process that we are talking about today, we insist that nominees for public office remain silent until they appear before us for their confirmation hearings.

At those hearings on January 18 and 19, Ms. Norton finally was able to speak about what she believes and who she is. The contrast with what was falsely portrayed in 3 weeks of intensified interest group advertising was stark and it was vivid. It contributed, I think, to the overwhelming vote by the committee in favor of her confirmation.

Two themes, in particular, that emerged from her testimony, deserve the close attention of all of our colleagues. First, this is an Interior Secretary who is committed to working with Congress. That is a refreshing and important concept. Both in her opening statement, as well as in several thoughtful responses to questions, Ms. Norton expressed her commitment to working with Members of Congress from both sides of the aisle to develop bipartisan solutions to difficult natural resource problems. This is a sharp contrast to her predecessor who made no secret of his disdain for the congressional authorizing committees as little more than "highly partisan debating societies" that were staffed by "munchkins" and that do nothing more than "wrangle a lot" about the issues of the day. I also doubt that we will see Ms. Norton walk off camera during a "20/20" interview, swearing under her breath.

Second, this is an Interior Secretary who is committed to listening and working with the people affected by her decisions. She said:

I am firmly committed to a process of consultation and collaboration. We should listen to all voices and involve all citizens. That is fair. It is also wise. People are magnificent resources for ideas, for knowledge, for insight. I have lived and worked here in Washington. I have also lived and worked in the great American West. Those of us in Washington need to be good partners with Americans living in other parts of the country and in our territories. America is a strong nation because of the diversity of its people. These people hold many different views in different perspectives. We need to work with them, to involve them, to benefit from their creativity and their capacity to innovate.

What a refreshing statement compared with the Secretary of the Interior who has now just left this city.

I submit to my colleagues that, whatever our differences with one another over the contentious issues and whatever differences some or all of us may ultimately have with the new administration, starting off with the Secretary of the Interior who is committed to being a listener is a very good place to begin. As she so eloquently said at her confirmation hearing, "Using consultation and collaboration, forging partnerships with inter-

ested citizens, together we can all succeed in our effort to conserve America's most precious resources."

I urge my colleagues to vote favorably for the nomination of Gale Norton to be Secretary of the Interior of the United States. Our environment, our public land resources, and the Nation as a whole depend upon it.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the quorum call be rescinded.

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

Mr. MURKOWSKI. To clarify, prior to my colleague from Colorado coming to the floor, we had an agreement that Senator BREAUX would be the next recognized speaker, and Senator BREAUX did show up, so I guess we will have to live with that.

Mr. ALLARD. That will be fine. I am happy to wait until the Senator finishes.

Mr. MURKOWSKI. I think Senator BREAUX wanted about 8 minutes.

Mr. BREAUX. More or less.

Mr. MURKOWSKI. The Senator from Colorado will be recognized.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. It is BREAUX by a nose.

Mr. President, I thank my colleagues for making time available on this very important nomination as to who is going to be the new Secretary of the Interior, a very important position for all Americans. We as a nation have a major interest in knowing that the person who is to be in charge of the managing of all of our public lands and much of our public resources is going to be a person who brings a balanced philosophy to that task. It is an immense task for which I imagine no one who would be nominated would ever be considered the perfect nominee.

What I mean by that is it seems to me there will be some, and I think a minority of people in both camps, who would say they would perhaps like to have a Secretary of the Interior who would bring almost no management responsibilities to that task, who would basically say we should let the private sector develop the resources of this country in whatever way they saw fit. There is probably another group of people in the country—again a very small number—who would say no, when it is public lands, they cannot be utilized for private purposes ever; that it should be micromanaged by the Federal Government out of Washington; you can limit activity to only what is absolutely needed.

I think the better philosophy for this very important job is to bring a balance. In my conversations with Gale Norton, I have come to the conclusion that she is a person who can bring a

management-type philosophy to this job.

Neither of the two extremes that I describe will probably be very happy with the approach she uses. Some will say in many cases she is being far too restrictive and limits to too much detail what can be done on our public lands. Others will say she is not being aggressive enough in allowing for development on these resources.

The answers to these questions, simply stated, are that we want a balanced person for the job. We want someone who brings commonsense policies to this important task, and commonsense policies is a phrase I have heard used in describing Gale Norton.

In addition, I think she will be a person who will consider multiple use of these valuable properties. What do I mean by that? What I mean is that Federal lands owned by our Government can be used for more than just one purpose; yes, there are lands that are particularly set aside as wildlife refuges and conservation areas and wilderness areas. My argument is that these areas can be subject to multiple use in a fashion that preserves the intent of why this area was set aside in the first place and at the same time allows for balanced development which is compatible with that purpose.

There has been a great deal made about the new administration's consideration of opening up the Arctic National Wildlife Refuge in the State of Alaska. I happen to think that is something that can be done. It is not without risk. Nothing we do as a society is without some risk, some adverse consequences, but history tells us that we can have a wildlife refuge in an area of the country where ANWR is located and find there are uses that are compatible to that refuge that make sense from a public policy standpoint.

That is where the question of whether it is going to be balanced comes into play. I note that when I met with Ms. Norton in my office, we talked about that, and I suggested she look at the record in Louisiana where we have had exploration and development on wildlife refuges for over 60 years. We have almost 1,700 wells that have been drilled on wildlife refuges, both Federal and State refuges, including property owned by environmental groups, that has been done successfully. Because we have been doing it since the 1940s, we have made mistakes that would not be made in the year 2001 and beyond because we, in fact, have learned from those mistakes.

I argue that an area such as ANWR, which is covered over in the winter months with solid sheets of ice, an area where there would be no necessity for dredging canals to get to the property, where there is already a major pipeline running from Prudhoe Bay down to Valdez, is an ecosystem that can allow for exploration and production in a manner that would be compatible with the purpose of the refuge.

I argue the refuges in Louisiana where we have that type of production

are much more complicated. We have much greater abundance of wildlife than they do in ANWR. We have everything from alligators to fur-bearing animals, to waterfowl, ducks, geese, shrimp, oysters, and fin fish, all within the same ecosystem in a very fragile wetland area. If we are able to do it under those circumstances, I argue that certainly ANWR can also allow for the compatible exploration and production in their area if it is done carefully in a managed fashion.

As far as what is potentially available in that area, they tell me the latest estimates are that it could produce up to 1.5 million barrels a day of oil for at least 25 years, a sum that is equal to nearly 25 percent of our daily oil consumption.

Some people say: That is not that much. Yes, it is. It is a considerable amount, and if you look at California, which is experiencing blackouts and operations which are being curtailed because of either unavailability of energy or because of the high cost of energy, how can we say that we are going to just build a fence around an area which will potentially be the second largest energy-producing region of all of North America?

We have to take a balanced approach, look at it carefully, look at what we have done in other areas, and then make a decision not based on emotion but based on the facts of the situation. When I spoke with Ms. Norton and listened to what she was thinking of doing, that was a balanced position she would bring to this job. I am pleased to stand and urge my colleagues to support her. This Congress will watch carefully how she conducts the affairs of the Department of the Interior because this is something that affects all Americans, whether you are a Westerner, a Southerner, or someone in an urbanized area in New England. I think she can do a good job, will do a good job, and I look forward to working with her.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I see my colleague from Montana seeking recognition, to be followed by Senator ALLARD from Colorado. Senator WARNER indicated an interest in speaking.

How much time does the Senator from Montana require?

Mr. BURNS. Mr. President, I will try my best to keep it under 10 minutes.

Mr. MURKOWSKI. I appreciate that and leave it up to the clerk to monitor the clock.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I am very glad to stand today and voice my support for Gale Norton as this country's next Secretary of the Interior. After meeting with Ms. Norton and sitting in on her confirmation hearings, I am convinced she is the right person for the job. Not only am I impressed with

her good ideas and her willingness to listen, but I am impressed with the balance of thought she will be bringing to the Department. She knows that the challenges in that Department are probably larger than any other department in Washington, DC. She also has an idea about how she wants to deal with them.

As a member of the Energy and Natural Resources Committee and also a member of the Subcommittee on Interior Appropriations, I look forward to working with Ms. Norton. If confirmed as the next Secretary of the Interior, she will be called upon to appear in front of these committees, and she will ultimately be held responsible for the workings of the agencies under her supervision.

When we have questions or concerns about the National Park Service or the Bureau of Land Management, the Bureau of Indian Affairs, and the U.S. Fish and Wildlife Service, just to name a few, we will come to her. I am grateful for that because I think what we are looking for, more than anything else, is balance instead of activism.

Like most Western States, Montana has a lot of public land, and we are affected every day by some of the decisions that are made regarding Federal land because they determine whether we will make a living or not in our State. Sometimes Government is a very good neighbor; sometimes it is not. I think Ms. Norton understands that, coming from a public lands State.

One thing in particular: Last year, the year 2000, we know how the fires swept across the West. No State was more affected than New Mexico or the State of Montana. In fact, Congress appropriated \$1.6 billion to help fix the damage from the summer of 2000 and also to make sure we will be prepared should another catastrophe such as that happen again. We would rather that not be repeated.

In the year 2000, almost 1 million acres burned in Montana, some of it public. Plenty of the land was private, however, because private lands lay next to those forest lands—forest land, grassland, pasture land, homes, businesses, and everything in between. It was a dark, dark summer for us in Montana.

We are approaching spring again, and the work is just beginning. We need to reseed the burned areas to keep the soil from eroding. We need to make sure the watersheds stay clean. One of the most important things we can do is to make sure the noxious weeds do not take our newly burned land. I know a lot of folks say everything has grown back. Nine times out of 10, it is a noxious weed. When they take hold, the native plants are crowded out, wildlife habitat is compromised, livestock-carrying capacity is reduced, and the condition of the land is jeopardized for years to come.

So we need to get after it and get this land cleaned up, making sure those lands that are remaining now are

protected because we are again looking at a very difficult time. Our snow pack is low again this year. We have not had moisture since before Christmas. Again, we are looking at another year that could be another drought year in Montana. We will need people who are not afraid to make decisions, make them quickly, and make the right decision that protects the land.

You have to appreciate Ms. Norton for another area, too. Under the previous administration, we withdrew a lot of land from minerals management, resource management, and resource development. We have an energy crisis in this country. Maybe you are not affected by it now, but our friends from California are. The last time I looked around, California was still a part of this great country, which makes us concerned about what happens to our good friends in California.

It is just not a California problem. If you come from the Northwest, where we produce an abundance of electrical power, you see that power sucked away from our area, going to California. I do not begrudge Californians the power. But I also have to be a little bit nervous about having power for the people in the Northwest.

When they are in trouble, we are in trouble. We have built no new generating facilities. We just came from an administration that wanted to breach the dams that produce electricity for the West and the national grid. That is irresponsible. Conservation, yes. It is of vital importance to all our energy needs. But conservation will not do it alone.

We were very successful the last time we faced an energy crisis, when, way back in 1976, we did a lot of good through conservation. And we are still doing a lot of good through conservation. But we failed to build any more facilities to produce power, electricity.

I will tell you, electricity does not come Republican or Democrat. I will tell you where it comes from. The first time that finger hits that switch, and these lights do not go on, it becomes a national crisis.

I think Ms. Norton will be able to play a vital role in resource management when it comes to solving some of the power problems and energy crises that we are facing today.

When we look at public lands, energy development and access to public lands are vital issues. These things will be coming up again and again over the next few years because I truly believe the chairman of the Committee on Energy and Natural Resources probably has his hands as full as he wants in trying to deal with the energy crisis for all Americans. Because there is no doubt in my mind, if you want to pick one thing that is slowing down our economy, it is the tremendous increase in the cost of our energy. Access to those lands is very important.

But also another point that I think was brought up during the hearings is that, for the first time, we heard the

Secretary of Energy say that he is not afraid to talk to the Secretary of Agriculture, and neither one of them are afraid to talk to the Secretary of the Interior to solve common problems. That is very important in this town because in this town we spend more time solving turf wars that we do anything else. But this time it is going to take an administration of Department heads and Secretaries working together, knowing what one is doing and the policy they are putting forward, and knowing how we can complete a national policy to deal with an energy crisis; the ability to work together.

So I am here today to offer Ms. Norton my wholehearted support in her nomination as Secretary of the Interior. She is the right person for this job. I cannot imagine how we would find anybody more qualified. She has a great mind and is very intelligent, understanding her job, which touches so many of our lives every day.

I heard some of the folks on the other side of the aisle saying she is too far to the right to go into the Department of the Interior. But I will tell you, when you look at those statements, they are just partisan arguments, and that is all because there is no other substance there.

Mr. President, I thank the chairman of the full committee and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, under the previous agreement, the senior Senator from Virginia was to be recognized upon his return. I see the Senator from Virginia has returned to the floor.

Might I ask, how much time might the Senator desire?

Mr. WARNER. Mr. President, I would think 10 minutes would be adequate.

Mr. MURKOWSKI. I thank my friend from Virginia and yield him 10 minutes. And then after he speaks, I will yield to the Senator from Colorado who has been waiting.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise today with other colleagues to express my strong support for President Bush's nominee to be Secretary of the Interior, Gale Norton.

I have had a brief opportunity to visit with this distinguished American, and I heartily endorse the President's nomination. She has the qualifications, in my judgment, to serve in this important post.

As many of my colleagues have detailed, she is an effective litigator, with over 20 years of experience in environmental and natural resources law. Prior thereto, she was a law clerk to a judge. And I had the privilege in my lifetime to have that experience.

Her professional experiences and successes as Colorado attorney general, I believe, have given her a solid foundation and, indeed, the temperament—and it requires temperament because

there will be a lot of heated issues in the course of her duties that she will have to resolve—necessary to be an outstanding Secretary.

She has served on, as we say, "both sides of the fence"—in the Federal Government and State government. She is skilled in the law and knows that States can be effective partners in preserving our public lands and managing its valuable resources.

From her testimony before the committee, I was compelled by her recognition that the primary responsibility of Secretary of the Interior is one of protecting and fostering our public lands, our natural resources, and the treasures that make up our national park and wildlife refuge system.

Mr. President, I want to finish up my statement on a personal note. I have three wonderful children. All of them are very active in philanthropic activities to protect the very things that I have enumerated here: our natural resources, national parks, wildlife, and the like. Their philosophy extends a little further than their old man's philosophy on this. I tend to be a centrist, trying to strike a clean balance between the necessity for carefully expanding the protected areas of America, and husbanding of our resources, while at the same time giving the private sector and, indeed, the States the rights to which they are entitled.

My children have all communicated with me within the past few days about this nomination. I have told them very clearly, I am going to support this nominee. Their request to me was this: Father, that's fine, but keep a watchful eye.

So I made a commitment to my family that I shall keep a watchful eye. But I assured them that, in my judgment, this eminently qualified individual would pursue a balanced course of action between the many competing interests for the precious resources we have. And in the words of my children, once these resources are withdrawn, once they are developed, they are gone forever. And that is correct.

The Commonwealth of Virginia is home to some of our Nation's greatest natural and historic resources—from the Shenandoah National Park, our Civil War battlefields throughout the region, to the wildlife refuges on the eastern shore. The 20 national parks in Virginia have the fifth highest visitor rate in the Nation. It surprises people when I make that statement. We are No. 5 in the nation and located here in the East. That is why I am the first eastern Senator to speak on behalf of this distinguished nominee. I feel very strongly about it.

My State is very actively engaged with the national park system. In fact, I have just taken the initiative to create another wilderness area in my State. In my 23 years in the Senate, I have been involved with a number of these wilderness areas, and I shall continue to press for the establishment and the preservation of these national

treasures. We cherish, as Virginians, these resources and welcome a strong partnership with the Department of the Interior. These sites provide an outdoor classroom to tell the story of the founding of our Nation and other significant events that have woven the fabric of our form of government and, indeed, of our great Nation.

I am drawn to the nominee's comments regarding the importance of partnerships between the Federal, State and local government, and private organizations. We have such partnerships in Virginia, and they work well. Partnerships with the Park Service and local governments have been tremendously successful in preserving historic battlefields, particularly in the Shenandoah Valley. These partnerships ensure that significant historic landmarks can be preserved without the expense of Federal ownership.

The amount of land of natural and historic value that should be somehow preserved is enormous. The Federal taxpayer cannot begin to provide the funds necessary to purchase all this land. In Virginia, we have shown how a farmer can continue his or her operation and pass it down through successive generations of their families and yet preserve that farm, while allowing visitors to come and study where historic battles, in the Shenandoah Valley for instance, were fought. It makes little difference to that visitor whether he or she is standing on Federal land or land preserved by the family.

I urge our new Secretary to explore further opportunities in this area of public/private partnerships.

In addition to our historic battlefields, Virginia is blessed with critical habitat for migratory waterfowl in our coastal areas including the Eastern Shore. We are home to six major national wildlife refuges. These sites provide undisturbed lands for the American bald eagle, the peregrine falcon and hundreds of migratory ducks and songbirds.

Throughout my Senate career I have been pleased to work with local governments and local citizen organizations to expand our national park and our wildlife refuge system in Virginia. Permanent preservation of these lands ensures that future generations will have a "hands on" experience and that our wildlife will be able to flourish.

I fully endorse the nomination of Gale Norton to be Secretary of Interior and I look forward to working with her to strengthen our national parks and wildlife refuges across this country.

(The remarks of Mr. WARNER pertaining to the introduction of S. 201 and S. 202 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. Madam President, I ask that the Senator from Colorado be recognized at this time. He asked for 10 or 12 minutes.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I thank the chairman for giving me an opportunity to respond.

I rise to respond to the comments from my dear friend and colleague from Oregon and also reemphasize what my colleague from Idaho had talked about in regard to Gale Norton as Secretary of the Interior.

I agree with my colleague from Idaho that Gale Norton will be a listener. Even more than just listening, she is going to understand. The reason she is going to be able to understand is because she has a broad background of experience. She started out her career actually working here in Washington, DC. She worked in the Department of Agriculture. Then she went over to the Department of the Interior and worked there as associate solicitor. Then she went back to the State of Colorado and was elected attorney general of the State of Colorado. She has been able to see issues from the Federal perspective, and she understands the responsibility the Federal Government takes on many of these issues.

She understands many of these issues from a State perspective because she has had to be a spokesman for the State of Colorado, the citizens of Colorado, as various issues concerning the environment have come forward. Not only that, she has also served in the private sector. So as an American or as a Coloradan, she has had to deal with various laws that have been passed by the Congress, signed by the President, and she has had to live with those laws.

I have always believed that if you have walked in the shoes of somebody who has had to live with the laws of this country, you have a better, balanced understanding of what is needed.

Gale Norton has had a good record on the environment. It started early on when she was associate solicitor with the Department of the Interior—and she mentioned this in her testimony before the committee—where she pointed to helping prevent the California condor from becoming extinct as one of her greatest accomplishments. That was part of her responsibilities as associate solicitor.

She also worked in the State of Colorado to clean up a number of Superfund sites we have there. In Leadville, we had a Superfund site. She worked to clean that up. She worked hard to get started with cleanup of Rocky Flats, another Superfund site in Colorado. She worked hard to get things moving as far as the Rocky Mountain arsenal was concerned. She has a good record for cleaning up the environment.

Her record has been misrepresented as far as the Summitville mine. I will take a few moments to talk about that because my colleague from Oregon mentioned that in his comments. The problem at the Summitville mine in Colorado—I might add, this has been a real catastrophe on the environment, and I have been very concerned about the fact that the cleanup of the Summitville mine has not been pro-

gressing along satisfactorily—started in the 1980s.

At that time we had a Democrat Governor in the State of Colorado, and we had a Democrat who was attorney general for the State of Colorado when they first began to deal with the problem. Gale Norton, then, was elected as attorney general in the State of Colorado just as the problem of the Summitville mine began to bubble up in a public manner. Now, today, this Summitville mine problem is beginning to be resolved in a real, meaningful way. There has been a settlement, and the company has agreed to pay \$30 million in cleanup of the site.

Those of us who have lived in the State of Colorado understand the hard work she has done in trying to clean up the Summitville mine. It is not only myself, but the Denver Post, for example, has written an article in support of Gale Norton and characterized the Summitville mine issue as a false blame toward Gale Norton. I ask unanimous consent that that editorial be printed in the RECORD.

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

[From the Denver Post, Jan. 11, 2001]

THE BLAME FOR SUMMITVILLE

Blame for the Summitville environmental fiasco oozes thick and wide through Colorado state government. Yet critics are using Summitville to singularly bash Gale Norton, the former Colorado attorney general whom President-elect George W. Bush nominated as U.S. interior secretary. Norton should not be slammed for other politicians' mistakes.

In fact, during her tenure as state AG, Norton struggled to protect the public's interest at Summitville, despite legislative mandates that ham-strung meaningful action.

In the late 1980s, the Colorado Legislature gutted the state agency responsible for supervising environmental compliance at hard-rock mines, leaving far too few mine inspectors in the field. So when the Summitville gold mine installed the liner for its heap leach pond, state experts didn't take a close look at the design and implementation. State inspectors also weren't around to discover numerous other environmental goofs and lawbreaking at the site. The pond eventually failed, spewing mine poisons into the head-waters of the Rio Grande, one of our region's most important rivers. Only later did authorities discover the other mining law violations, too.

But Norton never was in charge of the state unit responsible for the omissions.

Meantime, state lawmakers had imposed a ridiculously short time frame in which authorities could bring charges when mine operators committed wrong-doing. In the Summitville case, the statute would have hogtied any Colorado AG, even the most radical environmentalist. So, although The Denver Post editorially bemoaned the state's inability to act, we were haranguing the foolishness of the Colorado Legislature, not Norton.

In fact, Norton barely had been in office a year when the Summitville crisis broke in 1992. The fiasco's roots instead had taken hold under the policies of a conservative Republican legislature, and on the watch of a moderate Democratic governor and attorney general, Roy Romer and Duane Woodard.

Moreover, Washington critics are linking Summitville to Colorado's self-audit law,

which lets businesses review their own environmental compliance without risking regulatory wrath. The state has tangled with the U.S. Environmental Protection Agency over the law. But the statute was enacted in 1994, two years after the Summitville debacle.

EPA's own Summitville record isn't spotless, as the feds squandered enormous sums accomplishing very little.

Summitville shamed Colorado. This newspaper, with its active environmentalist agenda, repeatedly lambasted the state-and-EPA's handling of the matter.

But far from causing the problem, Norton was among the civil servants trying to fix the mess under nearly impossible circumstances.

Mr. ALLARD. This appeared in the Denver Post on January 11. The headline is "The Blame for Summitville." It makes two cogent points that I want to bring to the attention of the Members of the Senate. One of the paragraphs says:

In fact, Norton barely had been in office a year when the Summitville crisis broke in 1992. The fiasco's roots instead had taken hold under the policies of a conservative Republican legislature, and on the watch of a moderate Democratic Governor and attorney general, Roy Romer and Duane Woodard.

The article points out that "EPA's own record isn't spotless, as the Feds squandered enormous sums accomplishing very little."

Gale Norton pursued this issue after getting into office. She reached in and tried to protect the assets of a company that was filing bankruptcy so as to get out of the responsibility of having to clean up that mine. She yanked them out of the bankruptcy proceedings and continued to hold them responsible.

The individual who followed Gale Norton as attorney general for the State of Colorado is Ken Salazar. He is a Democrat. Ken Salazar made a public statement in defense of the work of Gale Norton as attorney general for the State of Colorado as it applied to the Summitville mine. He starts out his public statement by saying:

I believe former Colorado Attorney General Gale Norton knows the environmental issues of Colorado and the West, is smart, and has a passion for public service. She should be given a chance to serve as Secretary of the Interior.

It goes on to say:

In the past few days, former Attorney General Norton has been unfairly criticized concerning two issues: Her support for the environmental self-audit laws of Colorado, and her role in the Summitville Mine environmental case in the Alamosa River watershed in southern Colorado.

I point out that Ken Salazar grew up in that area close to the Summitville mine. He is familiar with the area and also with the case because he had to follow up on the work that the attorney general, Gale Norton, had started, and now the present attorney general, Salazar, is wrapping that up. In his statement, he goes on:

Concerning the Summitville mine matter, the State of Colorado has been vigilant and aggressive in pursuing those responsible for the release of pollution from the Summitville Mine. Former Attorney General

Gale Norton supported the efforts to recover the proceeds from bankruptcy, and in 1996 she also joined with the United States of America in the lawsuit to recover expenses and natural resource damages from those involved in the Summitville mine.

So it is definitely an unfair accusation, as viewed by many of us in Colorado, Democrats and Republicans.

I also ask unanimous consent that the statement by Attorney General Salazar be printed in the RECORD.

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

STATEMENT OF COLORADO ATTORNEY GENERAL KEN SALAZAR CONCERNING GALE NORTON'S NOMINATION AS SECRETARY OF THE INTERIOR

DENVER.—I believe former Colorado Attorney General Gale Norton knows the environmental issues of Colorado and the West, is smart, and has a passion for public service. She should be given a chance to serve as Secretary of the Interior.

I have worked with Gale Norton for more than a decade. In her role as Colorado Attorney General, she represented me while I served as Executive Director of the Colorado Department of Natural Resources. Though I certainly do not share all of former Attorney General Norton's views on the environment and other matters, I respect her legal and policy knowledge and constructive approach to difficult issues.

In the past few days, former Attorney General Norton has been unfairly criticized concerning two issues: (1) her support for the environmental self-audit laws of Colorado; and (2) her role in the Summitville Mine environmental case in the Alamosa River watershed in southern Colorado.

Gale Norton's position on Colorado's environmental self-audit law has enjoyed very significant bipartisan support here in Colorado. The original self-audit bill had a Democratic sponsor and was signed into law by a Democratic governor. As a Democrat, I supported the environmental self-audit law because the law, when properly implemented, creates incentives for businesses to protect the environment. I have worked to resolve outstanding issues with the Environmental Protection Agency and the Department of Justice on Colorado's law, and on April 14, 2000 I issued a formal opinion that sets forth the central legal principles of Colorado's environmental self-audit law.

Concerning the Summitville Mine matter, the State of Colorado has been vigilant and aggressive in pursuing those responsible for the releases of pollution from the Summitville Mine. Former Attorney General Gale Norton supported the efforts to recover the proceeds from bankruptcy and in 1996, she also joined with the United States of America in the lawsuit to recover expenses and natural resource damages from those involved in the Summitville Mine.

There are fair questions that should be asked in the course of the Senate confirmation proceedings. These matters are proper inquiries of any nominee for Secretary of the Interior.

* * * * *

Mr. ALLARD. Madam President, I wanted to take a few moments to respond to the comments and accusations leveled against Gale Norton because I really believe she has a deep concern about our environment. She comes from the State of Colorado. We call it colorful Colorado. She wants to keep Colorado that way, and certainly I think she will be very responsible.

She will do a good job as Secretary of the Interior. She has a great background and the intellect to do the right thing for America.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Madam President, I see no other Members seeking recognition at this time, although we have had an indication that one or two may come over. Senator BINGAMAN, who is the ranking member of the Energy and Natural Resources Committee, and I have agreed to share our time equally since we are both supporting the nominee, Gale Norton, for Secretary of the Interior. How much time remains total for either side, or both?

The PRESIDING OFFICER. The Senator from Alaska controls 9 remaining minutes, and the Senator from New Mexico has 43 minutes.

Mr. MURKOWSKI. It is my understanding that Senator BINGAMAN has agreed that we will try to accommodate those coming over and let the time run out. It is our understanding that tomorrow the Senate will take up, at 2:45, three nominations and that we have 90 minutes, I believe; is that correct—110 minutes, rather.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Madam President, I have an extended statement, but I am sure the occupant of the Chair and others would be happy if I were a little briefer.

Madam President, I think it is fair to say that we have had a pretty unanimous consensus here of those speaking on behalf of Gale Norton for Secretary of the Interior. We only have one Member who opposes her, and I suspect we will have others tomorrow, inasmuch as time will allow for additional Members to speak. I won't try to prejudge the level of support. But I think it is fair to say, as chairman of The Energy and Natural Resources Committee, that we have had somewhat of a mandate within the committee makeup. We voted her out 18-2.

As I indicated earlier in my remarks, Ms. Norton has answered some 224 written questions, having sat through her 2 days of testimony. I found it rather humorous that, in spite of her willingness to answer the questions presented by the Members—as we all note the good work of our staff, and the staff to a large degree repeated many of those questions. Nevertheless, that is how it goes, and we all understand the procedure and the fact that the staff does keep busy supporting us.

In any event, I think, to some extent, some of the characterizations of this particular nominee are what I object to. I think it is fair to say that it is not a partisan issue. There was a cartoon in New York Daily News depicting Norton as a flack for the child poisoning industry. In a parody of our President's campaign promise to leave no child behind, it puts a slogan in her mouth: Leave no child alive. I don't know. But

I think many of us are of the opinion that the environmental groups that support this kind of—well, it is hard for me to describe words of that nature. But I think they have lost somewhat of their credibility with these over-the-top attacks. I think a question of courtesy, a question of what is decent, and what is over the line has happened here, and I think that is, indeed, unfortunate.

If I were a member of some of these environmental groups, I would want to know who made the decision to spend thousands and in some cases millions of dollars on advertisements in major newspapers that make false, inaccurate, inappropriate, and downright discourteous statements about her record.

It seems to me, as I have indicated, that when the facts aren't on your side, you attack the person. That is what has happened here.

I was listening to the Sunday service at the little church I attend this Sunday. The priest made the comment: They can try to rub out the messenger, but they can't rub out the message.

I thought of Gale Norton and her commitment to enforce the law. She gave her committee the assurance that she will enforce the law. To some extent, some of the criticism seems to cover her position on an issue that involves my State of Alaska, and that is the Arctic National Wildlife Refuge. The criticism seems to be that somehow this area is in jeopardy by the Bush administration. And the experience we have had in the Arctic in drilling for oil and gas associated with Prudhoe Bay somehow has no parallel to the potential opening of this small area of the Arctic National Wildlife Refuge.

Few people consider that the area itself is about 19 million acres—about the size of the State of South Carolina. Even fewer recognize what has already taken place in that area. But out of that 19 million acres, 9 million acres has been set aside by Congress in a refuge in perpetuity. That means Congress isn't going to change it; that is it. And 8½ million acres have been set aside in wilderness in perpetuity. But Congress left 1½ million acres, called the 1002 area, for a determination to be made at a future date whether it should be explored for oil and gas. The Secretary's position on this is she happens to favor the opening, if it can be done safely and in compatibility with the environment and the ecology. That is the position that is taken by our President, President Bush, and our Vice President.

As a consequence, it should be pointed out that it is not her decision, nor will it be her decision as to whether or not this sliver of the Coastal Plain will be open. When I say "sliver," I am referring to specifically the realization that there is only 1½ million acres in the 1002 area to be considered by Congress, and industry tells us that with their new technology and ice roads and

the realization that there is only a short 60 miles of pipe that would have to be extended over to the existing infrastructure of the Trans-Alaska pipeline where the 800-mile pipeline has been for some 27 years, that the impact would be minimal.

That doesn't mean there won't be an impact, but it would be minimal. But the footprint is what is significant. It is estimated to be about 2,000 acres out of the million and half acres which is out of the 19 million acres. That is the perspective that our friends in the environmental community fail to recognize. They fail to recognize what we have learned in Prudhoe Bay for 27 years.

We have seen the habitat of the central Arctic herd during that timeframe, and those caribou increased dramatically from about 3,000 to 4,000 to the numbers currently of about 26,000 to 27,000. They are protected. The mild activity associated with that oil field does not threaten either the caribou, their lifestyle, or their reproduction as evidenced by the fact that the herd has increased dramatically. To suggest somehow that this same situation can't occur in the 1002 area of ANWR flies in the face of realism.

But it is appropriate that in the few minutes we have, since this has come up continually in her nomination, that some of the inaccuracies by some of the defenders of wildlife and others who are campaigning on this issue to generate membership and dollars—they are using fear tactics, they are using inaccuracies, and they are using irresponsibility. One of the statements that was made in the U.S. news wire of January 25 entitled "Defenders of Wildlife Launch Campaign To Save The Arctic Refuge" was "We know Americans overwhelmingly favor protecting the Arctic range". Of course. We all do. But they go further to suggest that the American public, as evidenced by public opinion polls, shows that two-thirds of Americans are against opening it. That is not related to any degree of accuracy.

The recent polling by the Christian Science Monitor on the issue was about 58 in favor of opening it and about 34 favor closing it. The Chicago Tribune had a poll limited to the Chicago area, which was about the same—about 52 to 53 percent favor. So public opinion, I think, is obviously an important factor in determining the eventual outcome. But to suggest that public opinion opposes it is simply not true.

Further, the statement is made by the U.S. news wire that only the remaining 5 percent of Alaska's North Slope is not already open to drilling. That is totally inaccurate, and not based on any fact. Factually, 14 percent of the 1,200-mile Coastal Plain is open. If you do not believe it, go to the Department of the Interior and try to get a lease there. Fourteen percent is open.

Further, Madam President, as we look at inaccuracies, we find that we

are going to have on the web site an innovative computer animation on the issue narrated by an actor to tell the story of the polar bears and the cubs driven from their dens by the oil well on the refuge—the now pristine Coastal Plain. Of course, there is no oil well on the area. There is one well that has been driven. Further, if they had any degree of accuracy, they would recognize that the Coastal Plain is not the home of the polar bear. The polar bears actually den out on the Arctic ice.

Our information shows, scientists, and the State of Alaska, and other sources, that approximately 10 to 12 polar bears have been identified as denning on that Coastal Plain area of ANWR. They simply don't den there. So it is quite infrequent. Now there are polar bears that come into Point Barrow. There are polar bears that come into the Prudhoe Bay area. What they don't say is that the greatest benefactor of the polar bear is the non-natives. Non-natives cannot take them for trophy hunting. The law says that only the native people can take them for subsistence. If you want a polar bear, where do you go? Go to Canada.

I might add, some people in the Canadian government are opposed to opening this area. It could be because of the competitive posture as a supplier of energy to the United States. They look upon us as a potential competitor. That is all right. But the polar bear issue, keep it defined where it belongs. In Canada you can go out and shoot one. In Russia you can shoot one, but you can't shoot one in Alaska. That has a lot to do with the longevity of the polar bear.

We have a web site now, an innovative computer animation about the polar bear, but it doesn't tell the true story about the polar bear. It is going to suggest the polar bear abandon her cubs because of the oil activity. It is simply not true.

Further, they say this is opening this area, sticking oil wells right smack in the biological heart of the wildest place left in America. They don't state that there is an Eskimo village there with 220 people living there. There are radar sites. I encourage every Member of the Senate who wants to voice an opinion on this to come to Alaska and take a look for themselves. Many Members have. We are extending an invitation at the end of March and early April to take Members up there so they can see for themselves. To suggest it is the biological heart of the wildest place left in America, I argue that point.

They call it America's Serengeti. That is an understatement. It is an interesting, beautiful, harsh, rugged environment. It is winter 9 months of the year. It is not a place that is warm, fuzzy and cuddly. It is home of the polar bear, wolves, musk ox, millions of migratory birds, caribou, and hundreds of other species. That is partially true. The one area that Congress set-aside is different. It is not the home of

the wolves or the musk ox and the birds that come through into the wilderness and the refuge.

They further say there would be immense spills. They go one step further and suggest the greasy oil slick surrounding the Galapagos is somehow connected to the danger and exposure to this area.

It is paramount to recognize the connection between the nominee for the Secretary of the Interior and this particular issue. She will not be making the decision. She will simply be forwarding the facts to the Congress and to the administration surrounding whether or not it can be opened safely.

I implore those following this debate to recognize one significant issue that concerns California today. If one will look at what has happened to California as a consequence of a decision made some time ago to depend on outside energy sources, outside the State of California, for their gas and for their electricity, and the consequences of what has happened. Twenty-five percent of the energy of California comes outside that State. There hasn't been one new generating plant built there of any consequence in the last decade. California environmentalists made decisions and those decisions have come back today. Those California environmentalists have to bear the responsibility for those decisions. They are pretty hard to find right now. You don't see them around saying, maybe we did make a mistake, maybe we should have encouraged an energy supply within the State of California. They were very instrumental in saying we will buy the energy from Washington State, we will buy it from British Columbia where they have a lot of hydropower. We won't develop it within our State.

They are paying the price now. Their two major utilities are in bankruptcy. A bankruptcy judge may come in and say, all right, California consumer, this is what it will cost you for your energy. I am not prepared to go into this at this time but the Energy and Natural Resource Committee will be holding a hearing Wednesday and go into this matter at length.

I draw the parallel. We know what happened in California today by depending on outside energy sources. The parallel is, this Nation today, the United States of America, is 56 percent dependent on imported oil. Where is it coming from? It is coming from Saudi Arabia, it is coming from Mexico, it is coming from Venezuela. Where else is it coming from? It is coming from Iraq, our old friend Saddam Hussein. We are importing 750,000 barrels a day of oil from Iraq. We fought a war over there in 1992. We lost 147 American lives. We had over 400 wounded. How quickly we forget.

What is Saddam Hussein doing? We know he is developing a missile capability. We know he is developing a biological capability. Who is it aimed at in the Middle East? Israel. Iraq is the

greatest threat to the peace process in the Middle East—Saddam Hussein. What are we doing about it? We are turning around and buying more oil, importing it to the extent that we are 56 percent dependent today. The Department of Energy suggests by the year 2004 we will be 64 percent dependent.

The parallel is there. California and their dependence on outside sources for their energy and the United States today dependent 56 percent on oil.

The energy bill we are proposing, we are committed to reduce our dependence to less than 50 percent by initiating exploration in the continental United States in the overthrust belt, Wyoming, Montana, New Mexico, Montana, and my State of Alaska, and part of that involves opening up the small area of the coastal plain, using science and technology, the winter roads, the icy roads, and the expense we have had for 30 years where there has never been a proven exposure to the caribou associated with exploration for oil and gas.

So, let's remember this parallel. You depend on outsiders, you lose your leverage, and you pay the price. It happened in California. It can happen today. As far as I'm concerned, it is happening.

Whether we want to reduce that risk associated with this issue which has become a part of the deliberation of Gale Norton is up to us. I think it is fair to say we can probably terminate the debate on the nomination.

Mr. BYRD. Madam President, I am pleased to join my colleagues today in supporting the president's nomination of Mrs. Gale Norton to be the next Secretary of the Department of the Interior.

As the ranking minority member on the appropriations subcommittee which provides funding for the Interior department, I have a particular interest in this Cabinet position. I know that effectively managing this department—an organization of 69,000 employees and an \$8.4 billion budget—is not an easy task. The Interior Secretary is charged with overseeing the 379 parks of the National Park System, the 521 refuges and the 66 national fish hatcheries of the Fish and Wildlife Service, the 264 million acres of land managed by the Bureau of Land Management, and serving the needs of 1.4 million American Indians. Clearly, with a portfolio that broad, it is easy to see that the programs under the jurisdiction of the Secretary have a direct impact on every state in the union and nearly every American citizen.

I am aware of the controversy that has surrounded this nomination. I know that there are those who do not see Mrs. Norton as an ally. There have been many accusations made concerning the nominee's public policy positions, and she has been, in my opinion, unfairly derided as a result of certain past working relationships. Despite this, I remain confident that, as Secretary, Gale Norton will be responsive to the concerns of the American people, particularly those concerns expressed by the Congress.

I have personally talked with Mrs. Norton, and while I will not say that we had an in-depth discussion of all the issues which come before the Interior Department, I can say that, with respect to those subject matters we did discuss, I found Gale Norton to be well informed. More importantly, I found her willing to consider various points of view. Obviously, Senators cannot expect a Cabinet Secretary to agree with us on all things at all times. But what we should expect is to have an opportunity to present our views, or present the case of those we represent, and to have those views heard in a fair and unbiased manner. I believe Mrs. Norton will deliver quite well on that expectation.

Madam President, I wish Gale Norton well as she embarks on a difficult assignment, and she will work with the Congress to ensure that we fulfill our land management and trust responsibilities to the American people in a fair, economical, and efficient manner.

MORNING BUSINESS

Mr. MURKOWSKI. I ask unanimous consent the Senate now go into a period of morning business, with Senators permitted to speak up to 10 minutes each.

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

NOMINATIONS

SENATOR SPENCER ABRAHAM TO BE SECRETARY OF ENERGY

Mr. BYRD. Madam President, I supported the nomination of Senator Spencer Abraham as the next Secretary of Energy, and I look forward to working with him in his new position. While I know that Senator Abraham will be facing a host of new issues at the Department of Energy, I welcome his appointment.

I believe that Senator Abraham has a commitment to address the many complicated, intertwining energy, environmental, and economic questions that he will be faced with on a daily basis as Energy Secretary. In recent years, the Department of Energy has been rocked by high profile scandals and security breaches and criticism for failing to address compounding energy policy problems. The Department of Energy has longstanding internal problems regarding agency morale, a complicated system of laboratories, the cleanup of DOE's nuclear complex, and competition between fuel and industry interests. Secretary Abraham will have a defining role in determining the needs and priorities for our national security, energy policy, science and technology, and environmental management.

First and foremost, he will need to work with Congress in the development of a balanced, comprehensive national energy policy. If our ultimate national