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Senate

The Senate met at 10:03 a.m. and was called to order by the Honorable BOB SMITH, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Omnipresent Lord God, there is no place we can go where You have not been there waiting for us; there is no relationship in which You have not been seeking to bless the people with whom we are involved; there is no task You have given us to do that You are not present to help us accomplish. We need not ask to come into Your presence; Your presence with us creates the desire to pray. You delight in guiding us to pray for what You are more ready to give than we may be prepared to ask.

You are here. We do not need to convince You to bless this Senate. You have shown us how much You love and care for the United States of America. You want the very best for this beloved Nation and have chosen the Senators through whom you want to work to accomplish Your plans. Help them to see themselves as Your agents. Bless them with Your power. Keep them fit physically, secure emotionally, and alert spiritually. So much depends on their trust in You and pursuit of Your guidance. May awe and wonder capture them as they realize all You have put at their disposal to ensure that they succeed. Thank You for the biblical assurance that You work all things together for those who love You, who are called according to Your purpose. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BOB SMITH lead the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The clerk will now read a communication to the Senate.

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 30, 2001.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BOB SMITH, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF CHRISTINE TODD WHITMAN TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to executive session to consider the nomination of Gov. Christine Todd Whitman.

The legislative clerk read the nomination of Christine Todd Whitman, of New Jersey, to be Administrator of the Environmental Protection Agency.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes of debate on the Whitman nomination.

Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the prior order entered be changed to allow the chairman of the committee, Senator SMITH, 15 minutes, and the ranking member, Senator REID, 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Mr. REID assumed the Chair.)

SCHEDULE

Mr. SMITH of New Hampshire. Mr. President, the Senate will now immediately begin consideration of the nomination of Governor Whitman's nomination to be Administrator of the Environmental Protection Agency. Under the previous order, there will be 30 minutes for debate on the nomination. Following that debate, the Senate will resume consideration of the nomination of Gale Norton to be Secretary of the Interior.

There will be approximately 2 hours for closing debate with two consecutive votes scheduled to occur at 2:45 p.m. on the Norton nomination for Secretary of the Interior and the Whitman nomination for EPA Administrator.

I now ask unanimous consent that immediately following the votes, the Senate proceed to a period of morning business with Senator LOTT or his designee in control of the time until 3:45 p.m. and Senator DASCHLE in control of the following 20 minutes, beginning at 3:45 p.m.

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

Mr. SMITH of New Hampshire. Following morning business, it is expected the Senate will begin consideration of the Ashcroft nomination to be Attorney General of the United States.

I thank my colleagues for their attention.

NOMINATION

Mr. President, it is an honor for me to rise in strong support of the nomination of Governor Christine Todd Whitman to become the next Administrator of the Environmental Protection Agency. As chairman of the Environment and Public Works Committee, I have full confidence that she is the right person for this job and will be an outstanding leader. She has an incredible environmental record as the Governor

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of New Jersey. New Jersey has cleaner air; the number of days that her State violated the Federal 1-hour standard for ozone dropped from 45 in 1988 to only 4 last year.

It is a remarkable accomplishment. The water is cleaner. The fish population is thriving. New Jersey beaches are once again clean and open for enjoyment, beaches that I enjoyed, I might add, as a young man growing up in New Jersey. There was a brief hiatus where it was not even safe to walk those beaches. Annual beach closings dropped from 800 in 1988 to just 11 last year. That is 11 too many, but still it is an incredible task in development.

The National Resources Defense Council has praised New Jersey for having the most comprehensive beach monitoring system in the entire Nation.

Under Governor Whitman, New Jersey has been a national leader in redeveloping brownfields, which has long been an issue for me as the chairman of this committee, and even prior to becoming the chairman—in reforming the brownfields legislation to clean up these blights on our society. That experience in dealing with brownfields will be invaluable as we develop Federal legislation.

Conservation has also been a top priority for this nominee. During her 7 years as Governor of New Jersey, more open space and farmland was preserved than in the previous 32 years. She has preserved more land than any previous administration in New Jersey, and under a conservation program that she established, and was overwhelmingly approved by the voters, nearly 1 million acres will be preserved by the year 2010.

The list of her environmental accomplishments goes on and on, from air quality to smart growth to species conservation. The bottom line is that New Jersey's air, water, and land are cleaner because of Governor Whitman.

It is remarkable and, some hate to say, unusual for a nominee to be this qualified for this position. This is all occurring when the economy is stronger than ever. We can have a clean environment and a strong economy, and Governor Whitman has proven that.

What is most impressive about Governor Whitman's record is how she achieved this environmental success. It is an approach that focuses on results, an approach with which I totally identify and agree, results achieved through cooperation and partnership as opposed to confrontation and not working together. You use the hammer of enforcement when it is necessary, but if you can lay the groundwork too so you do not need to use the hammer, that is even better. We address problems in a holistic manner—we look at the entire problem, all the sources of pollution air, land, or water. Governor Whitman has done that.

As we begin to tackle the environmental issues of the 21st century, we need that ability to think outside the

box. We need to have someone in this agency saying: Just because we did it yesterday or last year does not mean we have to do it again this year. We may want to think about something new, something innovative, something flexible.

Governor Whitman, with her record and experience, is the right person to oversee the protection of our environment. President Bush is to be congratulated for choosing such a strong protector of the environment to head the EPA.

On a personal level, in the private meeting I had with Governor Whitman, we discussed the environmental agenda of President Bush. We also discussed her own environmental agenda. I found it very much in tune with mine. We were talking at great length about the utility emissions reduction, the so-called bubble bill, where we cap and trade and bring utilities and other sources of pollution under this bubble to bring down the emissions. This is a high priority for President Bush and for Governor Whitman. I look forward to working with her on that.

Brownfields, which I discussed a moment ago, is also one of her top priorities. I predict, working with Administrator Whitman, we will move out of the gate very quickly with good strong brownfields legislation which will allow us to get into these communities where these contaminated sites are. Some are asbestos-filled buildings or other messes that have been left by industrial development. We will clean it up. We will remove the unfair liability and allow the contractors to get on site and clean them up.

The spinoff is remarkable: A, you clean up the environment; B, you create jobs; C, you allow areas to be developed that were developed and you do not have to put more pressure on green space somewhere else because now you can clean up, you can build and put new industries on the old industrial site. It is a tremendous opportunity, and it is very exciting to think about working on this with Governor Whitman.

We must address the environmental infrastructure, the combined sewage overflow, storm and sewage overflow. There is much infrastructure that is necessary to look at. She, again, has experience in this area, and we can work together.

On conservation funding, we need to get dollars into the areas we can; with a willing seller and a willing buyer to perhaps set aside new land and, at the same time, protecting private property rights and encouraging dollars to help fish and wildlife and other areas of our environment.

Something the Governor and I really click on is the MTBE issue, which is a big issue in her State as well as it is in mine. We have to work together to try to remove that contamination that is such a problem all across the country, but especially in New Hampshire, California, New Jersey, and several other

States where MTBE gets into the water supply. We have to do something about the leaking underground storage tanks that create this problem and, at the same time, begin to develop another source to replace MTBE to still keep the air clean with no backsliding and see to it that we keep this kind of chemical out of our water supply.

It is an ambitious agenda. She is up to that agenda. She is up to the task. I look forward to working with her, and I am very anxious to see her nomination move quickly through the Senate this afternoon.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada.

Mr. REID. Mr. President, I came to this session of Congress as chairman of this committee, the committee of jurisdiction dealing with Christine Todd Whitman. For 17 days, I was chairman of the Environment and Public Works Committee. One of my first acts was to hold hearings regarding Gov. Christine Todd Whitman. Part of me said this is my chance to stand out. This is somebody who wants to be the Administrator of the Environmental Protection Agency, someone whose name has been submitted to us by President Bush, whom I did not support in the election. I thought it would be a time to set a real good record show, maybe not a lot, but a significant number of Senators, that they should vote against her.

I went into the hearing with that direction: What could we do to show that she would do a bad job. We had questions from all types of her enemies in the State of New Jersey, many of which we asked orally; the others we submitted to her in writing.

I say candidly, this woman did a great job before the committee answering these questions. We went through four different rounds of questions. Some Senators sat through the entire hearing. It was long. It started at 9:30 in the morning and ended around 1 o'clock, as I recall, or 1:30 p.m. that day. She, I repeat, answered every question we submitted to her. She did not appear to be evasive. When we submitted the questions to her in writing, the answers we got back, as far as I am concerned, especially on issues relating to the State of Nevada, were even stronger than her oral answers.

I do not proudly say there was a part of me when these hearings started that wanted to find things against her. I say to the Senate and those within the sound of my voice, that perhaps was a wrong attitude. Certainly she was able to alleviate any questions I had about whether or not she should be the Administrator of the Environmental Protection Agency.

This is an important agency. I have been on the committee since I came to the Senate. I have seen EPA Administrators come, and I have seen them go. I am confident—and I am very hopeful—that she will be a very good EPA Administrator.

Of all the testimony that she gave, the only concern I have—and I told her this at the hearing—is that I hope she does not depend too much on voluntary compliance. I have no problem if she wants to try it, but let's not push this envelope too far. My experience has been, in the environmental field, voluntary compliance simply does not work.

This agency is responsible for protecting both the health of our citizens and the health of our environment. The agency must ensure that Federal laws protecting human health and the environment are fairly and effectively enforced.

There are 10 comprehensive environmental protection laws that Governor Whitman must administer, including the Clean Air Act, the Safe Drinking Water Act, and the Superfund law. These are very important laws. She and the regional offices she directs throughout the country need to implement them. Leading this agency is a big job.

The Administrator of the EPA needs to ensure that these responsibilities are carried out, in addition to overseeing the Agency's environmental research and making recommendations to the President on environmental policy.

Given the importance of the mission of this agency and the role it must play in developing the future direction of environmental protection, I am joining with my colleague, Senator BARBARA BOXER, as a sponsor of a bill that would give the Environmental Protection Agency Cabinet level status. I have supported efforts in the past in this regard, and I certainly support the efforts today. I think it should be a Cabinet office.

As my friend, the chairman of the committee, has acknowledged, she has been the Governor of New Jersey since 1993. Her accomplishments as Governor are significant: Preserving open space and farmland in New Jersey; expanding the brownfields redevelopment program, and having one of the most comprehensive beach monitoring programs in the entire country. I can remember, it was not long ago, I was speaking to Senator Bradley. Being from Nevada, it was hard for me to comprehend, but syringes and needles were washing up on the shore. People were afraid to go to the beaches. That is no longer a problem in the State of New Jersey, or at least it is a very minor problem.

Governor Whitman has seen the importance of the partnership between the Federal Government and the States in accomplishing mutual goals, such as cleaning up Superfund sites. I think it is significant that rather than what happens in many States, where people and Governors and State entities go out of their way to prevent Superfund sites from being declared, she did just the opposite. She went around soliciting to help the Federal Government clean up these sites that needed to be cleaned up. Therefore, we have a sig-

nificant number of Superfund sites there. I believe the State of New Jersey has more Superfund sites than any other State in the Union.

She testified before our committee that she would do what she could to make sure that Superfund became an effective law and continued being an important law.

I will hold her to the promise she gave to the committee to support, defend, and enforce the laws of this land. In particular, I am glad that she and the President intend to make sure Federal facilities will comply with the same environmental standards that apply to private facilities. I am glad she has recognized that the Environmental Protection Agency must fulfill its legal obligation to set radiation protection standards for Yucca Mountain in the State of Nevada. This is the facility that is being looked at to determine whether or not it can safely hold nuclear waste.

I think she recognizes the Federal Government's legal obligation to set radiation standards for Yucca Mountain that fully protect human health and the environment. To my mind, anything less stringent than the final rule would not satisfy that responsibility.

While she has not been fully briefed on all these issues, and some of the answers provided to the committee reflected that, the Governor did say at her hearing she is committed to working on these issues. It is my hope she will look carefully at the recent actions of the new administration that would halt some of the proposals, as well as the progress of the last administration.

I expect Governor Whitman to consult with us, the committee, before making any changes that would weaken our environmental protections. We have come too far to allow a single-minded or shortsighted action to set us back environmentally. There are too many problems out there. People want clean air. They want pure water. They want these sites that are so dangerous to be cleaned up.

We have, in the State of Nevada, regarding Superfund, some very good history. I can remember coming into Reno and there was a huge pit. We called it the Helms Pit. The State of Nevada's small environmental protection agency was fighting, working with the oil companies, to do something about the black stains that appeared on this huge gravel pit. In the bottom of it was water. Just a few feet away was the Truckee River—the source of water for the entire State.

I directed the EPA to take a look at it. Within 2 weeks, an emergency Superfund site was declared at the Helms Pit. Here it is now, 8 or 9 years later, and this is a beautiful area called the Sparks Marina, full of water, with motor boats on this little lake. It is just beautiful. And it is all as a result of the Federal Government. It is the Federal Government at its best. The

government came in and determined that it was dangerous. There were millions of gallons of fuel that leaked out of pipelines the oil companies had brought into the area. They paid for it. The Federal Government didn't pay for it. The oil companies paid for it.

Now all of northern Nevada has benefited from this environmental law that we passed a number of years ago. So I think it is important we do not set back the progress we have made over the last decade.

I expect, as I have indicated, she will consult with us before making any changes that will weaken our environmental laws. She has a credible environmental record, certainly not perfect, but a credible environmental record, and a profound understanding of conservation issues from a New Jersey perspective. She now needs a perspective for the entire country.

As Administrator of EPA, she will have an opportunity to learn about the different regional environmental challenges that face Americans from coast to coast. For example, in Nevada we face a situation in which dozens of small communities, through no fault of their own, will be in violation of the new safe drinking water regulation standard for arsenic. The issue of naturally occurring arsenic contaminating drinking water may not have been a major issue in New Jersey, but in Nevada it is something that I am confident she can learn about and help communities address.

These challenges are significant. It will be an important task for Governor Whitman to ensure that, all through the western United States, the water standards that have been set can be met. We know from a health perspective they should be met. We need the Federal Government to step in and help us with some of these small communities.

The Environmental Protection Agency has a 30-year history to be proud of. I hope, by working together, we can continue to do just that—protect our environment for generations yet to come.

Mr. President, I support the nomination of Gov. Christine Todd Whitman to be the Administrator, and maybe soon the Secretary, of the Environmental Protection Agency and urge my colleagues to do the same.

Before vacating the floor, I want to say, early in this session, what a pleasure it has been to work with the chairman of the committee, BOB SMITH. He and I have a long history of working together. We were both on the Select Committee on MIA-POWs. It was a very difficult year we spent together. We also spent some difficult time together, and some pleasant time together, as the two party leaders on the Ethics Committee. I have found him to be fair and to always have an open door. I look forward to working with him as the ranking member of the Environment and Public Works Committee.

Mr. SMITH of New Hampshire. I appreciate the comments of my colleague very much. I also commend Senator REID for the expeditious and non-partisan way in which he has handled the nomination during his tenure as chairman, which was ever so brief. It was a pleasure to work with the Senator. I look forward to working with the Senator in the future.

Mr. President, how much time is remaining on the Whitman nomination?

The PRESIDING OFFICER. The Senator from New Hampshire has 5½ minutes. The Senator from Nevada has 3½ minutes.

Mr. SMITH of New Hampshire. Mr. President, I am going to just take another 2 or 3 minutes to make some comments on the Norton nomination and then will not use all of the remaining time but will be happy to yield it back so we can move to the next nominee.

Again, let me just reiterate my strong support for Governor Whitman in this position as EPA Administrator.

She is extremely well qualified—one of the most qualified people ever to be recommended for the job. She has first-hand experience as a Governor dealing with these problems—some of them on the receiving end of the Federal Government and other times just working in cooperation with the Federal Government.

It is an exciting opportunity to work together on the agenda I talked about a few moments ago: clean air, clean water, infrastructure, many other issues that will be coming before us, including MTBE, which is a big issue in New Hampshire and New Jersey.

Mr. CORZINE. Mr. President, I rise in support of the nomination of Christine Todd Whitman to be Administrator of the Environmental Protection Agency.

Christine Todd Whitman has a long and distinguished record of public service, and has made many important contributions to my State of New Jersey. She is well qualified to head the EPA, and I urge my colleagues to support her nomination.

Governor Whitman is highly articulate and persuasive. She genuinely cares about the issues, and she knows how to make an impact.

Governor Whitman has been a leader in protecting New Jersey's 127-mile shoreline and in fighting for cleaner air, guarding against the kind of pollution that knows no state boundaries. As an individual and a Governor, she has demonstrated a strong commitment to preserving open space.

The Administrator of EPA has the primary responsibility for ensuring that our air and water is clean, our natural resources are preserved, and our public health protected. It is a difficult job. It often requires a careful evaluation of highly complex scientific data, and an ability to translate that data into detailed policies. It needs someone who will fight internal battles to make environmental protection a

budget priority. It needs someone who will work with local communities and businesses to find mutually acceptable solutions to environmental problems. And it needs someone who, when necessary, will be tough on polluters and force them to do the right thing.

I believe that Governor Whitman has the background, the experience and the skills necessary to do the job, and to do it well. I know that we will not always agree on every policy issue. This became clear during the hearing on her nomination in the Environment and Public Works Committee. In fact, I was concerned by some of her answers with respect to the need for tough enforcement against polluters and the need to ensure that environmental decisions adequately respect the rights of minorities and other disadvantaged groups.

However, I remain hopeful that Governor Whitman will use her considerable skills to be a strong environmental advocate, and I look forward to working with her to ensure that EPA remains committed to strong and effective enforcement of our environmental laws.

With that, I want to conclude my remarks and wish Governor Whitman the best of luck as she undertakes this important new challenge.

Mr. KERRY. Mr. President, I would like to make a short statement on President Bush's nomination of New Jersey Governor Christine Todd Whitman to serve as Administrator of the Environmental Protection Agency I have known Governor Whitman for many years. I admire her public service record and believe she comes to this job with a strong commitment and sensitivity to its many responsibilities. I welcome the opportunity to vote for her.

President Bush's choice of New Jersey governor Christine Todd Whitman is positive signal regarding the environmental agenda that he will pursue over the next four years at EPA. Under her guidance, New Jersey has worked with other Northeastern states to strengthen local and national clean air protections. For example, Ms. Whitman recently supported the EPA's newly announced rule to reduce pollution from diesel fuel. Ms. Whitman has been a strong advocate of preserving open space. On the issue of coastal and marine protection, which is of particular concern to my state of Massachusetts, Ms. Whitman has advocated tougher controls on ocean pollution and enhanced protection of our seashores.

One area of concern how been expressed regarding Ms. Whitman's record. Conservation groups in New Jersey claim that during her time as New Jersey governor, Ms. Whitman took a somewhat lax approach to enforcement of environmental law. Needless to say I believe environmental law should be enforced as strenuously as any other law. I anticipated that Ms. Whitman will recognize her new responsibilities and leave no one doubt-

ing her willingness to enforce the law vigorously.

While I certainly do not share all of Ms. Whitman's views on environmental protection, I believe that she has shown balance and a willingness to listen to all sides throughout her career. I wish her well at the EPA, look forward to working with her and will vote for her nomination today.

Mr. TORRICELLI. Mr. President, I rise to support Christine Todd Whitman as President Bush's nominee for Administrator of the Environmental Protection Agency. During her years as Governor we have waged many fights together from open space preservation to ending ocean dumping.

President Bush has made a wise selection. The EPA and the country will be getting an Administrator who is qualified, battle-tested and ready to tackle the challenges that lie ahead for this Agency. With this nominee, there will be no learning curve.

There are few training grounds that could better prepare someone for this position than the Governor of New Jersey. As Chief Executive of the State, Governor Whitman has the managerial and administrative experience of running an agency as large as the EPA. But more importantly, no state has a better sampling of the issues facing the incoming Administrator of the EPA than New Jersey.

With 127 miles of shoreline, Governor Whitman has dealt extensively with issues of clean water and non-point source pollution. She knows first-hand the threats to the economy and the environment from ocean dumping. Governor Whitman has increased funding for beach cleanups, and under her watch, beach closings have dropped from 800 in 1989 to just 11 in 1999.

With more Superfund sites than any other state in the Union (111), she knows what works and what doesn't in the Superfund program. She has seen the value of a concerted effort to turn urban brownfields into productive industrial and commercial sites.

With the many dense urban centers in New Jersey, she has dealt with the complex funding and regulatory issues of upgrading dilapidated sewer systems and controlling combined sewer overflow.

As Governor of our Nation's most developed State, she initiated and passed a landmark \$1 billion bond measure to preserve one million acres of farmland, forest, watersheds, and urban parkland. Few elected officials in this Nation, yet alone, this Cabinet, have a better understanding of what is needed to curb sprawl and protect our open spaces, than Christie Whitman.

But more than her record of environmental progress, what makes Governor Whitman uniquely qualified for this position is her understanding that economic and environmental progress are not mutually exclusive goals. For example, travel and tourism generates \$28 billion in revenue and employs nearly 800,000 people in Central and

Southern New Jersey. No issue is more important to those jobs than ocean quality. Yet the Port of NY/NJ is a vital component of economic growth and employment in the northern part of NJ contributing \$20 billion annually to the economy and supporting nearly 200,000 jobs. I have worked with Governor Whitman to balance these constituencies and develop a policy that ended ocean dumping while still allowing for the continuation of the dredging necessary for the Port's continued growth.

The job for which Governor Whitman seeks confirmation is by no means an easy one. The challenges faced by the next Administrator are both numerous and difficult. The Superfund and Clean Water and Clean Air Acts have not been re-authorized in a decade and there are new challenges on the horizon, especially in our urban areas. Our urban centers have sewer systems that were built at the turn of the 19th Century. They frequently back-up and endanger public health and water quality because they are incapable of handling overflow. Too often industries unwanted anywhere else find homes on city blocks because of the jobs they offer and the taxes they pay. The next Administrator must make a priority of closing the gap between available funds and infrastructure needs and ensuring that environmental justice is more than a think tank slogan.

I am confident that Governor Whitman will do this and more. The challenges ahead are many—protecting our drinking water and purifying our air, preserving open space and reforming Superfund. But President Bush could not have selected a nominee with more experience and commitment than Governor Whitman. I have the utmost confidence that she will do the Senate and her home State very proud, and I urge her confirmation.

Mr. WARNER. Mr. President, I join today in supporting the nomination of Christine Todd Whitman to be Administrator of the Environmental Protection Agency.

As a member of the Committee on Environment and Public Works, I have had the opportunity to discuss with the nominee the many challenging environmental and public health issues facing us today.

As the former, two-term governor of New Jersey, Ms. Whitman brings to this position on the ground experience in finding solutions and making progress on environmental problems. Today, New Jersey's beaches, once plagued with closures, have seen dramatic reductions in closures due a comprehensive beach monitoring system. New Jersey's brownfields redevelopment initiatives are leading the nation in revitalizing urban centers.

Mr. President, Ms. Whitman brings to this important post a record of accomplishment. More importantly, she has a demonstrated ability to find common ground to make progress on complex problems. Her experience as a

state executive will guide her as she works with our state partners to improve air and water quality, to restore abandoned industrial sites and to reinvigorate the Superfund program.

I have every confidence of her steadfast commitment to advancing the protection of public health and the environment. I look forward to working with her and urge my colleagues to support her nomination.

NOMINATION OF GALE NORTON

Mr. SMITH of New Hampshire. Mr. President, I rise today to express my strong support for the President's nominee for the Secretary of the Interior, Gale Norton. I know there are some groups out there that have mischaracterized her record and have indicated some fears or concerns. I remember similar fears and concerns being expressed about me. It didn't seem to work out the way some thought it would. They have resorted to name calling, misrepresenting her record, making false accusations. We are probably going to hear some of those accusations repeated on the floor today, regretfully.

I begin by trying to set the record straight. I think this business of personal attacking and trying to destroy people personally is a mistake that is uncalled for. It is one thing to disagree on the issues. It is another thing to begin to get into name calling and making accusations about people's character that are not justified.

Let me stick to the record. Gale Norton has a strong environmental record. Certainly, if we look at the facts in Colorado at Rocky Flats and Rocky Mountain Arsenal, she has a strong record of enforcing Federal and State environmental laws vigorously and fairly. As attorney general of Colorado, she fought to make the Federal Government and private companies clean up hazardous and nuclear waste left behind at the Rocky Mountain Arsenal and Rocky Flats.

At the Rocky Mountain Arsenal, she fought all the way the U.S. Supreme Court for the State's right to hold the Federal Government to the same stringent cleanup standards that she applied to private companies. She sued not to try to weaken the cleanup standard but to strengthen it. Today the Rocky Mountain Arsenal is a national wildlife refuge. That is not an accident. That is strong leadership on the part of this nominee for Secretary of the Interior.

The extreme environmental groups also blame Ms. Norton for the Summitville mine disaster and suggest that she didn't do enough to enforce the law. Again, their facts are wrong completely. Ms. Norton did go after the mine operator shortly after she took office. Because of her actions, the mine operator was forced to operate a water treatment facility to prevent contamination from spreading. She also brought an enforcement action against

the mine operator recovering millions of dollars to pay for the cleanup. She did not let the polluter off the hook. To the contrary, she made the polluter pay.

This "let the polluter off the hook" is a favorite expression of the left to somehow assume that if you try to work to get cleanup and you are not extracting every last dollar from every person who has it, somehow we are letting polluters off the hook. As we know, we have crossed this rubicon in the past. We have crossed that threshold, and it depends on which polluter we are talking about. What is a polluter? Is a polluter somebody who throws a ballpoint pen in a landfill? Under some definitions, yes. We have to be very careful how we throw that term around.

We are going to hear it a lot today in the debate, that somehow she let the polluters off the hook. The facts are, she did not.

These are just a few examples. Anyone who looks at her record—instead of the environmental groups' characterizations—will see that Ms. Norton enforced the law and she protected the environment at the same time.

She appreciates the value of preserving our land. She grew up in Colorado. She understands what wilderness means and what it means to live in a beautiful, pristine area such as central Colorado.

The extreme environmental groups have also suggested that Gale Norton cannot be trusted to protect our public lands, our national parks and refuges and wilderness areas. That is not true. Her record demonstrates that Ms. Norton values our public lands and she will protect them. Again, just look at the record.

As attorney general, she worked with Congress to craft the Colorado wilderness bill that established 19 new wilderness areas in the State. That doesn't sound like somebody who is opposed to cleaning up our environment and protecting our wilderness.

That bill was enacted in part because of Ms. Norton's efforts to build consensus for the preservation of those lands.

Her record at the Department of Interior, where she was Associate Solicitor for Conservation and Wildlife from 1985 to 1987, shows once again that she was an effective advocate for protecting our public lands and natural resources, including endangered species.

Let me name just a few of her accomplishments in the Solicitor's Office:

She represented the Fish and Wildlife Service in its successful effort to add 80,000-90,000 acres to the Big Cypress National Preserve.

She was involved in an effort to add 5,000 acres to complete the Florida Panther National Wildlife Reserve in Florida.

She fought to ensure the success of the captive breeding program that saved the California condor when environmental groups sued to try to stop