

JANUARY 17, 2001.

Re nomination of Gale Norton for Secretary of the United States Department of Interior.

Senator JEFF BINGAMAN,
Energy and Natural Resources Committee,
Washington DC.

Senator FRANK MURKOWSKI,
Energy and Natural Resources Committee,
Washington, DC.

DEAR SENATORS: We, the undersigned state Attorneys General, write to provide important information that will help you evaluate Gale Norton's nomination for Secretary of the Interior. These insights are based on our work with Gale during her eight years as Attorney General for the State of Colorado. While Gale provided numerous examples of her leadership and ability as Colorado's Attorney General, there are a few specific instances that truly demonstrate her skill and experience.

First, in the early 1990's, Gale worked with Attorneys General and Governors in an effort to force the United States Department of Energy to comply with federal environmental laws as its facilities around the nation. Gale helped lead the fight to ensure that Energy would be responsive to the states, comply with the law, and refocus on cleaning up Rocky Flats in Colorado and other sites around the nation.

Gale served as the Chair of the Energy and Environment Committee for the National Association of Attorneys General from 1992 to 1994. As Chair of the Committee, Gale worked with Attorneys General from both political parties to achieve results for all states. Gale had the instinctive ability to work for bipartisan solutions and she helped create consensus on a number of sensitive issues.

Finally, Gale's work on the tobacco settlement was significant. Gale was selected by her colleagues to be a member of the settlement negotiating team. Gale's selection was based on the fact that she is very bright, hard working, and has extremely high ethical standards and integrity. She was a valuable member of the team throughout the prolonged and complicated negotiations.

We know that you are receiving extensive comments about Gale's qualifications. We want to provide you with our views, based on our years of experience working with Gale on complex, sensitive issues. We know that Gale will do her best to build coalitions and develop solutions to hard problems in a way that creates broad-based support. It is our hope that this information will be helpful as you consider Gale Norton's nomination for Secretary of the Interior.

Alan G. Lance, Idaho Attorney General; Christine O. Gregoire, Washington Attorney General; Bill Pryor, Alabama Attorney General; Toetagata Albert Mailo, American Samoa Attorney General; Ken Salazar, Colorado Attorney General; Jane Brady, Delaware Attorney General; Jim Ryan, Illinois Attorney General; Steve Carter, Indiana Attorney General; Carla J. Stovall, Kansas Attorney General; Mike Moore, Mississippi Attorney General.

Don Stenberg, Nebraska Attorney General; Frankie Sue Del Papa, Nevada Attorney General; Philip T. McLaughlin, New Hampshire Attorney General; Betty D. Montgomery, Ohio Attorney General; Hardy Myers, Oregon Attorney General; Mike Fisher, Pennsylvania Attorney General; Charlie Condon, South Carolina Attorney General; Mark Barnett, South Dakota Attorney General; John Cornyn, Texas Attorney General; Mark Shurtleff, Utah Attorney General; Mark L.

Earley, Virginia Attorney General; Gay Woodhouse, Wyoming Attorney General.

Mr. MURKOWSKI. I thank all of my colleagues who have spoken on behalf of the nominee. The action out of the committee on a vote of 18-2 is certainly, in my opinion, a mandate for approval by this entire body. I think she will represent our new President in a manner that attempts to balance the delicate issue of concern over the environment and the ecology.

Since there has been a lot of comment about ANWR during this entire process and many pictures, for my colleagues, I show a picture of ANWR as it exists for about 9 months of the year. This is what it looks like. Do not be misinformed; it is a long, dark 9-month winter.

I thank the Chair for its indulgence.

It is my understanding that the vote will be scheduled for 2:45 on two nominations and there will be separate votes. I wonder if the Chair could identify those.

The PRESIDING OFFICER. There will be two separate votes occurring at 2:45. The first will be on the Norton nomination, and the second one will be on the Whitman nomination.

RECESS

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CHAFEE).

EXECUTIVE SESSION

NOMINATION OF GALE ANN NORTON TO BE SECRETARY OF THE INTERIOR—Resumed

Mr. CRAIG. 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. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Mr. President, I come before you today to offer my views on the nomination of Ms. Gale Norton to be Secretary of the Department of the Interior. I believe in some basic principles relative to Presidential nominees for the President's Cabinet. I believe they are reviewed for purposes of advise and consent of the Senate with the presumption that the President has a right to choose his or her closest advisers.

I believe our duty as Senators in discharging that constitutional responsi-

bility of advise and consent is to assure those advisers are capable of and committed to doing the jobs for which they have been nominated.

In the past, Ms. Norton has made statements that raise questions in my mind, and in many others, about her appropriateness for the position of Secretary of the Interior. Ms. Norton's explanations of those statements suggested that her views have evolved over time.

Having listened to her responses and evaluated her truthfulness, I take her at her word and trust her sincerity. My own life experience tells me that it is possible—in fact, it is highly desirable—for individuals to evolve in their thinking over their adult years. If a person at 55 has the same views they had at 25, that would raise serious questions as to whether this was an individual who was sufficiently affected by life to be an appropriate holder of a position of major public trust.

I asked Ms. Norton a series of questions during the course of the hearings before the Energy and Natural Resources Committee. I asked Ms. Norton if she would support the current moratorium that exists on offshore oil and gas leases, particularly those in California and my home State of Florida. She answered yes. She echoed President Bush's support for those moratoriums. I take Ms. Norton at her word.

I asked Ms. Norton if she would work with our State and other States to assure that the wishes of the State, with regard to existing leases, are followed. Ms. Norton answered yes, and I take her at her word.

I asked Ms. Norton if she would enter into discussions toward the objective of developing a plan for the buyback of Outer Continental Shelf leases in those States which had expressed opposition to their development for oil and gas purposes. This is much in line with the plan which is currently in effect in Florida for buyback of leases in the area of the Florida Keys that was originally developed by President George Bush. Ms. Norton answered yes, and I look forward to the opportunity to commence that process.

I spoke to Ms. Norton in my office regarding the importance of the Department of the Interior in the restoration of America's Everglades. I consider the passage of that legislation last year to have been one of the signal events of that Congress and one of the most important environmental advances in recent years.

As a steward of four national park units and 16 national wildlife refuges, the Secretary of the Interior has a distinct role in assuring that the natural systems are protected in America's Everglades, particularly protected as we move forward with their restoration.

She clearly understood the importance of the Department of the Interior's role in Everglades restoration, and I take her at her word.

I asked Ms. Norton what her plans were for funding of the Land and Water

Conservation Fund. Ms. Norton answered that in accordance with President Bush's campaign position, she supported full funding of the Land and Water Conservation Fund, both those funds that flow to Federal agencies and those that go to State and local communities. I take Ms. Norton at her word.

Ms. Norton went further and recognized the important interrelationship between a balanced park and recreation policy, with the Federal Government having the primary responsibility for the protection of natural resources and with State and local governments having the responsibility for providing appropriate recreational activities for our people.

I asked Ms. Norton how she would balance the Secretary's responsibility to protect public lands with her desire to partner with private landholders and local governments in executing those responsibilities. Ms. Norton answered that these partnerships are not a substitute for enforcement actions, and that as Secretary of the Interior, she would remain committed to enforcing the law. And I take her at her word.

I could continue this list of questions and answers for some time. However, my conclusion is that Ms. Norton demonstrated during the Energy and Natural Resources Committee hearings that she will be open minded and will take the expertise of State and local governments on the issues that come before her very seriously.

I was particularly pleased she committed to respecting the moratoria on new leases off the coast of Florida and California; that she intends to look to the future relative to the buyback of those leases which are currently outstanding, and that she intends to uphold the Department of the Interior's responsibilities as a caretaker of public lands involved in America's Everglades restoration.

With these assurances, I offer my support for the nomination of Ms. Gale Norton to be Secretary of the Interior, and I look forward to working with her, the Department of the Interior, and State and local officials in my State and elsewhere to build upon the commitments that she made during her confirmation hearings.

I thank the Chair.

Mr. ROCKEFELLER. Mr. President, I rise today to discuss the pending nomination of Ms. Gale Norton to be Secretary of the U.S. Department of the Interior. I suspect that Ms. Norton's nomination will be approved by the Senate later today, without my support, and I want to share with my colleagues and the people of West Virginia why I have decided to oppose this nomination.

First and foremost, I should say that I do not oppose this or any other presidential nomination lightly or on personal or ideological grounds. President Bush should have a Cabinet of people whom he trusts and who will govern as he wishes. In the vast majority of

cases, I have and will lend my firm support to the President's nominees, after considering their qualifications and determining that they will effectively represent our nation and share my commitment to tackling the challenges facing West Virginia.

I have no litmus test for nominees, and I do not expect or insist that they agree with me on how best to approach our challenges or solve our problems. But I do take seriously my duty under the Constitution to approve or disapprove presidential nominees. In these times of national division and discontent without government on so many issues, what I look for in a nominee is an overriding ability to follow through on the President's promise to bring our nation together, and a commitment to the values that West Virginians hold dear.

Let there be no doubt that Ms. Norton is a capable and experienced person whose willingness to serve her country is to be commended. But I do not believe that her life's work reflects the balance and inclusiveness we need to chart this new course, and I cannot abide by her fight against laws that I and my fellow West Virginians support and respect.

One prominent example is Ms. Norton's prior work to dismantle the Surface Mining and Reclamation Control Act, SMRCA.

SMRCA is a law that strikes a balance between critical economic and industrial development and adequate environmental protections. It is intended to ensure that after mining is complete, reclamation will happen and water quality will be protected. And it provides an important level playing field for states and companies that are committed to this kind of balance—with federal standards that prevent any competitive disadvantage for sound mine reclamation.

As a constitutional lawyer for the Mountain States Legal Foundation in 1980, Ms. Norton tried to convince the courts that SMRCA is unconstitutional, on grounds that it usurped state government in a way that "threaten[ed] to destroy the structure of government in America. . . ." First as Governor and then as Senator for a coal state, I have disagreed with Ms. Norton's assessment. I testified then in support of surface mining legislation that would "equalize reclamation standards among the states and alleviate West Virginia's distinct competitive disadvantage in the marketplace."

I remain proud of my work on the surface Mining Act and its initial implementation during my years as a Governor. I know that the law is not perfect, and that we need always to be vigilant about striking the intended balance. Yet also believe Ms. Norton's position on this law is indicative of her determination to limit or eliminate the federal role in this area—even when that role can help balance the needs of critical industries with the goal of preserving our environment and pro-

tecting the quality of our water and air.

Some will say that Ms. Norton's nomination should be approved because she has promised to uphold the law and has recently distanced herself from some of her more divisive past positions. I should be clear that I do not doubt Ms. Norton would respect the decisions of the courts, nor that she would uphold the law as it is written. But I also do not believe that one can so easily change course after a career dedicated to strong and passionate advocacy for limited environmental preservation and protection.

As Interior Secretary, Ms. Norton would have enormous discretion in implementing and enforcing federal law and policies. She would set priorities or the Department's resources and would develop and promote policy positions large and small. Ms. Norton's career and experience reflect neither balance nor moderation, and I simply do not think she can be expected to change her approach so dramatically at this point.

In addition, Ms. Norton's nomination has been questioned by leading public health organizations because of her policies and actions regarding lead paint and its link to public health, particularly the health of our children. I have a long history in promoting children's health, and I feel obligated to raise these matters as part of my duty to "advise and consent" on the president's nominees.

Let me close by saying that my opposition to Mr. Norton's nomination is intended primarily to register my grave concern. I stand ready and willing to work with her as the new Interior Secretary and hope we can find common ground in striking a balance on environmental policies and programs.

Mr. LEVIN. Mr. President, I will vote no on the nomination of Gale Norton as Interior Secretary because, based on her record, I do not have confidence that she will serve as an environmentally-sensitive steward of the nation's public lands. There is too much at stake to take a chance on someone who, throughout her career, has consistently chosen development over environmental protection. Her responses to questions at her confirmation hearing failed to relieve my concerns about her record of weak environmental enforcement as Colorado attorney general.

For instance, Ms. Norton wrote that "we might even go so far as to recognize a homesteading right to pollute or to make noise in an area." Although she attempted to explain that statement by stating that she was referring to emissions trading, I see no indication in the article itself that she was referring to emissions trading. Rather it seems to be an extreme position on takings law.

As attorney general, Ms. Norton pursued government polluters while rarely

taking on corporate polluters. According to the Denver Post, Ms. Norton "sat out fights when a corporate power plant broke air pollution laws 19,000 times, a refinery leaked toxins into a creek and a logging mill conducted illegal midnight burns."

Further, when I asked Ms. Norton about her position on drilling for oil and natural gas in the Great Lakes, she responded that she had no position. This caused me concern because her philosophy could play a central role in decision-making on Great Lakes protections at the Department of Interior.

We have made substantial progress the past several years in improving the quality of the Great Lakes and its habitat. I hope that Ms. Norton proves my concerns unfounded and will work hard the next four years to protect our valuable natural resources and further the environmental progress that we have worked so hard to achieve.

Mr. REED. Mr. President, I rise to speak in opposition to the confirmation of Gale Norton as Secretary of the Interior. After thorough consideration of her record and her recent testimony before the Senate Energy and Natural Resources Committee, I have reluctantly concluded that Ms. Norton is not the right person to serve as the chief steward of our nation's public lands.

Ms. Norton stated at her confirmation hearings earlier this month that she would feel "very comfortable" enforcing federal environmental laws as they are written. Unfortunately, her record of two decades in private and public life strongly suggests that she will do so with little enthusiasm, and, where the law gives her discretion—which it often does—she will favor resource extraction over resource protection.

Ms. Norton's employment history and legal writings reflect a consistent record of supporting industry and developers over wildlife and public lands protection, even going so far as to argue to the U.S. Supreme Court that the Endangered Species Act and the Surface Mining and Reclamation Act—both of which she would administer if confirmed—are unconstitutional. She has repeatedly taken the position that the federal government lacks the constitutional power to address a wide range of environmental harms, a view that is diametrically opposed to a long line of Supreme Court rulings and is hard to reconcile with the Secretary of the Interior's role in managing our precious natural resources.

President Bush and Ms. Norton support opening the Arctic National Wildlife Refuge to oil and gas exploration. I oppose drilling in the ANWR, and I believe a bipartisan majority in the Senate feels the same way, but let me emphasize that my opposition to this nomination is not about a policy disagreement over ANWR. It is about whether we will have an Interior Secretary who will provide aggressive oversight of industries that have been

granted the privilege to seek profits on federal land—whether in the ANWR (should Congress ever approve such activity) or in the hundreds of other magnificent places owned by the taxpayers of this country.

The President committed during his campaign to come to Washington to unite the nation and to work with Congress to protect America's environment. That makes his choice of Ms. Norton to head the Interior Department all the more disappointing. With so many outstanding public servants across this country to choose from, including both Republicans and Democrats with substantial experience managing public lands and a balanced view on the best use of those lands, it is regrettable that President Bush chose someone who has spent so much of her professional life working against the very mission of the Department she would oversee and, more importantly, the laws she would enforce.

I must, therefore, cast my vote against the confirmation of Ms. Norton. I urge my colleagues to do the same, and I hope that if she is confirmed Ms. Norton will set aside her long-held views and work with Congress to protect our public lands for generations to come.

Mr. CORZINE. Mr. President, I rise to oppose the nomination of Gale Norton to be the Secretary of the Department of Interior.

The Department of the Interior is charged with the protection of more than 500 million acres of public land that comprise an important part of our natural and cultural heritage. The Secretary of the Interior is the steward of this land and is responsible for protecting it for the generations that follow.

Unfortunately, based on her record, I am concerned that Gale Norton is the wrong person to handle this critically important responsibility. From all indications, she has a strong tendency to favor the interests of industry over the needs of the environment. That is not my preferred approach, nor does it represent the values of the people in New Jersey who I represent.

When Ms. Norton served as a State Attorney General, for example, she was very reluctant to prosecute industries that polluted Colorado's rivers and air. Perhaps the most disturbing example of this involved the Summitville Consolidated Mining Corporation, which spilled cyanide and acidic water into a 17-mile stretch of the Alamosa River, killing every living organism that was there. Notwithstanding this egregious conduct, Ms. Norton refused to prosecute. It took federal intervention to prosecute the polluters. I find this very troublesome.

In many other ways, Gale Norton has expressed views towards environmental protection that strongly conflict with my own. She has taken the states' rights argument to the extreme—arguing that the Surface Mining Act, an invaluable tool to protect the environ-

ment from problems associated with coal mining, was unconstitutional. She has supported restrictions to the Endangered Species Act that would have gutted the law. She has shown a readiness to accept an extremist view on what constitutes a taking under the Constitution, something that could jeopardize necessary environmental protections. She also has strongly supported drilling for oil in the Arctic National Wildlife Refuge, something I cannot support.

Ms. Norton also has argued against the "polluter pays" principle contained within the Superfund law. That is very troubling to me. Coming from a state that has the most Superfund sites in the country, I believe strongly that those who pollute the land should pay to restore it.

I recognize that during her confirmation hearings Ms. Norton seemed to moderate her approach, and promised to enforce laws such as the Endangered Species Act and the Surface Mining Act. Yet one statement before a congressional committee does not negate a lifetime opposition. For a position as important as this, we need someone whose commitment to the environment is clear and long-standing.

For all these reasons, regretfully, I must oppose the nomination of Gale Norton to be the Secretary of the Interior. However, I recognize that she probably will win confirmation. I only hope that my concerns are proven wrong.

Mr. LIEBERMAN. Mr. President, I rise today to cast my vote against Gale Norton for Secretary of the Interior. I do this with some reluctance, as I believe that the Senate owes the President significant deference in its review of his Cabinet nominees. The Senate's review, however, must be substantive and searching, and cannot amount to automatic approval of every nominee.

Over the years of my service here, I have given great thought to the extent of the Senate's advise and consent power. In all cases, I believe that our review must focus on a candidate's experience, judgment, and ethics. However, I also believe that a Senator may consider whether the nominee holds fundamental and potentially irreconcilable policy differences with the department she will head which put in doubt the nominee's capacity to credibly carry out the responsibilities of the department.

The Interior Secretary plays a critical role in determining our national natural resource policy, which will affect our nation for centuries to come. I have concluded that Ms. Norton's record reflects a philosophy that is so contrary to the mission of the Department of Interior that I have serious doubts about the manner in which she would administer the Department.

The Secretary of the Interior enjoys wide discretion in how to best carry out the Department's mission of preserving, "the Nation's public lands and natural resources for use and enjoyment both now and in the future." I

have reviewed Ms. Norton's past writings, speeches and professional activities, and they reveal an ideological viewpoint at real variance with the legal requirements and responsibilities that she would have as Secretary of the Interior.

Many of my colleagues have stated that they were comforted by Ms. Norton's testimony in her confirmation hearing in which she seemed to back away from her more controversial positions and they therefore have decided to vote in favor of her nomination. I respect their decisions but I remain with too many doubts. Therefore, I will reluctantly and respectfully vote no.

Ms. MIKULSKI. Mr. President, I rise today to oppose the confirmation of Gale Norton to be Secretary of the Interior.

I have three criteria I use to evaluate nominees: (1) competence; (2) integrity, and (3) commitment to protecting the mission of the department he or she seeks to lead.

I do not question Ms. Norton's competence or integrity. But I am concerned that Ms. Norton's views and her record cast serious doubt on whether she is suitable to act as our chief land conservation official—safeguarding our Nation's parks, wilderness, and wildlife refuge areas.

The Interior Department's mission is "to encourage and provide for the appropriate management, preservation, and operation of the Nation's public lands and natural resources for use and enjoyment both now and in the future." The Department of Interior is charged with ensuring that we preserve and protect our Nation's extraordinary public lands and natural resources. To do this, the Interior Secretary must implement critical parts of the Clean Water Act, Clean Air Act, Superfund, Endangered Species Act and other laws that protect our nation's natural heritage.

I am concerned about Ms. Norton's commitment to fulfilling this mission. She has fought against these very laws and regulations her entire career. We need an Interior Secretary who can balance economic interests with environmental protection. Yet Ms. Norton has shown an unfortunate bias toward those who profit from public lands.

For example, as the Attorney General of Colorado, Ms. Norton refused to vigorously enforce environmental compliance against corporate polluters. She didn't seek criminal penalties against a mining company that allowed cyanide to pollute a river or against a power plant that broke air pollution laws thousands of times. She supported a law to grant immunity to industrial polluters and weaken the government's ability to enforce environmental regulations. She has also sided with companies that are being sued for exposing children to lead paint. This record of siding with corporate polluters casts doubt on her commitment to pursuing polluters and holding them accountable.

In addition, Ms. Norton has sought to overturn the Endangered Species Act. This law is essential to maintaining our nation's fragile, diverse ecosystems. Yet Ms. Norton signed onto an amicus brief in a case before the Supreme Court in which the state of Arizona sought to weaken the Endangered Species Act. She argued that the Endangered Species Act was unconstitutional in the requirements it placed on landowners. How can she enforce laws that she claims are unconstitutional?

Finally, Ms. Norton strongly supports opening the Arctic National Wildlife Refuge to oil drilling. Drilling at ANWR would threaten this fragile and unique ecosystem. It is a short-term solution to the long-term problem of energy dependency. This policy could result in irreparable damage to one of our Nation's natural treasures.

Mr. President, Ms. Norton's record raises serious concerns about her appropriateness to serve as our highest ranking land conservation official. Her record indicates that her views are fundamentally incompatible with the mission of the Department she seeks to lead. I am deeply concerned that her confirmation may lead to a significant retreat from the gains made by former Secretary Babbitt.

Although I hope her actions prove me wrong, I must regretfully oppose Gale Norton's confirmation.

Mr. TORRICELLI. Mr. President, I rise to express my concerns regarding the nomination of Gale Norton as President Bush's Secretary of the Interior. I will vote against her confirmation today. I will do so with some reluctance because I believe that the President enjoys the privilege of selecting the people he wishes to join his administration. However, after much thought and reflection, I am afraid that the views that Gale Norton and I hold on a number of important environmental issues are irreconcilable.

Let me begin by saying that I do not believe Gale Norton is a bad person. However, her documented record as Attorney General of Colorado and positions she has taken for twenty years in opposition to a number of important federal environmental laws, such as the Endangered Species Act, the Clean Water and Clean Air Acts, and Superfund are of concern.

Gale Norton supports, as does President Bush, opening the Arctic National Wildlife Refuge to oil exploration. While the President is certainly entitled to nominate those who share his views, I am unable to support a nominee who would advocate for the opening of this pristine wilderness to oil drilling.

I am also concerned that Gale Norton will bring what I perceive as a solely Western orientation to resource management issues to the Interior Department. The Secretary of the Interior must represent all regions of our Nation with equal vigor. This means understanding the unique issues facing the Northeast. Our open spaces are

being churned up by development at an alarming rate. New Jersey is losing its open space faster than any other State in the Union. Federal funding for the acquisition of this open space is not viewed as a "land grab" in New Jersey, it is a necessity. However, I am not convinced that these concerns will be addressed. Open space protection is perhaps the most important issue facing a state like New Jersey, and I am concerned that the same passivity in enforcing environmental laws and protecting natural resources in Colorado will occur in New Jersey.

Franklin Delano Roosevelt said, "The throwing out of balance of the resources of nature throws out of balance also the lives of men." I strongly believe that this balance is critical to the success of the next Secretary of the Interior. I have attempted to find this balance in President Bush's nominee, but have not. I am concerned that her record does not reflect this balance that is so necessary. I see no real difference between her positions from 20 years ago, 10 years ago, and today. Therefore, I reluctantly oppose this nomination, not this person.

Mr. KENNEDY. Mr. President, I join in expressing my concern over the nomination of Gale Norton to be Secretary of the Interior.

The Secretary of the Interior is charged with being the caretaker of the Nation's public lands and public's waters, which are held in trust by the government for the benefit of the public.

Our Nation's public lands and public waters contain vast riches of minerals, oil, gas, timber, and grazing areas. The Secretary of the Interior has the responsibility of ensuring that these private uses of the public lands are compatible with the public's right to enjoy these lands as a priceless part of the Nation's environmental heritage.

I am concerned that Gale Norton's record has too often been hostile to many of our most fundamental environmental protection laws. The views she has often expressed in opposition to needed federal environmental regulation raises serious doubts about her commitment to the environment. Her partial, vague, and evasive answers to questions at the committee hearing were in sharp contrast to her past harsh criticisms of the important federal role in the protection of the Nation's natural resources.

The Clean Air Act, the Clean Water Act, and the National Environmental Policy Act—which calls for the government to "... fulfill the responsibilities of each generation as trustee of the environment for succeeding generations"—are long settled and respected bodies of law. The American people are proud of the progress that we have made in recent years on the environment. The talented and committed officials in the Department of Interior deserve a great deal of credit for that achievement, and they and the American people deserve a Secretary of the Interior who shares that commitment.

Superfund and the Surface Mining Act have also been largely successful environmental laws. But it was environmental brinkmanship that made those laws necessary.

Energy crises in the 1970's and again during the Gulf war were not solved by putting our priceless environmental heritage at risk, and they cannot be solved by such a strategy today.

The position of Secretary of the Interior requires a vigilant leader who can resist the urge to exploit our natural resources at the expense of the environment.

The next Secretary will also face numerous challenges in the management and development of our National Parks. As recreation becomes more and more popular, our parks and wildlife refuges will continue to be under pressure, and sound management policies will be needed to protect them.

These, and many other environmental concerns, are widely shared by the vast majority of the American people, and the country needs a Secretary of Interior who shares that commitment.

Mr. FEINGOLD. Mr. President, today as the Senate begins the consideration of the nomination of Gale Norton to be Secretary of the Interior, we confront an enormous responsibility.

The individual charged with this responsibility will set the direction for our national policies for our natural resources. This person will have the power to decide whether to nurture and conserve, or to develop and destroy our Nation's great resources. As a member of this body, I have committed myself to a career of environmental stewardship. I have tried to cast votes and offer legislation that fully reflects the importance and lasting legacy of America's natural resource management decisions. I have done so because of the role of my own home state in this matter. America's conservation history is Wisconsin's conservation history. From John Muir's battles with Teddy Roosevelt over the Hetch Hetchy Dam, to Sigurd Olson's efforts to create the National Wilderness Preservation System, to former Senator Gaylord Nelson's efforts to create the Wild and Scenic Rivers System, to Aldo Leopold's struggles to move and mold the Forest Service, Wisconsin's role in conservation has been rich. I also have another tradition to defend and uphold. I have committed myself, to a constructive role in the Senate's duty to provide advice and consent with respect to the President's nominees for cabinet positions.

As the Secretary of the Interior, Ms. Norton will be charged with unique and historic responsibilities, which will be as important as they are far reaching. In varying ways, all Americans will be affected by her decisions. As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and resources. During the nominations process, I have

been disturbed to learn of the fears that Ms. Norton will not live up to this responsibility for stewardship of all our natural resources. I have been concerned that Ms. Norton's background might cloud her judgement and objectivity on a number of important issues and place her at odds with members of the conservation community and with this Senator. While I am concerned with Ms. Norton's professed unfamiliarity with many of the laws which I regard as critical for the promotion of balanced conservation policy, I am somewhat heartened by Ms. Norton's responses to questions by members of the Energy and Natural Resources Committee with regard to her responsibility to enforce federal environmental law. I am encouraged by this statement for two reasons: first, it is an acknowledgement that she is obliged to work hard to enforce the letter of the law; second, it is an admission that there is indeed an interest on the part of all Americans in preserving our environmental heritage.

I will take Ms. Norton at her word—that she will devote her time and energy to the proper enforcement of the Interior Department policies, rather than circumvent or repeal laws which preserve our dwindling resources, that she will attempt to address the pollution of public lands which ruins our enjoyment of them and makes our air unfit to breathe and our water unsafe to drink, and that she will protect our land and water resources. For this reason, I will vote for her today.

However, in doing so, I fully recognize that my responsibility involves nothing less than overseeing the institution with stewardship of our public lands and national resource wealth. The Senate does not, by confirming Ms. Norton, place the responsibility for the protection of public lands and resources in the hands of a single individual. I do not believe that the American people are ready to ignore the voices of the environmental community who remind us how fragile and vulnerable our resources can be. That is not the message of November 4, 2000. I am hopeful that these voices will be heard by Ms. Norton. I am placing my trust in her that she will embrace her duty to take into account the future and foreseeable consequences of her actions, and that she will be guided by the knowledge that this Senator will raise those consequences at all appropriate opportunities.

Mr. ENZI. Mr. President, I rise in support of the nomination of Gale Norton as Secretary of Interior, and encourage my colleagues in the United States Senate to vote to approve her nomination as the first woman to ever hold this position as the premier land manager within the United States Government.

I don't know how I can impress upon this Senate the great impact that the Secretary of Interior can have on my home state of Wyoming, and on the rest of the Western United States. Be-

tween the National Park Service, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, and the Fish and Wildlife Service, the Department of Interior is the single largest land owner within the State of Wyoming. This means that most of my state's rich natural resources and energy opportunities are dependent on the Interior to be able to find and develop those resources. I know from experience that with cooperation and open communication this process can be completed in a manner that not only benefits our nation's energy and mineral needs, but does so in a way that preserves the rich natural beauty and wildlife that calls Wyoming home.

In order to do this, however, both the Federal Government and local communities must be able to sit down together and talk through any potential conflicts and must do so in a way that lays the groundwork for the future. In her years as Attorney General for the State of Colorado, Ms. Norton was able to demonstrate the invaluable ability to talk to people, on all sides of the issues, to get to the heart of the matter, and to effect real change in the only place that really matters when it comes to environmental and community protection—directly on the ground.

As a Wyoming State legislator and member of the Wyoming State Senate, I watched Ms. Norton as she pioneered the development of Colorado's environmental self audit program. I was very interested in seeing what obstacles she faced and what hurdles she had to overcome in creating this incredible environmental protection opportunity, mainly because I wanted the same thing for my state. You see, I knew that if I could provide the people of Wyoming the same opportunity that Ms. Norton was giving the people of Colorado—the opportunity to find environmental hazards for themselves, and to provide a way for them to correct those hazards without being penalized for being responsible—then I knew that my friends and neighbors would jump at the chance to clean up their businesses and neighborhoods, and would make their homes safer, on their own, for their children to grow up in.

I also knew that without this program there would be no incentive for private business owners to find out what kind of conditions existed on their property. In fact, the over bearing bureaucratic penalties that exist to punish conscientious property owners work more as a deterrent to responsibility than as a motivation to accomplish the goals of environmental clean up.

Because of her efforts I am happy to say that she made my work much easier, and now both Colorado and Wyoming have responsible, environmental audit laws that encourage businesses to clean up their property without forcing the United States payers to foot the bill. I am also proud to say

that these statutes have made more of a difference on the health and environmental well-being of local communities than superfund. There is more proactive action on the part of property owners and there is a greater testing of unknown substances so we now have a much better understanding of what is out there in our communities. Most states have now followed this lead.

Ms. Norton is also aware of the fiscal responsibilities that many federal agencies have shirked over the past several years. In one discussion I had with Ms. Norton, she made the comment that as a state official she had a fixed budget and was responsible for every dollar, but in reviewing the budgets of the Federal Agencies that fall under the jurisdiction of the Department of Interior she was appalled to see the lack of accountability. I encouraged her then, and I will encourage her now, to do what she can as Secretary to see that this situation is reversed. Most policy is set by the President. Secretaries administer and manage huge work forces. Ms. Norton is a manager.

In closing Mr. President, when I spoke with Ms. Norton earlier this year I was encouraged by her sincerity and by her understanding of the responsibility and sense of duty that must accompany public servants like the Secretary of Interior. I am convinced that Ms. Norton will uphold the laws of this land and will hold not only private individuals responsible for their actions, but will ensure that the Federal Government does not shirk its duties as a major landowner, or its liabilities as a polluter.

Mr. REID. Mr. President, today I join a majority of my colleagues in the Senate to confirm President Bush's nomination of Gale Norton as the Secretary of Interior.

As you know the Secretary of Interior has tremendous responsibilities as the chief steward of America's public lands as well as the biological and mineral resources native to those lands.

The role of the Secretary of Interior is nowhere more important than in the great state of Nevada where nearly 90 percent of the land is owned by the federal government.

Through her oversight of the Bureau of Land Management, the Bureau of Reclamation, and the Fish and Wildlife Service, the Secretary of Interior impacts the lives of Nevadans every day.

The challenges of managing the Interior Department have evolved over the years. Today, some of the most important issues facing the Secretary are urban land management decisions that did not pose major problems decades ago.

For example, the Las Vegas Valley, which is the fastest growing region in the country, is completely encircled by federal lands. Much of this public land, including scattered parcels throughout the Valley, is managed by the Interior Department.

The tremendous growth in Southern Nevada places increasing pressure on our public land resources.

As an example, recreational sportsmen cannot safely shoot in many parts of the Southern Nevada desert any longer because of urban growth and competing recreational uses.

In an effort to remedy this problem, I am working with Clark County and the BLM to identify and dedicate public land for use as a recreational shooting complex. Recreation and access to public lands are of paramount importance in Nevada.

Conservation and protection of natural resources in the Silver State are important too.

It is my sincere hope that Secretary Norton and President Bush do not view confirmation of someone who once worked for the Mountain States Legal Foundation as a mandate for the rollback of environmental protections enacted over the past 8 years.

The recently enacted phase out of snowmobile use in Yellowstone National Park will provide a litmus test for whether President Bush will promote conservation or oversee the decline and degradation of our treasured national park system and our public lands generally.

Mrs. MURRAY. Mr. President, after carefully considering the record and statements of Gale Norton, nominee for Secretary of Interior, I am voting to confirm her nomination today. I have serious concerns about many of the land use and conservation policies Ms. Norton has promoted in the past, and my vote is in no way a confirmation of these policies. However, after a lengthy discussion with Ms. Norton, she has pledged to work closely with me on the issues that affect Washington state.

We discussed many of Washington's challenges, including the Hanford Ranch, Elwha dams, salmon recovery, habitat conservation plans, and funding for Interior programs. In our conversation, I assured Ms. Norton that if she threatens Washington's interests she will find in me a strong and persistent opponent. I will speak out from the Senate floor and use my position on the Appropriations Committee to challenge any initiatives or spending proposals that don't meet Washington's needs. If the Interior Secretary seeks to roll back important policy initiatives, I will defend my state with every authority available to me. President Bush wants Gale Norton to manage the Department of Interior. I will hold President Bush accountable for his policies and budget decisions.

I believe it's important to leave the door open for discussion, and I trust that Gale Norton will reach out to work with Senator CANTWELL and me on Northwest issues. Given her pledge to work with me and her promises during the confirmation process, I'm voting for Gale Norton with the understanding that we will have a seat at the table on the policies and budgets that will affect us.

Washington state has many environmental challenges. We have the responsibility for recovering endangered species, including salmon, bulltrout, sturgeon, the spotted owl, and the marbled murrelet. The Department of the Interior plays a crucial role in protecting these species on federal lands. If the department does a good job of protecting these species, less of a recovery burden will fall to private property owners. In addition, we must also fund land and forest conservation efforts.

The next Interior Secretary will need to develop innovative partnerships that include federal, state, local, and tribal governments, along with private property owners and businesses. It is particularly important in Washington state that the Interior Secretary works closely with tribal governments and treats them as equals. Further, I call on Ms. Norton to fill critical posts, including the Director of the U.S. Fish and Wildlife Service, with appointees who are familiar with the unique environmental needs of the Pacific Northwest.

I do want to address President Bush's proposal to open the Arctic National Wildlife Refuge (ANWR) to drilling, a proposal Ms. Norton supports. During the past eight years, I've consistently opposed drilling in ANWR, which the Bush Administration considers a high priority. I remain very skeptical of our ability to drill without threatening or disrupting this pristine area, and I will continue to share my concerns with the Bush Administration.

Throughout the past eight years, we have made great progress in protecting the environment and preserving natural resources while maintaining resource-dependent industries. We need to continue our progress in this fragile balance. Now is not the time to undo the environmental progress made under previous Administrations. Now is the time to look ahead, to work together, and to find creative solutions to the many problems still facing our nation. I look forward to working together with Ms. Norton in the months ahead.

Mr. JEFFORDS. Mr. President, today I rise to comment on the nomination of Gale Norton to the position of Secretary of Interior, and to explain the reasons why I plan to support her nomination.

The founders of this nation gave the United States Senate an important responsibility when they granted it advice and consent authority over Presidential nominations. Throughout my career in the Senate I have taken this responsibility seriously and have established consistent standards for application of this power, regardless of which political party sits in the White House.

However, not all Presidential nominations are equal. I apply a very different standard to Supreme Court and federal judicial appointments than to political appointees.

Federal judges and Supreme Court Justices receive the highest standard

of scrutiny. They are confirmed for life and can only be removed through impeachment by Congress. Justices, by the nature of the job, should be non-partisan. I subject Judicial nominees to intense review, examining their experience as well as their ideology.

Cabinet and subcabinet appointments receive a different standard of scrutiny. These appointees serve at the will of the President and can be removed from office with relative ease. Unless the nominee is shown, through the nomination and hearing process, to be unfit or unqualified to serve, I believe any President should be allowed to choose his or her cabinet and the Senate should confirm the nomination.

Mr. President, Gale Norton and I may disagree on many issues. However, after two days of hearings by the Senate Energy and Natural Resources Committee and answers to over 200 questions submitted in writing, she came across as a qualified nominee of integrity and intellect who is committed to upholding current environmental laws, whatever her past opinions. In fact, I have been encouraged by the fact that her nomination was reported to the full Senate by a bipartisan vote of 18-2.

My guess is that today she will receive the votes of a majority of Democrats who, like me, consider themselves devoted environmentalists. My good friend and the ranking member of the Energy Committee, Senator JEFF BINGAMAN, who had earlier expressed concern about the nomination, spoke yesterday on the floor of the Senate and said that Norton had stated her commitment to "conserve our 'great wild places and unspoiled landscapes'" and to enforce endangered species, surface mining and other laws. "I take her at her word," he told the Senate.

I will also take her at her word, and will be watching her actions carefully on the natural resource issues that we Vermonters care so deeply about. In this regard, let me take a moment to lay out my positions and priorities for protecting the natural resources under the purview of the Interior Secretary.

I will not support drilling for oil or natural gas in the Arctic National Wildlife Refuge (ANWR). I continue to believe that the United States' dependence on oil and its byproducts cannot overshadow the importance of keeping ANWR free from the detrimental impacts of oil and natural gas drilling and exploration. Drilling and exploration in this pristine Arctic wilderness could have a lasting impact that would forever damage the environment of this region. Hopefully, we can secure permanent protection for this unique linkage of ecosystems upon which the local communities depend, and the American community as a whole should value as a national and natural treasure.

In order to reduce our dependence on nonrenewable resources like oil and coal, we must consider alternative energy resources, as well as increasing investments in energy efficient tech-

nologies and promotion of energy conservation. I have worked to increase our nation's investments in solar, wind and other alternative technologies since founding the Congressional Solar Coalition in 1976. We must make investing in alternative energy sources and energy efficiency a higher priority.

In the past and in the future, many environmental battles come down to funding questions. One of the new Secretary's first responsibilities will be to help draft a Bush Administration budget. She should know already that I am a strong supporter of full funding for the Land and Water Conservation Fund, and I will fight to achieve this goal in the next Congress.

Our National Parks and National Monuments must receive adequate funds to cope with greater use by the American public and to ensure that these treasures and the animals that inhabit them are not loved to death. The Fish and Wildlife Service and the Bureau of Land Management are not agencies we often hear about in the news, but they play a critical role in preserving our native species of plants and animals and they must be adequately funded.

Finally, I have been and continue to be a strong supporter of mining and grazing reform. It is outrageous that a 19th century statute continues to govern what the U.S. taxpayer is paid by companies extracting precious resources from public lands.

As a Senator from the party of President Theodore Roosevelt, and a Senator who represents the beautiful State of Vermont, I believe strongly that we all must be conservationists. I will vote for Gale Norton today because I am confident that she will stand by her promise to enforce the laws that are the responsibility of the Interior Secretary, and will consult with all interested parties in making regulatory decisions. Furthermore, I pledge to be a watchdog to ensure that environmental protection and conservation are not undermined at the Department of the Interior.

Mr. KOHL. Mr. President, I rise today to explain why I have decided to support Gale Norton as the Secretary of the Interior. It is not because I agree with her on every issue. In fact, on many issues we disagree. She supports expanding the extraction of resources on federal lands, including allowing drilling in the Arctic National Wildlife Refuge. I do not. In the past, she has supported greater exploitation and commercialization of our public lands, and that troubles me. While I agree that public lands can have mixed uses, I am concerned that Ms. Norton will swing the pendulum too far in favor of industry. Her attitudes, however, fairly represent those of the President, and President Bush has the right to appoint a Cabinet that is a reflection of his beliefs.

While I am concerned about her past writings and beliefs about the role of the Federal government in managing

federal lands and conserving natural resources, she has pledged to the Senate to uphold the law as it is currently formulated by the Congress and interpreted by the courts. She has told the Senate that her thinking on issues like global warming has changed. She now says that she supports the Endangered Species Act, and the right of the Federal government to intervene on private lands to protect wildlife from extinction. I will take her at her word and give her the opportunity to serve as our nation's leading conservationist.

Ms. Norton's opponents have compared her to James Watt, for whom she once worked, but I hope she learned well from his term as the Secretary of the Interior. I hope she learned the lesson that the American people will not tolerate an extremist anti-environment agenda. Americans have embraced a moderate environmental agenda that protects, nurtures, and manages our lands in the public interest, and not for the private benefit of a few. This country will not allow an Administration to abuse that public trust.

Secretary Watt damaged not only the Department of the Interior and our public lands, but the Administration that he served. President Bush has spoken at length about bi-partisanship and bringing this country together. Nothing will evaporate the spirit of bi-partisanship faster than vigorously pursuing an anti-environmental agenda.

So I believe that Ms. Norton should be given the opportunity to serve as Secretary of the Interior, but she will be watched carefully by Congress and private organizations. She needs to prove to many that she will be a faithful steward of our natural riches and properly balance development with conservation.

Mr. HATCH. Mr. President, I would like to take just a moment to give my full and heartfelt support to Ms. Gale Norton as our new Secretary of the Interior. It gives me great pleasure and some hope that our national land management policies will be more balanced and will take local views into account that she has been confirmed today.

I congratulate President George W. Bush for putting forward this outstanding nominee. Clearly, one of the first impressions our new president has made on the nation is that he is willing to seek out and surround himself with the most capable administrators our nation has to offer. If anyone wishes to know why Gale Norton is such a great nominee, just look at what her worst critics are not saying about her. No one has questioned her intelligence; no one has questioned her qualifications; and no one has questioned her ability to work with all sides on an issue. Some may question her views on the issues, but that is to be expected in a change of government.

Mr. President, Gale Norton understands what Utahns have always known, but what the last administration was unwilling to acknowledge:

that the environment and our public lands belong to the people, not to federal bureaucrats. Gale Norton seems to believe, like I do, that some power should be returned to our state and local communities who have the greatest interest and the greatest stake in protecting their environment.

There will always be a role for our federal government in protecting our environment and our federal lands. But our federal government cannot be effective when it fails to listen to the needs of the people it is supposed to serve. After the last eight years of increasing all viewpoints will be a breath of fresh air. I urge all of my colleagues, today, to join me in confirming Gale Norton as the Secretary of the Interior.

Mr. BIDEN. Mr. President, I rise today in opposition to the confirmation of Gale Norton as Secretary of the Interior. I do not reach this decision easily. However, I do not have the confidence that Ms. Norton will bring the necessary balanced approach that should be required for this position.

I have discussed the important and special role that the Secretary of the Interior performs in this country when the Senate has considered other nominees to this office. In 1983, I described the office of the Secretary of the Interior as:

the chief environmental officer of the United States as well as the conservator, trustee and steward of the public lands and natural resources. At the same time, the Secretary is expected to promote and direct the reasonable and efficient use of those lands and natural resources, in ways which do not conflict with his primary environmental responsibilities. And the American people, those who wish to preserve those lands and resources as well as those who wish to develop them, expect that the Secretary will bring to bear an appropriate expertise, experience and balanced temperament on the wide variety of issues he is called upon to decide.

I do not question that Gale Norton has a great deal of experience and knowledge about the matters that will come before her. However, I am concerned that her record fails to indicate a "balanced temperament on the wide variety of issues she will be called upon to decide."

From her earlier attacks on the Surface Mining Act and Endangered Species Act to positions she has taken to undermine implementation of the Clean Air Act and Clean Water Act, her judgments evidence a pattern that calls into question exactly how she will view her responsibilities as the steward of our public lands when she is called upon to make decisions about their appropriate use. The position of Secretary of the Interior is too important to entrust to someone whose record does not convey a commitment to the preservation of our public lands and natural resources.

For these reasons, I will cast my vote against the confirmation of Ms. Norton.

Mr. LEAHY. Mr. President, I rise today to express my opposition to the

nomination of Gale Norton to be Secretary of Interior. While I am not a member of the Energy Committee that held hearings on the nomination, I have closely reviewed her record and her testimony.

The Secretary of Interior is the steward of our country's natural resources and public lands. Any nominee for this position should be selected for their commitment to protecting our precious resources as well as their dedication to uphold and enforce our environmental laws.

After reviewing the record of Gale Norton there is little doubt that she is an intelligent and dedicated public servant who has strong convictions about issues that concern the Department of Interior. On the one hand, I commend her commitment to her strong ideological views. However, it is this unyielding commitment to those strongly held beliefs that makes me question whether she will be able to set those views aside and consider the views of all Americans as we debate important issues concerning the natural resources.

As our country continues to prosper, the Secretary of Interior will oversee a number of ongoing debates concerning public lands and the protection of endangered species. There is no single solution that can serve as an answer to land management issues in each region of our country. There are many stakeholders with a wide variety of views on how we protect, access and use our natural resources. We in Vermont and New England are deeply concerned about pressure being placed on our natural resources from rapid growth. We Vermonters also have concerns that environmental standards should be strictly enforced for our lands, air, water and threatened species.

The record of Gale Norton provides important insight on how she will interpret laws and weigh the views of stakeholders concerning our natural resources. These beliefs have been remarkably unwavering.

Based on the record I must vote against this nomination. However, if Gale Norton is confirmed, you can be sure that I will work closely with her on a variety of issues that are important to Vermonters. I will work with her to try and foster consensus not only in our region but also throughout the country.

Mr. DASCHLE. Mr. President, Gale Norton has a long public record and has written extensively on environmental issues over her career. I have reviewed that record and understand the concerns of those who have asked whether, as Secretary of the Interior, she would implement and defend environmental laws, many of which she has challenged or questioned in the past.

That is the core question surrounding this nomination. It was put to Ms. Norton in a number of ways by members of the Committee on Energy and Natural Resources.

Ms. Norton testified that she is a "passionate conservationist" who will

enforce the law as interpreted by the courts. I will vote to confirm her nomination, but I don't discount the seriousness of the concerns raised by her opponents. I intend to monitor closely her stewardship of the Department of the Interior.

The duties of the Secretary of the Interior are profound, and have serious implications for the health of our nation's environment and the quality of life for millions of Americans. The Secretary is the primary guardian of the Endangered Species Act, our nation's flagship law for protecting plant and animal species threatened with extinction. The Secretary also is charged with administering most of our nation's public lands, including places of extraordinary beauty and fragility such as Yellowstone National Park.

As Ms. Norton undertakes these responsibilities, it is my hope and expectation that she will follow the pragmatic approach reflected in her testimony before the Committee on Energy and Natural Resources. Her success as Interior Secretary will be measured by the degree to which she maintains this balanced approach to environmental and natural resource issues.

Our nation's environmental laws, including the Endangered Species Act and the National Environmental Policy Act, must be enforced fully, as they have been interpreted by the courts.

In managing our natural resources, we should respect the views of local residents, but we must also recognize that the American people own these lands and that the Secretary must uphold the public interest as a whole.

Ms. Norton has expressed confidence in the efficacy of allowing industries to police themselves when it comes to protecting the environment. History has shown too often that this approach fails to protect the public interest. Summitville, Colorado, is only one example of how insufficient oversight has led to environmental disaster. The map of the United States is dotted with other examples. It is my hope that, through this confirmation process and through her experience in public office, Ms. Norton has gained a better appreciation of the fact that the Secretary of the Interior's trust includes active enforcement of the nation's environmental laws.

It is particularly important to me that Ms. Norton fully implement the biological opinion written by the U.S. Fish and Wildlife Service regarding the management of the Missouri River. The Fish and Wildlife Service has found that, unless the Corps of Engineers makes major changes in the operations of federal dams on the river, it will be in violation of the Endangered Species Act. Ensuring that the Corps makes the needed changes in the operations of the dams is a top priority for the upper Midwest, and for me personally. It is imperative that Secretary Norton follow through on the Fish and Wildlife Service recommendations so that they are adopted by the Corps.

I also hope to work with Secretary Norton to preserve small wetlands and native prairie in South Dakota, both of which provide important habitat for wildlife. Tallgrass prairie preservation has been a remarkable success in my state, and the number of farmers seeking to participate in the program has outpaced the amount of available funding.

Finally, I want to work with Secretary Norton to strengthen the Bureau of Reclamation. Vast areas of South Dakota lack potable drinking water. Federal projects funded by the Bureau of Reclamation such as the Mni Wiconi, Mid-Dakota and Lewis and Clark rural water systems are critical to the public health and economic vitality of our state. At current funding levels, however, it will be years before these projects can be completed. I urge the Secretary to give these projects the priority treatment they deserve.

Ms. Norton faces some significant policy challenges at the Department of the Interior. I expect we will have our differences, such as on President Bush's support for opening the Arctic National Wildlife Refuge for oil exploration and drilling. On those issues I anticipate a spirited debate. On many other issues, I am certain we will work closely together to protect and manage our nation's natural resources and honor our trust responsibilities to tribes.

Gale Norton has my congratulations on her nomination and confirmation as Secretary of the Interior.

Mr. LOTT. Mr. President, I rise today to speak in support of the nomination of Gale Norton to be the next Secretary of the Department of Interior. Clearly the Senate Energy and Natural Resources Committee hearings on Gale Norton's nomination have revealed that she is a vivacious lawyer who contemplates and explores ideas. Concepts matter to her, and more importantly she has the management ability to turn concepts into public policies which have both enhanced compliance with environmental laws and respected the responsible stewardship of citizens who live on the land. Gale Norton knows there must be a balance and this will make her invaluable for America's conservation programs and for all our communities.

Too often, some environmentalist groups only offer false choices. They only want a policy choice which pits the environment against citizens and industry. This is unacceptable. Some environmentalist groups also only want Washington "experts" making the decisions. Well, Gale Norton has repeatedly shown her commitment to a safe and clean environment through consensus building. For over 20 years, she has brought people together with different views to overcome problems dealing with environmental and Federal land issues.

I have little doubt that Americans will see for themselves that Gale Norton will serve with a steady, firm and

fair hand as our Nation's next Secretary of Interior. I firmly believe our Nation's treasures will be both protected and improved.

Americans will quickly discover just how harshly inaccurate many special interest groups' characterizations of her have been. Gale Norton has shown the grace and resolve that will help her restore the unanimity at the Department of Interior.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Is there a couple minutes remaining before the vote?

The PRESIDING OFFICER. There are 3 minutes remaining.

Mr. THOMAS. I yield to my friend from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have spoken at length about the Interior Secretary nominee and also about our other nominee today, but I have not had a chance to say anything about the Environmental Protection Agency and the nominee, Christine Todd Whitman. I am very proud to make a statement for the RECORD that expresses my views.

Mr. President, "just as houses are made of stones, so is science made of facts; but a pile of stones is not a house and a collection of facts is not necessarily science." For the past 8 years I have questioned numerous collections of facts put out by the Environmental Protection Agency in the name of science. That is why I strongly support president Bush's nomination of Christine Todd Whitman as the new Administrator of the Environmental Protection Agency.

President Bush has endorsed Christine Whitman as a person who understands the importance of a clean and healthy environment and who will ensure that environmental regulations are based, not merely on assembled facts, but on solid, sound science. Sound science has been left out of the regulation equation too often over the past 8 years. A prime example is the new arsenic standards proposed last week. These standards were not based on sound science and they were not implemented to increase health benefits, they were put into effect because it was the politically expedient thing to do.

Arsenic is naturally occurring in my home state of New Mexico. I have not seen reasonable data in support of increased health benefits from these lower standards. I have only seen a collection of facts from studies conducted outside of the United States. New Mexicans will not see appreciable health benefits; they will see their water bills double and will be forced to endure financial hardship.

Ms. Whitman has been an advocate of clean water, clean air and clean shores and while I know that she will continue to promote these things for all Americans, I am excited about the way she will champion these causes. I be-

lieve that she will promote scientifically valid initiatives to ensure that we have clean water, clean air and clean shores.

In conjunction with sound scientific, Ms. Whitman also understands that better results can be achieved through a more cooperative, rather than a confrontational, approach with the regulated community. This too is consistent with the beliefs and philosophies of President Bush. President Bush has said that the federal model of mandate, regulate, and litigate needs to be modernized. Americans need to be rewarded for innovation and results when it comes to protecting the environment.

Christie Whitman has worked extensively on environmental issues during her service as the New Jersey Governor. She has demonstrated her commitment to a safe and clean environment and shows that she is willing to bring all parties together in an effort to find solutions to complex environmental issues. She exemplifies the qualities of a consensus builder, not a divider.

Environmental issues continue to be some of the most complex and contentious and require a leader who can balance various competing interests. Christie Whitman will bring this type of leadership into the Environmental Protection Agency.

It is time to base our regulations on more than just a collection of facts. It is time to work together and to search for solutions that are based on scientifically valid facts. I look forward to working with Ms. Whitman in doing just that.

As I have said, the Secretary of the Interior has important jobs besides just the Interior Department's functions. I say the same about Christine Todd Whitman. She will have a tough job because America is in an energy crisis. That means every Department of our Government is going to have to start looking not only at their policies but how do their policies affect America's energy future? She will have a difficult job because that has not been the case at EPA in the past. So I bid her well. I hope she has a very successful term because if she does, we will. If she adjusts some of her rulings to a bigger problem, and can make some cost-benefit assessments that are good for the environment, but also for energy, the energy supply, I think that will be a marvelous achievement.

Mr. President, I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is, Will the Senate advise and consent to the nomination of Gale Ann Norton to be Secretary of the Interior? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Dakota (Mr. DORGAN) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 24, as follows:

(Rollcall Vote No. 6 Ex.)

YEAS—75

Akaka	Domenici	Lott
Allard	Ensign	Lugar
Allen	Enzi	McCain
Baucus	Feingold	McConnell
Bennett	Feinstein	Miller
Bingaman	Fitzgerald	Murkowski
Bond	Frist	Murray
Breaux	Graham	Nelson (FL)
Brownback	Gramm	Nelson (NE)
Bunning	Grassley	Nickles
Burns	Gregg	Reid
Byrd	Hagel	Roberts
Campbell	Hatch	Santorum
Cantwell	Helms	Sessions
Carnahan	Hollings	Shelby
Carper	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Inouye	Specter
Conrad	Jeffords	Stevens
Craig	Johnson	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Voinovich
Dodd	Lincoln	Warner

NAYS—24

Bayh	Harkin	Sarbanes
Biden	Kennedy	Schumer
Boxer	Kerry	Stabenow
Cleland	Leahy	Torricelli
Clinton	Levin	Wellstone
Corzine	Lieberman	Wyden
Dayton	Mikulski	
Durbin	Reed	
Edwards	Rockefeller	

NOT VOTING—1

Dorgan

The nomination was confirmed.

Mr. LOTT. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Let me make sure I understand. The vote was completed. The vote was announced, and has been dispensed with; is that correct?

The PRESIDING OFFICER. The Senator is correct and the nomination was confirmed.

Mr. LOTT. Have the yeas and nays been asked on the next vote?

Mr. BYRD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order. Those having conversations will take their seats or remove themselves from the floor.

Mr. LOTT. Mr. President, have the yeas and nays been ordered on the second vote on nominations?

The PRESIDING OFFICER. They have not.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, before we proceed, I ask unanimous consent that following the time allocated immediately following the back-to-back votes, the Senate proceed to a period of morning business in order to debate

the nomination of Senator Ashcroft to be U.S. Attorney General and the time between then and 9 o'clock tonight be equally divided between the two leaders or their designees. Further, I ask unanimous consent the next vote be limited to 10 minutes in length.

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

Mr. LEAHY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. There was so much noise, I do thank the distinguished senior Senator from West Virginia for asking for order.

I did not hear the first part of the statement of my friend from Mississippi. We begin the debate on the Ashcroft nomination prior to even voting it out? Or was it in morning business?

Mr. LOTT. It was in morning business.

Mr. LEAHY. I have no objection.

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

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

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

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christine Todd Whitman, of New Jersey, to be Administrator of the Environmental Protection Agency? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Dakota (Mr. DORGAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

(Rollcall Vote No. 7 Ex.)

YEAS—99

Akaka	Conrad	Helms
Allard	Corzine	Hollings
Allen	Craig	Hutchinson
Baucus	Crapo	Hutchison
Bayh	Daschle	Inhofe
Bennett	Dayton	Inouye
Biden	DeWine	Jeffords
Bingaman	Dodd	Johnson
Bond	Domenici	Kennedy
Boxer	Durbin	Kerry
Breaux	Edwards	Kohl
Brownback	Ensign	Kyl
Bunning	Enzi	Landrieu
Burns	Feingold	Leahy
Byrd	Feinstein	Levin
Campbell	Fitzgerald	Lieberman
Cantwell	Frist	Lincoln
Carnahan	Graham	Lott
Carper	Gramm	Lugar
Chafee	Grassley	McCain
Cleland	Gregg	McConnell
Clinton	Hagel	Mikulski
Cochran	Harkin	Miller
Collins	Hatch	Murkowski

Murray	Sarbanes	Stevens
Nelson (FL)	Schumer	Thomas
Nelson (NE)	Sessions	Thompson
Nickles	Shelby	Thurmond
Reed	Smith (NH)	Torricelli
Reid	Smith (OR)	Voinovich
Roberts	Snowe	Warner
Rockefeller	Specter	Wellstone
Santorum	Stabenow	Wyden

NOT VOTING—1

Dorgan

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action on these nominations.

LEGISLATIVE SESSION

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

The Democratic leader.

Mr. DASCHLE. Mr. President, I will use my leader time under the agreement and under the rule of the day. It is my understanding the time now will be designated primarily for statements related to the Ashcroft nomination. There may be other comments and other remarks to be made about other issues, but it is my intention to make some remarks with regard to the Ashcroft nomination.

NOMINATION OF JOHN ASHCROFT

Mr. DASCHLE. Mr. President, in 14 years in the Senate, I have voted on 36 Cabinet nominations: 24 by Republican Presidents and 12 by a Democratic President. Of all of them, this one is by far the most difficult. I have struggled with this decision, as have most of us.

I have spent many hours thinking about what I have heard and read. I have reviewed the words of our founders, and I have searched my memory and my conscience.

In his inaugural address, President Bush pledged to "work to build a single nation of justice and opportunity" for all Americans. I think most Americans share that desire.

That is why this vote is so important.

John Ashcroft is a man of considerable accomplishment. He is a graduate of Yale and the University of Chicago Law School, a former State auditor, State attorney general, and a former Governor.

Beyond that, he is a former Member of this Senate. Many of us have worked with him for a number of years.

The question facing us, however, is not: Does John Ashcroft have an impressive resume? Clearly, he does.

The question facing us is: Is John Ashcroft the right person to lead the United States Department of Justice?

The Attorney General is more than "the President's lawyer." He is the guardian of the constitutional rights of all Americans—the protector of our fundamental freedoms.

The Attorney General of the United States has enormous power. He advises the President and every other Cabinet member—on whether their actions are

constitutional. He has enormous authority to decide which laws are enforced, and to what extent.

The Attorney General decides how—and whether—to intervene in court cases. He is responsible for screening and recommending nominees for the Federal bench, including the Supreme Court.

Because of his enormous authority and discretion, the Attorney General—more than any other Cabinet member—has the power to protect, or erode, decades of progress in civil rights in America.

I believe the President has the right to choose advisers with whom he is philosophically comfortable.

That is why—out of 36 Cabinet nominations, I voted so far on 35, “yes.” The only nominee I voted against was John Tower. I think we are all aware of the problems with that nomination.

My respect for the President’s right to choose his own Cabinet is also a good part of the reason I have voted to confirm every other nominee this President has sent us.

At the same time, the Senate has a right—and a responsibility to evaluate the President’s nominees; offer advice; and either grant—or withhold—its consent.

How do we decide whether to confirm—or reject—a Cabinet nominee? Our Founders, unfortunately, gave us no constitutional guidelines. The “appointments clause” of the Constitution says only that the Senate has the power of advice and consent. It does not specify how we should decide.

During his 6 years in this body, Senator Ashcroft had his own standard. He made it clear he believes Presidential appointees can—and should—be rejected for ideological reasons. That is the standard he used in blocking Bill Lann Lee’s nomination to head the Justice Department’s Civil Rights Division.

As Senator Ashcroft put it at the time: Mr. Lee “obviously (has) a strong capacity to be an advocate. But his pursuit of objectives important to him limit his capacity to make a balanced judgment.”

Some might say it is fair to hold Senator Ashcroft to that same standard. And they might be right. But I choose a different standard.

In Federalist No. 76, Alexander Hamilton said there must be “special and strong reasons” for Senators to reject a Presidential nominee.

Rarely has that standard been met. Out of more than 900 Cabinet nominations that have reached this floor, the Senate has rejected only five.

Only one nominee for Attorney General has ever been rejected on the Senate floor; and that was 76 years ago.

Nearly 30 years ago, Archibald Cox was the special Watergate prosecutor—until President Nixon had him fired for doing his job too well. Before that, he was Solicitor General of the United States.

He has said that the best way to judge what sort of Attorney General a

person will make is not by listening to the nominee’s promises about the future. It is by examining his past.

In his words:

Respect for the law—the fairness with which the law is administered—is the foundation of a free society. The individual who becomes Attorney General can do more by his past record . . . than by his conduct in office . . . to strengthen or erode confidence in the fairness, impartiality, integrity and freedom-from-taint-of-personal-influence, in the administration of law.

Is John Ashcroft the right person to lead the Justice Department? Or are there “special and strong” reasons that make his appointment as Attorney General unwise? The answer is not in his heart. It is in his long public record.

Senator Ashcroft has been a public official for nearly a quarter of a century.

Throughout his career, he has been a fierce advocate for his beliefs. Those beliefs—on civil rights, on women’s rights, workers’ rights, separation of church and State, and many other issues—put him far to the right of most Americans.

Senator Ashcroft and his supporters argue that his past activism does not matter. Legislators write laws, they say. Attorneys general simply enforce the laws that are on the books.

It is an interesting distinction. But in 8 years as Missouri’s attorney general, it is not a distinction John Ashcroft made.

For 8 years as Missouri’s attorney general and 8 years after that as Governor, John Ashcroft prevented efforts to end segregation of public schools in St. Louis and 23 surrounding communities.

The Federal court system found the State responsible for the segregation, and ordered it to correct its sad history. John Ashcroft fought nearly every one of those orders. Three times in 4 years, he appealed all the way to the U.S. Supreme Court. Each time, he lost.

When St. Louis and the surrounding communities agreed on their own to a voluntary desegregation plan, Attorney General Ashcroft used the power of his office to block it. His obstruction provoked one judge in the case to threaten him with contempt. Today, he insists that his opposition was just a matter of guarding the public till.

But in 1984, when he ran for Governor, John Ashcroft denounced the voluntary desegregation plan as “an outrage against human decency.”

According to the St. Louis Post Dispatch, he and his opponent in the 1984 Republican Gubernatorial primary competed “to see who could denounce desegregation most harshly . . . exploiting and encouraging the worst racist sentiments that exist in the state.”

His continued defiance as Governor caused another judge in the case—a Republican appointed by President Reagan—to conclude that “the State is ignoring the real objectives of this case—a better education for city stu-

dents—to personally embark on a litigious pursuit of righteousness.”

John Ashcroft’s 16-year fight to prevent the voluntary desegregation cost Missouri taxpayers millions of dollars. Worse than that, it cost many children their right to a decent education.

So much for the distinction between writing laws, and merely enforcing them.

In addition, Attorney General Ashcroft vigorously opposed the Equal Rights Amendment.

When the National Organization for Women urged a boycott of Missouri and other States for failing to ratify the ERA, Attorney General Ashcroft ignored settled legal precedent and stretched antitrust laws to sue the organization. He used taxpayer dollars to take the case all the way to the U.S. Supreme Court. The Court ruled that NOW members were simply exercising their fundamental, constitutional right to free speech.

Governor Ashcroft also twice vetoed voting-rights bills that would have allowed trained volunteers to register voters in the city of St. Louis—just as they did in neighboring suburbs, where there were more white and Republican voters.

Earlier this month, in his opening remarks before the Judiciary Committee, Senator Ashcroft described himself as “a man of common-sense conservative beliefs.” The truth is, there is nothing common about his conservatism.

Here in this Senate, he demonstrated what the New York Times called “a radical propensity for offering constitutional amendments that would bring that document into alignment with his religious views.”

In more than 200 years, our Constitution has been amended only 27 times—including the 10 amendments of the Bill of Rights. In his one term in this Senate, John Ashcroft introduced or cosponsored seven constitutional amendments. One of his amendments would have radically rewritten the rules to make it easier to amend the Constitution. Another would have made abortion a crime, even in cases of rape and incest, and even when continuing a pregnancy would result in serious and permanent injury to a woman. It also would have banned most common forms of birth control.

By his own account, Senator Ashcroft was “probably more critical than any other individual in the Senate” of Federal judges. He has vilified judges with whom he disagrees as “renegade judges, a robed and contemptuous elite.”

He frequently opposed qualified Presidential nominees. He opposed both Dr. Henry Foster and Dr. David Satcher for Surgeon General because they supported President Clinton’s position on a woman’s right to choose. In Dr. Foster’s case, he prevented the nomination from ever reaching the Senate floor.

In 1998, when James Hormel was nominated to serve as U.S. Ambassador to Luxembourg, Senator Ashcroft said

he opposed the nomination because Mr. Hormel "has been a leader in promoting a lifestyle."

While Senator Ashcroft never met with Mr. Hormel to discuss his qualifications, he now asserts vaguely that it was the "totality" of Mr. Hormel's record that prompted his opposition.

Then-Senator Al D'Amato—a member of Senator Ashcroft's own party—saw a different reason.

In a 1998 letter to Senator LOTT, Senator D'Amato wrote: "I fear Mr. Hormel's nomination is being held up for one reason and one reason only: the fact that he is gay."

Senator Ashcroft blocked Bill Lann Lee's nomination to head the Justice Department's Civil Rights Division because of Mr. Lee's views on affirmative action.

Just as Senator Ashcroft assures us that he will enforce laws with which he disagrees, Mr. Lee assured members of the Judiciary Committee that he would enforce Supreme Court rulings restricting affirmative action.

Senator Ashcroft refused to accept that assurance. Perhaps the most troubling for me personally is Senator Ashcroft's treatment of Judge Ronnie White, the first nominee to the Federal district court to be rejected on the Senate floor in 50 years.

Judge White grew up in a poor family and worked his way through college and law school. He is a former prosecutor, State legislator, circuit judge, and member of the Missouri State appeals court. He is the first African American ever appointed to the Missouri Supreme Court. In 1997, he was nominated to be a U.S. district court judge. For 2 years, Senator Ashcroft blocked Judge White's nomination from coming to the Senate floor. The wait lasted so long that the seat for which Judge White was nominated was officially declared a judicial emergency.

When Judge White's nomination finally did come to the floor, Senator Ashcroft misled the Senate and deliberately distorted his record. For me, that day was one of the saddest in all of my years in the Senate.

John Ashcroft smeared Judge White as "pro-criminal and activist," a man with a "tremendous bent toward criminal activity." Nothing could be further from the truth.

Stuart Taylor who writes for the conservative *National Journal* magazine writes that John Ashcroft's treatment of Judge White alone makes him "unfit to be Attorney General."

"The reason," Taylor writes, "is (that) during an important debate on a sensitive matter, then-Senator Ashcroft abused the power of his office by descending to demagoguery, dishonesty and character assassination."

I do not believe John Ashcroft's treatment of Judge White was motivated by racism. I believe it was plain political opportunism. In the heat of a tough reelection battle, John Ashcroft was willing to try to distort the record

and destroy the reputation of a good man. To this day, Senator Ashcroft continues to misrepresent Judge White's record and insist that he himself did nothing wrong.

The job of Attorney General demands fairness, judgment, tolerance, and respect for opposing views. It demands commitment to equal rights for all Americans and a sensitivity to injustice. John Ashcroft has shown a pattern of insensitivity through his public career. Even now he refuses to disavow *Southern Partisan Quarterly Review*, a magazine that has defended slavery. He refuses to distance himself from Bob Jones University, a cauldron of intolerance that has described Mormons and Catholics as "cults which call themselves Christian."

Senator Ashcroft has said there are only "two things you find in the middle of the road: a moderate and a dead skunk." I think he is wrong. The other thing you find in the middle of the road is the vast majority of the American people.

An article in the December 23 *New York Times* quoted an adviser to President Bush as saying:

Attorney General was the one area where the right felt very strongly, a la Ed Meese. This is a message appointment.

The adviser described it as a signal to the conservatives that "I hear your concerns."

What message does making John Ashcroft Attorney General send to the rest of America? What message does it send to women or to minorities? What message does it send to judges and others who may not see the world exactly as John Ashcroft sees it? What message does making John Ashcroft Attorney General send to Americans who fear their votes don't count and aren't counted?

John Ashcroft has said:

There are voices in the Republican Party today who preach pragmatism, who champion conciliation, who counsel compromise. I stand here today to reject those deceptions. If ever there was a time to unfurl the banner of unabashed conservatism, it is now.

I say, if ever there was a time to unfurl the banner of conciliation, it is now. Senator Ashcroft is a man of intellect and passionate beliefs. I am sure there are many ways he can serve the causes in which he believes so fiercely, but I do not believe it is fair or reasonable for us to expect him to fully enforce laws he finds unwise, unconstitutional, and, in some cases, morally repugnant.

How can John Ashcroft enforce laws he has spent his entire public career fighting? What would that say about him if he did?

I have turned this over in my head a hundred times. Every time the answer is sadly the same: I do not believe John Ashcroft is the right person to lead the U.S. Department of Justice. For that reason, I will vote no on this nomination.

In his inaugural address, President Bush spoke of the "grand and enduring

ideals" that unite Americans across generations. "The grandest of all these ideals," he said, "is an unfolding American promise that everyone belongs, that everyone deserves a chance, that no insignificant person was ever born."

I applaud the President's words, but I cannot reconcile them with this nomination. John Ashcroft spent 6 years in the Senate mocking bipartisanship. To require that we confirm him now as proof of our bipartisanship and good faith is asking too much.

I thank Senators LEAHY and HATCH and members of the staff of the Judiciary Committee for conducting a full and fair hearing. I thank the many witnesses and people all across our Nation who made their voices heard on this critical nomination.

In closing, regardless of what we decide, I hope we will all remember what this debate is about. It is not about partisan politics. It is not about whether we are willing to work with this President. It is about justice.

Nearly a century ago, another Republican, President Theodore Roosevelt, heard rumors that the district attorneys and marshals in a particular State would be ordered to replace their deputies for political reasons. Immediately President Roosevelt sent a letter to his Attorney General, a man named William Moody, demanding that the plan be stopped. As he put it:

Of all the officers of the Government, those of the Department of Justice should be kept free from any suspicion of improper action on partisan or factional grounds.

He went on to say:

I am particularly anxious that the federal courts . . . should win regard and respect for the people by an exhibition of scrupulous nonpartisanship, so that there shall be gradually a growth—even though a slow growth—in the knowledge that the Federal Court and the Federal Department of Justice insist on meting out even-handed justice to all.

That was in 1904.

Over the course of the 20th century, we made great strides in assuring that America's courts and Justice Department are indeed committed to even-handed justice for all. Now, as we begin the 21st century, is not the time to turn the clock back?

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mr. INHOFE. Yes.

Mr. REID. Mr. President, we are in a time for morning business. In an effort to have Senators know what is next, I ask unanimous consent that Senator INHOFE be recognized next for up to 15 minutes or whatever time.

Mr. INHOFE. Maybe a little bit longer.

Mr. REID. Senator INHOFE for 25 minutes. Following that, the Senator from Michigan, Ms. STABENOW, be recognized for 15 minutes; following that, Senator BUNNING be recognized for up to a half hour; following that, Senator HARKIN

be recognized; and following that, Senator MURRAY from Washington be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma.

Mr. REID. Mr. President, I was just advised that I failed to mention Senator JACK REED in the mix, and we want him to follow Senator BUNNING in the same order, if there is a Republican who needs to speak in between Senator REED and Senator HARKIN.

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

Mr. INHOFE. I was listening very carefully during the entire presentation of our very illustrious minority leader, immediate past majority leader. I had a hard time figuring out who he was talking about.

I am 66 years old, and I have been involved in virtually every kind of political job. I have been involved for 30 years in the private sector. I don't believe I can stand here and think of one person I have ever met in my entire life who is a more honorable person, who is totally incapable of telling a lie, than John Ashcroft.

I have watched him take courageous stands for things he believes in, yes, but he always tells it exactly the way he believes it. That is not the question here. We are talking about a law enforcement officer. We are talking about the chief, the guy at the top.

When I have heard people say that he will not uphold the rule of law, I am reminiscent of the last 8 years, certainly Janet Reno and the Clinton administration. We have been waiting for her to uphold the law, to prosecute people, and not to let people off just because they may be friends of the administration.

I have watched her refuse to go after campaign fundraising abuses, refuse to appoint an independent counsel where it is required by law, reject advice by Louis Freeh and Charles LaBella, refuse to prosecute Gore's White House phone calls, questionable plea bargains with John Huang, Charlie Trie. I have watched the theft of nuclear secrets, watched the botching of the investigation of Wen Ho Lee. I have watched this Attorney General refuse to vigorously enforce gun laws. Gun prosecutions went down under the Reno administration.

We could think of a lot of examples. One that comes to mind, I happen to be in a Bible study with a man named Chuck Colson, who occasionally comes by. I got to know him quite well. I think most Americans know who Chuck Colson is. Chuck Colson violated the law back during the Watergate era. He disclosed confidential information and leaked it to the media. As a result of that, he was found guilty and he served time, was prosecuted and went to prison in a Federal penitentiary.

Ken Bacon did exactly the same thing. I have stood on this floor on three different occasions and talked for about 40 minutes just on this par-

ticular case, that during the Linda Tripp case, Ken Bacon did in fact release confidential information to the media. And as a result of that, this person was taken out of consideration in terms of credibility.

There is no reason in the world. The law hasn't changed. If anything, it is stronger than it was at that time. But there is no reason in the world that if Chuck Colson was prosecuted 25 years ago and spent time in the Federal penitentiary, Ken Bacon should not have been prosecuted and sent to the penitentiary exactly as Chuck Colson was.

There is an accusation that John Ashcroft would not uphold the law. I am not saying he should be just a little bit better than our previous Attorney General, Janet Reno, has been. He has to be much, much better. But there is certainly no comparison.

As far as Ronnie White is concerned, I think it is important that we not try to paint John Ashcroft as being any kind of racist. During the time he was in the positions that he held in the State of Missouri, he supported 26 of the 27 black judges. It is my understanding that he supported more black judges during his administration than anyone had before him.

As far as Ronnie White is concerned, I listened to him testify before the committee, and I was wondering why certain things were not said that should have been said, because after going back and reading the case—I believe the name is James Johnson—where this individual had gone out and had violently murdered a sheriff, in the same night a deputy sheriff, in the same night another deputy sheriff, and then, if that weren't enough, went to a person's home where they were having a Christmas party and in the process of praying brutally murdering the wife of one of the sheriffs, White was the lone dissenter in the death penalty case involving that man who brutally murdered four people.

On the same day that the nomination came to the floor, I heard this story. I voted against Ronnie White mostly because of that case.

But I have to say this. I don't think many of us here who were not on the Judiciary Committee knew that Ronnie White was black. This is the thing that shocked everyone. One of the Senators said this: The first time I realized that he was black is when someone took the floor and said this was a result of racism. I know this isn't true.

There is one thing I want to clarify. I think it is important during the next few hours that each one of these allegations be responded to because there is an assumption out there that is true. I am going to respond to one in kind of an unusual way about James Hormel.

I almost 3 years ago on the floor of this Senate made a speech. It was on May 22, 1998. I heard some comments by one of my favorites in the Senate. I have to say this. When Patrick Moynihan was in the Senate, I always referred to him—he was my nextdoor

neighbor—as my favorite liberal. Since he is gone, I think I will refer to PAUL WELLSTONE as my favorite liberal. He and I have found that we don't agree on too many things, but he made some comments concerning my opposition to James Hormel.

It has been stated several times on this Senate floor, and I think in the hearings also, that John Ashcroft was the one responsible for James Hormel not getting legitimately confirmed. I am here to say today that it was not John Ashcroft; it was I.

I am going to read the RECORD where I thanked the Senator from Minnesota, Mr. WELLSTONE, for some comments he made, and I also said what we might do since we are both sharing time was that I would speak first and he could respond afterwards.

Some statements were made on the floor yesterday concerning the hold I have on James Hormel to be Ambassador to Luxembourg. It is true I have a hold on James Hormel. This is I, myself, speaking almost 3 years ago. It was not John Ashcroft, it was I.

There very well may be a vote on this individual, but I will oppose his nomination, and I want to stand and tell you why.

Statements were made on the floor by the senior Senator from Minnesota, Mr. WELLSTONE. I will read excerpts from it.

Now, one of my colleagues, and I think it is extremely unfortunate, one of my colleagues has compared Mr. Hormel, a highly qualified public servant and nominee, to Mr. David Duke, who, among other credentials, is a former grand wizard of the Ku Klux Klan.

He goes on to say:

I want to say to my colleagues, that given this kind of statement made publicly by a United States Senator, this kind of character assassination, it is more important now than ever that this man, Mr. Hormel, be voted on.

In defense, really, of the senior Senator from Minnesota, I say that if I had said what he thought I said, he was certainly entitled and justified to make the statements that were made. But I think it is important to know that I did not make those statements in the context that he believed I made them.

Let me, first of all, say that there probably are not two Members of the U.S. Senate who are further apart philosophically than the senior Senator from Minnesota and myself, I would probably, in my own mind, believe him to be an extreme left-wing radical liberal and he believes me to be an extreme right-wing radical conservative. And I think maybe we are both right.

But one thing I respect about Senator WELLSTONE is he is not a hypocrite. He is the same thing everywhere. He is the same everywhere. He honestly believes that government should have a more expanded role. He is a liberal. I am a conservative.

Having said that, let me go back and talk a little bit about what he had actually said. I made the statement when I was running for office—and I have been consistent with that—that if I get to the Senate where I have the opportunity to participate in the confirmation process, I will work to keep the nominee from being confirmed if that

individual has his own personal agenda and has made statements publicly to the effect that he believes strongly in his personal agenda and will use that office to advance the personal agenda more than he will the American agenda.

In the case of James Hormel, a gay activist, he made statements in the past, which I will read in a moment, that have led me to believe that his personal agenda is above the agenda of the United States. As I said, the same thing would be true if it were David Duke. If he were up for nomination, I would oppose him because I believe he would have his agenda above the agenda of America. Maybe with Patricia Ireland it would be the same thing, Ralph Reed, who started the Christian Coalition. Maybe if he were up for nomination and he made the statement that he would use that nomination, whether it be ambassadorial or anything else, to advance his own agenda, I would oppose it. Yet I agree with his agenda.

I would also like to quote someone who I think is familiar to all of us and whom we hold here in very high esteem, Faith Whittlesey, former U.S. Ambassador to Switzerland. She was talking about this trend of trying to put people with their own personal agendas in the various embassies. She said:

Ambassadorial appointments should not be used for the purposes of social engineering in the countries to which the ambassadors are assigned.

One of the many statements I have made previously about James Hormel that led me to the conclusion he wanted to use his position to advance the agenda was the following statement he made June 16, 1996. He said:

I specifically asked to be Ambassador to Norway because, at the time, they were about to pass legislation that would acknowledge same-sex relationships, and they had indicated their reception, their receptivity, to gay men and lesbians.

I believe he was implying and there is no question in anyone's mind that he was saying he was going to use that job to advance his own agenda. I think it is important that we understand that.

I would like to repeat what I just said. It was 3 years ago.

As we listen to the confirmation hearings and hearing the speeches on the floor, whoever it was who said that John Ashcroft was the one who blocked and attempted to block the confirmation of James Hormel, they are wrong. I am the one. It was not he.

I think there is a more serious thing here. I don't think it is the issue so much of James Hormel, or of abortion, or of discrimination. We are always shocked when we hear about repercussions in places such as Sudan and China. People are enslaved for their religious belief.

I look at this and I think John Ashcroft is guilty of one thing. He is guilty of having an inseparable walk with the Lord. And he has said that several times.

There is someone I dearly love by the name of Bill Bright who wrote the book "Red Sky in the Morning." I think it should be required reading for all Americans. Let me read a couple of things from it.

George Washington, "Father of Our Country," 1st President of the U.S.: "Bless O Lord the whole race of mankind, and let the world be filled with the knowledge of Thee and Thy Son, Jesus Christ."

"It is impossible to rightly govern the world without God and the Bible."

Patrick Henry, American Revolutionary Leader: "It cannot be emphasized too strongly or too often that this great nation was founded, not be religionists, but by Christians; not on religions, but on the Gospel of Jesus Christ."

Thomas Jefferson, 3rd President of the United States: "Indeed I tremble for my country when I reflect that God is just, and that His justice cannot sleep forever."

It goes on and on. You can read all of the founding fathers of this country.

What would John Adams, who said we have no government armed with power capable of contending with human passions, unbridled mortality, and religion—what would they say if they knew right now that a man from Missouri, after very carefully listening to all the comments, all the charges have been made about John Ashcroft?

I believe this is a case of religious persecution.

I have to conclude by saying what I started out by saying; that is, of all the people I have known and worked with in my entire life, I know no one of greater character or more highly moral than John Ashcroft.

The PRESIDING OFFICER (Mr. CHAFEE). Under the previous order, the Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. The Senator has that right.

Ms. STABENOW. I thank the Chair.

(The remarks of Ms. STABENOW pertaining to the introduction of S. 215 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 30 minutes.

Mr. BUNNING. Mr. President, before I am recognized under the time allotted under the previous order, I ask unanimous consent that notwithstanding the previous order, Senator ALLARD be recognized for up to 15 minutes following the remarks of Senator REED of Rhode Island and that Senator THOMAS be recognized for up to 15 minutes following the remarks of Senator HARKIN.

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

Mr. BUNNING. Mr. President, I rise in support of the nomination of John Ashcroft to be our next U.S. Attorney General. For weeks now, the media, Members of this body, and the liberal left have conducted nothing more than a smear campaign against John Ashcroft.

For the past 2 years in the 106th Congress, I served with John Ashcroft as a deputy whip, and I came to know him very well.

He is one of the most intelligent, fair, and compassionate men I have ever known. He is thoughtful and full of integrity and humility. He is going to make a fine Attorney General.

What is being done to John Ashcroft and his reputation is wrong and despicable. Today I want to help set things straight about John Ashcroft, and to separate the facts from the lies and distortions that are being carelessly tossed around about him and his record.

First of all, John Ashcroft is one of the most qualified nominees ever to be named to be Attorney General. He was twice elected to be Missouri's attorney general. He was twice elected to be Missouri's Governor. And the people of Missouri elected him in 1994 to be one of their U.S. Senators.

None of our previous Attorneys General has had such broad popular support from the people who knew them best.

In each of these posts, John Ashcroft served with distinction, being honored by his peers with leadership positions.

As Missouri's attorney general, John Ashcroft was elected president of the National Association of Attorneys General. In other words, the other 49 elected him to lead their group.

As Missouri's Governor, he was elected chairman of the National Governors' Association. The same thing: 49 others elected him to lead the Governors' organization.

Now many of the liberal special interests groups are trying to tar and feather him by attacking his long and distinguished record of public service.

But facts are stubborn things, and the facts prove them wrong.

The liberals claim that John's views are out of the mainstream. Some are even resorting to name-calling and calling him a racist and an extremist.

It is hard to see how he could be such a demon and still be five times elected to statewide office.

If John Ashcroft's execution of these earlier public trusts was as far "out of the mainstream" as his critics now claim, the people of Missouri would have ridden him out of town on a rail. His peers surely would not have honored him for his achievements.

The fact of the matter is that John Ashcroft's views are in line with those of most Missourians and most Americans.

If his ideas and beliefs are so far out of the mainstream, are John Ashcroft's critics really saying that the majority of citizens in Missouri who elected him to these posts are extremists? Are his critics ready to make this claim? I doubt it.

The rhetoric we have heard from these critics serves nothing more than to fatten up the fundraising of the left and to scare people into voting for liberals by continuing to try and label conservatives as mean-spirited.

We saw it with Robert Bork. We saw it with Clarence Thomas. Now we are seeing it with John Ashcroft.

It is just hot air, and I believe that the American people are going to reject these tactics and the politics of personal destruction.

Another one of the lies that is being told about John Ashcroft is that he is a racist. His critics point to his opposition to Missouri Judge Ronnie White for a position as a Federal judge as proof.

But, again, let's ignore the rhetoric and look at the facts. When he was Governor, John Ashcroft appointed the first black judge to one of Missouri's appellate courts. As a Senator, John Ashcroft voted to confirm 26 black judges out of 28 nominated to the Federal bench.

He led the fight to save Lincoln University which was founded by black soldiers. His wife, Janet, even teaches as a law professor at Howard University, one of our leading historically black colleges.

For his critics to now turn around and call John a racist is absurd and nothing more than dirty politics. When they're not calling John Ashcroft a racist, the liberals sneer that he can't be trusted to enforce the law. They don't have any real proof, just a lot of strong words. They say that John isn't fair-minded enough to enforce laws he might not agree with.

But John did a fine job enforcing Missouri's laws when he was attorney general there. And I believe that after he lays his hand on the Bible and swears to uphold the Constitution as our 68th Attorney General that he will do a fine job for our Nation.

Eight years ago when Janet Reno was nominated to be Attorney General, no one made the ridiculous charge that she wouldn't uphold laws she might not agree with.

No one can or should make the same claim about John Ashcroft.

John Ashcroft will enforce the law. He is a man of his word. He has an impeccable record of law enforcement. I know and I fully trust him to do the job which he will be sworn to do.

Let's face it. The real problem the critics on the left have is John Ashcroft's stance on the issues and his conservative philosophy. But they know they can't use this as a real reason to defeat his nomination, so they resort to calling him names and throwing mud at him, hoping that some will stick. They drag out the process as long as possible and dig around in the dirt for any scraps they can find.

They smear his good name. They make up bogus charges. They even sink as low as to question his religious beliefs. It is very sad, but it won't work.

The job of Attorney General is not to advocate policy. It is to enforce our laws. The question we have to ask about John Ashcroft is, will he enforce those laws? His record says he will. He has repeatedly said he will. There is no evidence to say otherwise, just false charges and name-calling.

John Ashcroft is going to be confirmed, and I believe his critics and the tactics they take will backfire.

Mr. President, I urge my colleagues to vote for John Ashcroft. We could not ask for a more qualified and fair-minded person for the job. John will make us all very proud.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, the Senator from Rhode Island came to the floor quickly. The Senator from Oklahoma has about a 4-minute statement he would like to make on Christine Todd Whitman. Would the Senator from Rhode Island allow him to proceed?

Mr. REED. Absolutely.

The PRESIDING OFFICER. The Senator from Oklahoma.

NOMINATION OF CHRISTINE TODD WHITMAN

Mr. INHOFE. Mr. President, I thank the assistant minority leader.

Certainly in having the discussion on the floor about Christine Todd Whitman and her nomination to be the director of the EPA—I have served on the Environment and Public Works Committee since I have been in the Senate—I can say what a refreshing change it is going to be. I have watched her record and things for which she stands. She is someone who really believes in a commonsense approach to solving problems. She has experience as Governor and has the desire for cost-effective programs and environmental beliefs. I am very pleased that she is going to take on this job at a time when we really have serious problems.

For the last 8 years, we have not had a reliance upon science in the promulgation of our rules and regulations. We haven't had the cost-benefit analyses that I think most people realize we should have. I think there is a lot of work to be done.

I was very upset when we ended up with the so-called "midnight regulations." I applaud President Bush for issuing a 60-day review of all of the Clinton administration's midnight regulations. For example, one of the regulations was the final rule, the sulfur diesel rule which spent 2 weeks at the OMB instead of the customary 90 days. This is something that will have a direct effect on the cost of fuel, something we were having hearings on, and we didn't need to rush into that. Or some of the regulations having to do with putting 60 million acres out of reach so that they cannot be developed or have roads built on them.

Right now, we have a crisis in this country. Some States have a greater

crisis than we have. But certainly it is a crisis in terms of the price of fuel and the availability of fuel. By putting this 60 million acres in the category that it is in, it would keep us from developing about 21 trillion cubic feet of natural gas. That would be enough to run this country for a period of 1 year.

The EPA doesn't operate in a vacuum. Some of the things they have and the rules they promulgate affect other departments. I happen to be chairman of the Senate Armed Services Subcommittee on Readiness. And I can tell you right now that some of the EPA regulations on our training grounds have caused us to be less than adequate in our training activities. In fact, we have testimony from one of our commander trainers that they spend more money on compliance of EPA rules and regulations than they do actually on training.

In terms of the energy supply, we can't just act as though all of these new rules and regulations affecting our refiners don't have an effect on cost. They do have an effect on cost of gasoline that we burn in our cars. It is something that will have to be dealt with. Right now, we are at 100 percent of refining capacity in this country. Any new rules and regulations that would cause any of these refiners to drop down directly impacts and increases the cost of fuel.

If I could single out one thing that I am really thankful for in Christine Todd Whitman taking on this position, it is that she has been on the receiving end of abusive regulations. She has been the Governor of a State that had to comply with things without adequate time, without the resources, and I think it is time we had someone in that position who has been on the receiving end of these regulations. I am sure Christine Todd Whitman will be one of the best directors we have ever had for the EPA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

NOMINATION OF JOHN ASHCROFT

Mr. REED. Mr. President, after listening to the testimony given before the United States Senate Judiciary Committee and after much reflection, I decided to oppose the nomination of John Ashcroft as Attorney General of the United States.

This has been a difficult decision; one that I take very seriously. Just as the Constitution gives the President the unfettered right to submit nominees to the Senate, the Constitution requires the Senate to give "Advice and Consent" on such nominations.

The Senate does not name a President's Cabinet, but it also does not merely rubber stamp his choices. Senatorial consent must rest on a careful review of a nominee's record and a thoughtful analysis of a nominee's