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

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

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

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

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

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

Mr. President, Ms. Whitman brings to this important post a record of accomplishment. More importantly, she has a demonstrated ability to find common ground to make progress on complex problems. Her experience as a state executive will guide her as she works with our state partners to improve air and water quality, to restore abandoned industrial sites and to reinvigorate the Superfund program.

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

NOMINATION OF GALE NORTON

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

it. If they had succeeded, the condor would now be extinct.

She fought for the acquisition of land to extend the Appalachian Trail.

She worked on the regulations that banned lead shot for migratory birds, saving millions of birds.

She secured funds for the restoration of Ellis Island and the Statue of Liberty.

And she negotiated the original agreement with Senator MCCAIN to restrict overflights in the Grand Canyon.

Again, these are just a few of her accomplishments over the past 15 years, but they paint a clear picture.

They paint a picture of someone who has dedicated her life to public service, to preserving the environment and natural resources, and to enforcing the law.

They paint a picture of an individual who is highly qualified to be the next Secretary of Interior, and the first woman to serve in that position.

I urge my colleagues to consider the facts, not the distortions, in making their decisions about Gale Norton.

I strongly support Ms. Norton's nomination to be Secretary of the Interior, and look forward to working with her on the many challenges that lay ahead.

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

The PRESIDING OFFICER. The time of the Senator has expired. Under the previous order, the nomination of Governor Whitman is laid aside, and the Senate will now resume consideration of the nomination of Gale Ann Norton, which the clerk will report.

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

Who yields time? The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the time allotted to Senator FEINGOLD with respect to the Norton nomination be provided to Senator KERRY.

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

Mr. WELLSTONE. Mr. President, I believe I have 15 minutes to speak on the Norton nomination.

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. Mr. President, I say to my colleague from New Hampshire, I think there is a distinction between what I hope will be substantive remarks on my part in opposition to Ms. Norton to be Secretary of the Interior and personal attack.

I am a Senator from Minnesota. I am from a State where we love our lakes and rivers and streams, the environment.

My opposition to Ms. Norton to be Secretary of the Interior does not mean ipso facto that what I say represents any kind of personal attack. It is simply a very different assessment of whether or not she should in fact be the Secretary of the Interior for the United States of America.

I have a lot of policy disagreements with Ms. Norton. I have a lot of policy is agreements with any number of the President's nominees to serve in our Cabinet, but almost all of them I will support because there is a presumption that the President should be able to nominate his or her people.

On the environmental front, as long as I have the floor of the Senate—and I hope I am wrong—I say today that I believe the record of this administration will amount to a rather direct assault on environmental protection. I think that would be wrong for the country. This is not a debate about ANWR, the Arctic National Wildlife Refuge, not today. My disagreement with Ms. Norton or the President is not the reason why I oppose her to be Secretary of the Interior.

Part of the debate we will have in this country has to do with this nexus between the way we consume, the way we produce energy, and the environment. I see an administration that is an oil interest administration, and the focus will be more and more on oil, barreling down a hard path energy policy, with fossil fuels, environmental degradation getting lipservice but not investments in clean technologies, renewables, safe energy.

The reason I oppose not Gale Norton as a person but Gale Norton to be Secretary of the Interior is because I have doubts about her ability to fairly enforce existing environmental and land use laws. That is why I oppose this nomination.

The Secretary of the Interior is the principal steward of nearly one-third of our Nation's land. The Secretary is the chief trustee of much of our Nation's energy and mineral wealth.

The Secretary of the Interior is the principal guardian of our national parks, our revered historic sites, and our fish and wildlife. It is the job of the Secretary of the Interior to protect this precious legacy and to pass it on to future generations. As Catholic bishops said 15 or 20 years ago in their wonderful pastoral statement, we are strangers in this land. We ought to make that better for our children and our grandchildren.

Ms. Norton has had significant positions—government positions and in the private sector. It is her record in these positions—both in government and private sector roles—that are the most troubling to me. In fact, her record indicates that she may not be able to enforce environmental protections and ensure the preservation of our public lands.

There is no doubt that Ms. Norton did a good job in the confirmation hearings. She pledged her past views, and she is certainly committed to enforcing the laws of the Interior Department. I commend her for her testimony. It is my sincere hope that she will live up to these commitments. However, I think the Senate and Senators are compelled to view her record not in terms of 2 days of testimony but the totality of her record.

The totality of her record is one that I believe points to her inability to strike the very difficult and the very delicate balance between conservation and development. As a private attorney, Ms. Norton has taken positions that indicate a strong opposition to the very environmental protections which, if confirmed, she would be asked to defend.

For instance, she has argued that all or parts of the Clean Air Act are unconstitutional—taking a State rights view. She has argued that the Surface Mining Act, which is all about protecting workers' coal dust level, which is all about occupational health and safety protection, which is all about the problems of strip-mining and the environmental degradation that it causes many communities in Appalachia, again, unconstitutional.

She has argued that provisions of the Superfund law that require polluting industries to pay for cleanup of waste sites should be eliminated.

Ms. Norton has testified that implementation of the National Environmental Policy Act—NEPA—is something that should be essentially devolved to the State level, that she would prefer not to conduct Federal land environmental reviews.

I am sorry; when it comes to this most precious heritage, when it comes to the land, when it comes to our environment, when it comes to something that is so precious for not just us but our children and grandchildren, it is not just a matter of State options.

We are a national community, and we have made a commitment to environmental protection. I believe the actions Ms. Norton has taken and the positions she has taken in the past would make it impossible for her not only to enforce these laws but to be a strong steward for the environment.

In 1997, Ms. Norton argued that the global warming problem didn't exist. That is, of course, in contradiction to the international science community. I know in her testimony she essentially said she now takes a different position—I appreciate that—as Colorado attorney general.

But I also have questions in my own mind given the position she has taken about what kind of steward for the environment she would be.

As Colorado attorney general, Ms. Norton argued against the Endangered Species Act, saying it was unconstitutional. As attorney general, Ms. Norton supported measures that would relax otherwise applicable environmental safeguards if businesses volunteered to regulate themselves. And regardless of the damage, regardless of the effect on the public, regardless of the effect on people, these companies would be shielded from any liability.

Her position is troubling to me because Ms. Norton might be willing to permit private companies that operate