agency for complete elimination this year; and

(10) Whereas, last year's draconian cuts to the NEA's and NEH's budget are beginning to have a serious negative effect on the cultural infrastructure and survival of arts and humanities institutions, arts organizations, artists, and cultural programming at the national, state and local level; and

(11) Whereas, the delicate balance in shared responsibility and partnership for public funding of the arts and humanities at the federal, state and local government levels is now in serious jeopardy since local governments cannot make up for the current and future funding cuts in the federal government's share, now, therefore, be it,

(12) *Resolved,* That the United States Conference of Mayors reaffirms its support of the National Endowment for the Arts, National Endowment for the Humanities, and the Office of Museum Services within the Institute of Museum and Library Services and calls upon Congress to fund these agencies at the President's FY '98 request level in order to fulfill the federal government's responsibility to help make the arts accessible to all Americans for the social, economic and cultural well-being of the American public, as well as to help sustain this nation's cultural infrastructure for public support of the arts and humanities at the federal, state and local levels, be it further

(13) *Resolved,* That the United States Conference of Mayors calls upon the President and Congress to reauthorize the NEA and NEH and to oppose any attempts to eliminate or phase-out our federal cultural agencies; to oppose reducing their budgets; to oppose mandating that all funds be blockgranted to the states; and to allow local arts agencies to subgrant federal grants.

Mr. HARKIN. Mr. President, the Senator from Texas may say she wants to preserve and keep the National Endowment for the Arts, but this really is a stealth amendment. This is the stealth amendment that will kill the NEA. It will do great damage to a lot of our small States like Iowa, States that may not have a lot of money. We have a lot of budding artists, and we need the national commitment to the arts program to ensure that these young poets and these young writers and these young musicians and these young painters and these young artisans know that there is a national commitment and they have the kind of support and the kind of encouragement and the kind of role models that they need to encourage them in their efforts.

No, Mr. President, this stealth amendment would do drastic damage to the NEA. It would kill the NEA, and we cannot afford to do that. I urge its rejection.

The PRESIDING OFFICER. The Senator from Texas has 1 minute remaining.

Mrs. HUTCHISON. Has all time expired other than my 1 minute?

The PRESIDING OFFICER. That's correct.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, America's strength comes from its grassroots. It isn't Government that provides the spirit of America; it is the grassroots. Government policy should strengthen the people to establish their priorities, and that's what my amendment does. It strengthens the States to create more access and more appreciation and more education in the arts for all the children of America. I believe that our local control of education allows reading through phonics. I believe in old math so that we learn our multiplication tables in addition to how to work a computer and a calculator. I also think as basic to that is to let our children have access to the arts so that they can produce world-class art and arts appreciation. It shows that it is part of our basic education that we would have a national priority.

Mr. President, my amendment keeps the national commitment to the arts, and it keeps the control in the grassroots and the heartland of America. I think it is the best balance.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1186 offered by the Senator from Texas, Senator HUTCHISON. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—39

Abraham	Gramm	Mack
Allard	Grams	McCain
Ashcroft	Grassley	McConnell
Bond	Gregg	Murkowski
Brownback	Hagel	Nickles
Burns	Helms	Roberts
Coats	Hutchinson	Santorum
Coverdell	Hutchison	Sessions
Craig	Inhofe	Shelby
DeWine	Kempthorne	Smith (NH)
Enzi	Kyl	Thomas
Faircloth	Lott	Thompson
Frist	Lugar	Thurmond

NAYS—61

Akaka	Durbin	Lieberman
Baucus	Feingold	Mikulski
Bennett	Feinstein	Moseley-Braun
Biden	Ford	Moynihan
Bingaman	Glenn	Murray
Boxer	Gorton	Reed
Breaux	Graham	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Rockefeller
Byrd	Hollings	Roth
Campbell	Inouye	Sarbanes
Chafee	Jeffords	Smith (OR)
Cleland	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerrey	Stevens
Conrad	Kerry	Torricelli
D'Amato	Kohl	Warner
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Domenici	Leahy	
Dorgan	Levin	

The amendment (No. 1186) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay it on the table.

The motion to lay on the table was agreed to.

LEAVE OF ABSENCE

Mr. AKAKA. Mr. President, I ask unanimous consent I may be granted leave of the Senate, pursuant to Rule 6, paragraph 2, to be absent from the Senate proceedings as of noon Thursday, September 18 through Monday, September 22nd.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill

AMENDMENT NO. 1219

(Purpose: To express a Sense of the Senate that hearings should be conducted and legislation debated during this Congress that would address Federal funding for the arts)

Mr. STEVENS. Mr. President, I have at the desk amendment No. 1219 for myself and the Senator from Connecticut, Mr. DODD. I would like to present it at this time.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself and Mr. DODD, proposes an amendment numbered 1219.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 3 . It is the Sense of the Senate that, inasmuch as there is disagreement as to what extent, if any, Federal funding for the arts is appropriate, and what modifications to the mechanism for such funding may be necessary; and further, inasmuch as there is a role for the private sector to supplement the federal, state and local partnership in support of the arts, hearings should be conducted and legislation addressing these issues should be brought before the full Senate for debate and passage during this Congress.

Mr. STEVENS. Mr. President, I offer this as chairman of the Appropriations Committee with the hope that the Senate will agree that this matter should now go to the authorization committee, and that the extent of the problem be reviewed with appropriate hearings.

This is a commitment that the Senate will consider legislation in this Congress to deal with what future mechanism, if any, should be used to carry out the Federal role as it may be defined in support of the arts.

I am pleased my friend from Connecticut has cosponsored this. I am hopeful the Senate will agree to it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I want to commend our colleague from Alaska. I think this is a very responsible approach to take. I urge our colleagues to support it.

There are a lot of ideas out here about how we might create a true endowment rather than going through this process year in and year out. We are politicizing this issue to an extent I don't think it deserves. We truly ought to look for ways to resolve this matter intelligently.

I think a good set of hearings, examining various ideas on how to best fund the Endowment for the future make a lot of sense. I urge our colleagues to support this suggestion and try to come together and see if we cannot get beyond this amendment process we go through each and every year which I don't think serves our interests well, regardless of one's perspective on how we ought to fund the National Endowment for the Arts.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1219) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. DODD. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the majority leader and I, and I think most Members, do wish to complete action on this bill today.

At this point, I know of three or four rather hotly contested amendments: One by Mr. HUTCHINSON, the Senator from Arkansas, on American heritage rivers; the possibility of one on immigration reform that is, of course, not particularly germane to this bill, by the Senator from Florida, Mr. MACK; an Indian gambling amendment by Senators ENZI and BROWNBACK; and one relating to money for gang suppression on Indian reservations which would close down the Wilson Center here.

I hope we could move forward on each of these promptly. I note that the Senator from Arkansas is present. Perhaps his amendment can be put up next. We would seek a time agreement on it. I don't believe the other side is ready to agree to a time agreement yet. Perhaps the best thing to do is let the Senator from Arkansas introduce his amendment, speak to it, and as he speaks to it and others are concerned about it, we can see whether or not a time agreement can be reached.

Mr. DASCHLE. Just briefly, I have been consulting with a number of my colleagues who are concerned about the amendment. I think they are prepared to come to the floor. I know the distinguished Senator from Connecticut is here and is prepared to respond to the statements and arguments made by the Senator from Arkansas.

We are prepared to enter into a time agreement, if perhaps we can work one out in the not too distant future.

I yield the floor.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 18

Mr. GORTON. Mr. President, what is the committee amendment to which all of these National Endowment for the Arts amendments—

The PRESIDING OFFICER. The amendment begins on page 96, line 12, through page 97, line 18.

Mr. GORTON. Mr. President, I believe we are in a position to which we can adopt that committee amendment.

The PRESIDING OFFICER. If there is no further debate on that amendment, the question is on agreeing to the committee amendment.

The excepted committee amendment beginning on Page 96, line 18, was agreed to.

AMENDMENT NO. 1196

Mr. HUTCHINSON. I call up amendment number 1196.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment No. 1196, previously proposed by the Senator from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in the RECORD of September 16, 1997.)

Mr. HUTCHINSON. Mr. President, I ask unanimous consent the following Senators be added to the amendment as cosponsors: Senator SHELBY, Senator GORDON SMITH, Senator ALLARD, and Senator KEMPTHORNE.

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

Mr. HUTCHINSON. Mr. President, I rise in support of an amendment that I think supports one of our most fundamental rights, the right of property ownership. The fundamental right, I believe, is at least eroded, threatened, by the Executive order signed by the President on September 11. I am sure it is a well-intended Executive order, designating the American heritage rivers initiative. The initiative is intended, in the words of the President in his Executive order ''to help communities protect their river resources in a way that integrates natural resource protection, economic development and the preservation of historic and cultural values, things that we all support.''

The difficulty is that we have an Executive order that, originating from the executive branch, has not gone through the committee process. It has not received any congressional authorization, has not received any appropriation, but simply is something that has been ordered by the President. The funding for this initiative comes from eight Cabinet departments including the Department of Defense, Department of Justice, the Department of Transportation, the Department of Agriculture, Department of Commerce, the Department of Housing and Urban Development, Department of Interior, and the Department of Energy. In addition to all of the Cabinet departments, there is funding from a number of agencies as well: EPA, NEA, NEH, and the Advisory Council of Historic Preservation.

The end result is funding from various departments and agencies apart from any congressional hearings, and apart from any congressional authorization or appropriation.

I support riverfront revitalization but not at the expense of trampling upon basic property rights and subverting plans and desires of local communities. I think riverfront revitalization should be community-led and a community-driven process, not something that is dictated through an Executive order in Washington.

My amendment allows for the riverfront renaissance that communities desperately need, while offering protections from further Federal encroachment. It allows the President's Executive order to go forward and it would allow the rivers initiative to go forward.

Congress has never authorized or appropriated one dime for the American heritage rivers initiative, nor has it even defined the term ''river community.'' The Executive order contains the term ''river community'' without any kind of definition. This amendment would require congressional review of the 10 rivers that have been nominated for designation. The Executive order lays out 10 rivers to be designated as American heritage rivers. We would simply say that when those 10 rivers are designated, that Congress should have the right of review and designation, confirmation of those designated rivers.

The amendment would require that all property owners holding title to lands directly abutting the riverbank shall be consulted and asked for letters of support or opposition to the designation.

Now, it has been wrongly conveyed by the opposition of this amendment that somehow every property owner along the river would have veto power and that if any property owner objected to the designation or objected to participation in the heritage rivers initiative, that suddenly the whole project would therefore be ended, or any possibility of receiving that designation would be eliminated. That is not the case at all. We simply believe that those most involved, those whose lives are going to be most affected, the property owners along the river, would have the right to say yes or no. I think that makes perfect sense and that process is not guaranteed under the Executive order.

Let's ensure that they are notified and at least that they have the right of commenting and expressing their opinion.

In the amendment, we would define the river community as those who own property, reside, or who regularly conduct business within 10 miles of the

river considered for designation. It is absolutely necessary for us to place a definition as to what a river community is, and how it should be defined.

The amendment would make the initiative subject to the existing provisions of the Clean Water and Safety Drinking Water Acts. I hope that would be supported by environmentalists. All of us are concerned about the enforcement of environmental laws, and an Executive order that will somehow be able to circumvent existing environmental law. The amendment would ensure that this process, as it goes forward, would be subject to existing provisions of the Clean Water Act and the Safe Drinking Water Act.

I agree we must revitalize our rivers and preserve their historic character. This amendment ensures that it is not at the expense of those who have chosen to be a part of the surrounding communities.

I urge my colleagues to support this amendment. We need to define river community, we need to comply with existing environmental laws, and the Clean Water Act, and the Safe Drinking Water Act. We need to ensure that property owners are notified that they have the right of comment, that they have the right to write letters of opposition or support.

We need to provide in this Executive order for congressional review. If there is one complaint I have heard from my constituents across the State of Arkansas, it is that, we as the elected representatives of the people, too often have simply given up our legislative authority. We have allowed the executive branch, through various Executive orders, to usurp what is legitimately and constitutionally our right and our responsibility. This amendment represents one small area where we can say that the President has issued an Executive order, and we now will ensure that we have the right of review. This amendment would do that.

I think that we can once again assert our proper role by ensuring that we can review the designation of the heritage rivers. Most importantly, we would protect property owners from the encroachment of an ever-growing Government and an ever more intrusive bureaucracy. We would ensure that the plans of the local communities are not subverted because of this new Executive order and that local communities, drive the entire process. I believe the amendment is reasonable, it is temperate, and it will reassure our citizens, our constituents, and those along these important American heritage rivers, that we take their rights as property owners and citizens of this country and value them greatly.

I urge my colleagues to support the amendment. I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise today in support of the amendment of my colleague, Senator HUTCHINSON from Arkansas. His amendment deals with the American rivers heritage initiative. I should start off by emphasizing that his amendment does not stop the initiative, it does not end it, and it does not hurt our rivers and their protection. This amendment merely ensures that the Federal Government, based right here in Washington, DC, does not become the controlling authority of rivers that have been used, cherished and developed by local communities all around this country, which, in some cases, the decisions made here in Washington may actually go against the wishes of the local community.

I raise the question, why is our President so afraid of having local input into such an important process as the designation of our American rivers as heritage rivers?

This amendment ensures that the people who live alongside of a river continue to have a say in the future of that waterway. They are the very ones who enjoy it for recreation, and they use it for commerce, and they actually own the private property on its banks.

This initiative lists the members that will be involved in a committee responsible for implementation. Each heritage river will have a local bureaucrat that is going to sort of oversee the management of the committee. There is going to be a committee superintendent. Look at the members who serve on that committee. We have the Secretary of Defense, the Attorney General, Secretary of Energy, the Chair of the NEA, and the Secretary of HUD. These are all bright people, hardworking people, I am sure; but how can they honestly know more about a river, let's say, for example, that runs through Denver, CO—which is the South Platte River—than those people who actually live in Colorado along the South Platte, who actually know more about the seasonal impact on this particular river? If they don't know more, why are they put in charge of future development of the river above and beyond local control?

Nobody out West wants to come to Washington and try to tell people who live along the Potomac how to control that particular river. Why does anybody want the administrators of these various agencies who live right here in Washington, DC, to have that type of control? And, frankly, their knowledge of a river may be nothing more than their perception of what they see happening on the Potomac River during rush hour when they are sitting on the 14th Street Bridge.

So I do believe that the real expertise is back at the local communities, the people who live by and use the waters that we are talking about in the heritage river designation. I know of one entity in Colorado that certainly doesn't believe the control should belong in Washington. They believe it should be back at the local level. That one entity happens to be the Denver Post, which recently released an editorial against the initiative, saying that common sense argues against the possibility that a Presidential appointee would know more about the designated streams than those who live along its riverbanks. I happen to agree wholeheartedly with that editorial.

I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Denver Post, Sept. 14, 1997]

JUST SAY NO TO PLATTE PLAN

Colorado water watchers are eyeing President Clinton's proposed Heritage Rivers project suspiciously, and with good reason.

The plan would designate 10 American waterways as Heritage Rivers, each to be run by a presidential appointee who would coordinate local efforts with 13 federal agencies. Thus the feds would become the rivers' bosses advising locals on where to build parks and flood-control projects and setting riverbed-cleanup priorities.

If this project is to do grand things for 10 American rivers, then each river bosun and his crew of 13 would need to know more about these streams than the people who live along their banks, and common sense argues against the possibility.

The South Platte, principal waterway of Colorado's urbanized Front Range, is a candidate. Although once exploited and neglected, the Platte is now flowing along nicely, thank you, and that is because over the past century Coloradans have figured out where to build those local parks and flood control projects and set those cleanup priorities.

A look at the results bears this out. The Platte supplies most of the Denver metro area's water. Its system of reservoirs works well and provides flood control and environmental safeguards. Platte River Greenway riverbed rejuvenation has been a spectacular and continuing success, with new parks to be built in Denver this year. In short, the South Platte is not a river at risk.

There is, of course, plenty left to be done. Denver Mayor Wellington Webb envisions the Platte as a showpiece among urban waterfronts. He has supported the Heritage program and pushed Denver as a candidate for more federal support. But how much support the Heritage project might produce isn't clear. No funds have been allocated, and no one knows where its budget will come from.

The Colorado Water Congress, a coalition of cities, counties, conservancy districts, farmers and other water users warns that its fuzzy goals could upset the delicate balance of water regulation between states and even upstream and downstream towns, spawning a tangle of interagency conflicts.

With a little luck, the South Platte might not be one of the chosen ten. If it is, Colorado should decline on grounds that it ain't broke, so don't fix it.

Mr. ALLARD. Mr. President, along with the problem of allowing the Federal Government unchecked control of local rivers, there are several other problems with this initiative. I am worried about the lack of a requirement stating that only affected individuals and organizations can apply for designation. Senator HUTCHINSON's amendment puts limits on what designates a river community and allows for the actual interests of those who would be affected to be considered. It

requires the opinions of property owners affected to be considered—something the administration obviously does not feel concerned about.

There has been a long trend in this country of slowly cutting away the rights of private property owners. The administration's latest end-run around the Congress—the establishment of this initiative—without congressional authorization or appropriation, and the lack of a guarantee as to what constitutes a local community, and the lack of input from the affected property owners in this initiative, is merely another power grab of the Federal Government at the expense of local government, local communities, and local property owners.

A vote for this amendment will be a step in the right direction. And I, again, would like to compliment my colleague in the Senate for stepping forward and addressing this issue. I am proud to be a cosponsor of his initiative.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the amendment proposed by the Senator from Arkansas is a most interesting one. I think it is one that I am very likely to support. There is, however, some opposition on each side of the aisle. So we have been unable to reach any kind of agreement on a time limit on it. A number of my friends on the other side of the aisle do wish to speak to it. They are not here at the present time, so I will suggest the absence of a quorum. I also suggest that there are other amendments on which time agreements may be relatively easy to reach. On this one it can't be reached. If the Senator from Arizona, [Mr. KYL], is within hearing, I would appreciate taking up his amendment as soon as possible. The same thing holds true for the senior Senator from Arkansas, who has one on which there might well be a time agreement.

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. DODD. 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. DODD. Mr. President, I rise, with all due respect to my colleague from Arkansas, in opposition to his amendment. I say to my colleagues here, with all due respect, my colleague is certainly one who has advocated in the past that we ought to try to remove or eliminate as much bureaucracy as possible. I think he is joined in those sentiments by most of us here in Congress, that we ought to be trying to not overburden a process but trying to streamline it as much as possible.

I commend President Clinton for coming up with a very innovative and creative idea on how we might highlight the importance of our river system in the United States. This program of designation of 10 great rivers in the United States, I think, has great value. It is something that is community driven, rather than something coming from Washington.

Let me just share with my colleagues how this would work. First of all, there are no mandates or regulations involved in this at all. In fact, it must be supported by the congressional delegations, the communities involved, and it is very explicit as to how this process would work. The amendment being offered by our colleague from Arkansas would require communities to go through additional layers of Government approval before a river could be designated an American heritage river.

Just to give you an example, those of us in the New England area are united—in New Hampshire, Vermont, Massachusetts, and Connecticut. We have all come together in a delegation—the communities, the States—requesting that the Connecticut River be one of those designated rivers. Very explicitly, if that support in the delegation from the Governors in the communities along the river is not present then that river is not going to be selected. It has been felt very, very important that there be community-driven, community-based support for these efforts. And if it is nonexistent, the designation doesn't happen.

Some of my colleagues may not want that designation. I can tell you categorically that if the Senators in those States do not want the rivers in their States, be it Colorado, or in Arkansas, then it won't happen. You don't have to worry about that. Nothing is going to be foisted on any State here that is not supported by the communities.

What we are suggesting here is that we in the New England States would like one of these rivers. In all due respect, I don't think it would be fair for me in this kind of a situation to be suggesting as a Senator from Connecticut that the people of Arkansas or Colorado, or any other State, ought to be denied that designation if they feel they very much like to see the Arkansas River or the Colorado River designated as one of these great rivers, with no regulations, no mandates, no money involved in it. It merely takes existing resources and tries to manage them in a way that the people at the local level would like to see them designated and to enhance the cultural, the economic, and environmental issues that they feel are very important.

I can tell you categorically that in my part of the country one of the problems that has happened over the years is that too much of our development has occurred right on the river denying people access to the river. One of the wonderful things about this city—our Capital City—that I appreciate every morning as I come to the Capitol is you can actually watch people on the banks of the Potomac River enjoying the river. For too many of our cities, of course, we saw the highway systems, and so forth, be developed between a city and its river. There is a great interest now in this country to try to restore, if you will, the vitality of these rivers—to see if we can't come up with ways to recognize the importance of them.

Again, the requirement that our colleague from Arkansas adds here would delay the initiative designed to provide prompt assistance to community-led efforts. After communities submit nomination packets to the administration, the President selects rivers for designation. The Council on Environmental Quality would have to forward these nominations to Congress which must provide approval. However, the amendment, as outlined, no process, or deadline, for congressional action would be required then to get approval basically of almost every single property owner. Imagine getting approval from the Connecticut River States, from the Canadian border on down to the Long Island Sound, of every private property owner in New Hampshire, Vermont, Massachusetts, and Connecticut. It would kill it. Why not have an amendment to eliminate it altogether? That might make more sense than making people go through a process that just kills it by bureaucracy. Why not have an amendment that would say this amendment ought to be eliminated? If that were the case, I would disagree with it. I would oppose it. But at least it would be clear. The intent here, by establishing a very lengthy process that would deny these community-driven programs, I think, would be a huge mistake.

Let me also point out that there are no additional dollars involved here at all in what has been suggested, and no new regulations, or changes in existing law. The American Heritage Rivers Initiative does not change the existing prioritization process for the Clean Water Act, the Safe Drinking Water Act, or any other applicable Federal law. Given that the American heritage rivers initiative imposes no new regulations, any activity undertaken to designate rivers would naturally abide by the laws governing priorities of the Clean Water Act and the Safe Drinking Water Act, and other Federal laws.

State and local reviews: Any projects identified in a communities-nomination packet must undergo applicable State and local review processes. Property owners are key at this stage of the review. I can say categorically that they are involved now in our New England area with the Connecticut River. We pulled together the support. We have solicited opinions from our local communities to get behind this effort. Obviously, local property owners have a more than adequate way of expressing their feelings about whether or not we ought to be going forward. There is strong feeling, in our area anyway, that this is a process that we approve of. We support fully and strongly that it ought to be included.

As I said earlier, if delegations don't want rivers in their States to be included in this competition, if you will, to designate 10 rivers, then that is it. You are out. Don't worry about it. There is no way in the world that you are going to be included in this.

So, if the Colorado River wants to be excluded from the process, I can categorically tell you that it will be out—or the Arkansas River. If anyone stands up here today and votes for this amendment, I promise you that you won't be included. You are out. Don't worry about it. But for those of us who would like this designation, who feel strongly about it in a bipartisan way, who believe that there is something of value here in trying to restore our rivers, to give attention to them, to appreciate the value of them historically, environmentally, economically, we would like this designation. We think it will help us, and our local communities want it. They support it.

Frankly, to go through a long morass of bureaucracy, and going through one agency after another, coming back and getting approval, having every single property owner express their view one way or the other, this is just killing it—choking it to death.

So my hope is that our colleagues here would oppose this amendment. Again, this has broad-based and community-based support in the country, and I think has great value in terms of those of us who care deeply about seeing these rivers restored.

I can tell you. I live on the Connecticut River. I have my office on the Connecticut River. In fact, it is a better Connecticut River. I can remember the days only a few years ago when the thought of swimming in that river, or fishing out of that river, or eating any fish out of the river, was unheard of. Today it has come back because there have been great local efforts to restore the vitality of that river. The salmon are coming back. The Connecticut River shad are back.

Dartmouth, in New Hampshire, and the University of Massachusetts all understand the value of this. Our communities of Hartford and Middletown in Connecticut, and Springfield, MA, all believe that this is a very worthwhile project, and are solidly behind it.

It is not just one river. But I can tell you also that it is highly competitive. I know my colleague from New York, Senator D'AMATO, is deeply interested in the Hudson River. And great support exists in that State for the designation. I know the same case exists across the country. I think it is a healthy process that communities and States are going through.

To add to the regulatory burden here by requiring, as this amendment would, a tremendous effort to get some designation here where there is apparently opposition within those States, I would say to those people that you need not worry about it.

In fact, for those of us who would like to designate and realize that it is highly competitive, maybe we ought to realize it the way it is here. If we get a good vote, we can eliminate a lot of rivers from being designated. Because I can clearly tell you, if Members vote for this, that is going to be a pretty strong case for those of us who want the designation—that Senators who vote for this, those rivers ought to be excluded from this process; and that we will just go with the colleagues here who come from States that represent rivers that would like to have this designation.

This is no money regulation. There are no regulations, no mandates, no money. It is community-based, community-driven, and community-supported.

And, if you are opposed, if you are not included, why in the world do we go through a process here where we require Congress to come up and support or deny and elongate things? It basically kills this. This is making a huge mountain, if you will, out of a trickle, in a sense. This is not that big a deal except to the extent that it allows for these rivers to be designated as important natural resources that our States would like to protect and preserve for future generations. That is all it really is, and no more than that.

To come up here and suggest somehow that this is some great big Federal program is dictating to local communities somehow denying them the process of making decisions about their own futures along these rivers is just not the case.

So, Mr. President, I urge our colleagues here, with all due respect, to reject this amendment when the time arises.

I note my colleague from Rhode Island wanted to be heard on this. I will be glad to yield to him, or seek his own time.

Mr. CHAFEE. Mr. President, I think the Senator from Arkansas would like to say a few words. Would he? If not, I will proceed.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

I am going to do something that I think is highly irregular. I earlier asked unanimous consent that reading of the amendment be dispensed with. But after reading the letter that came from the Sierra Club, and a number the other organizations, and after listening to the comments of my esteemed colleague, and my good friend, Senator DODD, I really think that it is essential that the amendment be read.

So I am going to proceed to do that. It is very brief. But I think the American people, whenever my colleague says there is some great morass, that we are adding some great regulatory burden—there are some I guess that would say democracy is a great regulatory burden; to ask people to have some input on whether or not as property owners they want to be part of this, that it is a terrible burden, I guess; but that it is a big process to ask Congress to use its proper role in review. I mean, when we look at wild and scenic rivers, we review that. We have the right to make a determination on that.

I would like to read the amendment. I think we can perhaps better focus our debate when we understand exactly what is in the amendment.

AMERICAN HERITAGE RIVERS INITIATIVE

During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 only in accordance with this section.

NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality, shall submit to Congress nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

It doesn't exclude any rivers. The President, acting through his chair of the Council on Environmental Quality, will submit the nominations.

PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clean Water Act, and the Safe Drinking Water Act.

The point there being that we ought to comply with existing law, and that if we were going to prioritize these rivers it should be on the basis of where the greatest need is as determined by the Clean Water Act and the Safe Drinking Water Act.

CONSULTATION WITH PROPERTY OWNERS.—

I used to wonder why the American people would object to this amendment.

To ensure the protection of private property owners along a river proposed for nomination. All property owners holding title to land directly abutting riverbank shall be consulted and asked to offer letters of support for or opposition to the nomination.

I suppose that is a great burden—to notify the property owners, and let them express themselves pro or con. But I think that is what America is about. I think that avoiding that kind of process is what the American property owners today, the landowners of this country, so object to.

Consultation of property owners; that is No. 3.

DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by act of Congress.

That goes back to our review process.

Then the definition of river communities, which was totally omitted in the Executive order.

DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage Rivers Initiative, as used in Executive Order 13061, the term ''river community'' shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

Without that definition, someone in another State could nominate a river in Arkansas, or Connecticut, or Rhode Island. Or somebody in Washington State could nominate—I mean we have

to have some kind of definition as to what we mean. We are filling that void through this amendment.

That is the entire amendment. I have read it all, every word of it. So let the American people determine whether or not there is something so objectionable as has been characterized by those who are opposing the amendment.

I have much more to say. But that was the point of my seeking recognition—to simply read the amendment for the American people, and for my colleagues in the U.S. Senate.

I yield the floor.

Mr. DODD. Mr. President, to respond to my colleague from Arkansas—I know my colleague from Rhode Island wants to be heard—my colleague must be aware—I presume he is—of how the process works. The suggestion somehow that this process excludes local property owners from expressing their opinions is just not the case. In fact, it is very, very clear, as laid out by the Executive order, how the process would work. Certainly local input and people expressing their views, whether or not they are in favor or opposed to this, is very much a part of the process here.

This is complicating it by mandating through law. The implication here obviously is that Congress is going to make the decision as to whether or not these rivers in various areas are going to be designated so you have a vote of 51 to 49 picking this river or that. We are trying to avoid that, to keep the politics out of it.

If you go back and look at how it works, it requires that there be local input and approval and support at the local level. That is the whole idea. Obviously, to have Washington sit here and pick 10 rivers, we don't know whether you want to be designated. So this is entirely superfluous. The process exists right now that requires that effort. Support from local communities is all through the Executive order from the administration as to how this would work.

My point is, if that is the case, if that is what we are doing, it requires that input. To all of a sudden say we are going to have here a law that makes us go through congressional hearings and looking at all of this I think just is making more out of this than has to be the case.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I rise today because I believe the amendment before us is simply another thinly veiled attempt to attack the President's American Heritage River Program and to prevent any American river from participating in this innovative initiative.

Rivers have always been an integral part of our Nation's history, and throughout Virginia and across the United States activities are already underway to enhance the economic, historic, cultural, recreational, and environmental value of our rivers. Local government officials, conservationists, and riverfront developers, however, have complained that they cannot figure out which Federal programs they can use to pay for their redevelopment and river restoration projects or how to make their way through the redtape. The American Heritage Rivers Program is designed to lend a hand of assistance to these community-led waterfront projects. The program will assist localities in gaining access to existing Federal resources and will help bring their plans to life.

Mr. President, the American Heritage Rivers Program is voluntary and locally driven. This is a citizens-up effort to revitalize our hometown rivers. Communities will nominate outstanding stretches of America's rivers and 10 rivers will be rewarded special recognition. Each American heritage river will have access to a river navigator, a full-time liaison who is knowledgeable about the needs of the community and the multitude of Federal agencies and programs that could help meet their needs. The river navigator will help cut redtape and match priorities identified by the community with the services of the Federal agencies. The river navigator, however, will not have any power over local decision-making.

The American Heritage Rivers Program is solely an effort to increase local access to Federal programs that affect rivers, not to increase Federal management or regulation of rivers. The Federal Government will only respond directly to community needs.

Mr. President, the Federal Government has the authority and responsibility to coordinate the use of its limited resources in the best possible manner. If Federal agencies already have programs authorized and appropriated by Congress that are relevant to preserving and revitalizing our rivers, then an initiative that will help to ensure these services are delivered more effectively and efficiently is exactly what we need.

I'm not sure when this program became so misrepresented that individuals suddenly began to fear that the implementation of the American Heritage River Program would place an unprecedented Federal stranglehold on property owners. Today I heard the American Heritage Rivers Program referred to as an aquatic assault on the American people launched by President Clinton. That 13 Federal agencies will participate in the takeover of our Nation's rivers and a Federal employee will be appointed to control all land use and management activities within the designated area.

My only guess is these fears are rooted in a general distrust of anything that mentions the involvement of the Federal Government. But, in this instance, I find this distrust and these fears unwarranted.

The American Heritage Rivers Program simply promises to make a better use of existing sources of Federal assistance and will only coordinate the delivery of those services in a manner designed by the community. And communities can terminate their participation at any time.

Mr. President, the sponsor of this amendment says his constituents want a community-led process that will make the right decisions for their particular community, not a federally dominated process that could dictate to property owners how they can use their land. If that is what the people of Arkansas want, then that is exactly what the American Heritage River Program has to offer. But, Senator HUTCHINSON's amendment does not improve the American Heritage River Program, it only interferes with the President's initiative.

This amendment would add unnecessary delays and burdensome requirements to an initiative designed to streamline Federal assistance to community-led efforts. This amendment would even allow Members of Congress to block designations in other regions of the country, where community and congressional support are strong. Additional congressional bureaucracy will only stifle these citizen-led efforts.

Right now in North Carolina, Maryland, and Virginia, our rivers are under assault and the attack is by a cell from hell, a fishing-killing microbe called pfiesteria. We should be focusing our resources on finding the source of this microorganism and ensuring our water bodies are safe for swimming and for fishing. We should not be considering amendments that attack any new or innovative approaches to river protection and revitalization. That's why Mr. President, I ask my colleagues to support the citizens and communities from around the country who continue to express resounding support for the American Heritage River Program and to vote against the Hutchinson amendment which stands in their way to protect and revitalize their rivers.

I agree entirely with my colleagues from Connecticut and Rhode Island, from whom we will hear in just a moment.

This was designed to simplify the process. As I listened to the amendment actually read, it will complicate the process. It will add additional burden to something that is entirely voluntary. There is no new money; there are no new mandates; no applicable provision of Federal law is in any way disturbed. This is simply an attempt to help communities that want to enhance both their environment and their prospects for economic development to do so with the aid of a navigator who will simply coordinate the assistance.

The Federal Government is already authorized to bring to bear on the project. That is what the National heritage river initiative is all about. I hope my colleagues will recognize that by adding a very significant regulatory burden you would very substantially undercut the prospects for the success of this particular initiative. It is entirely voluntary. Anybody who does

not want to be a part of it does not have to be a part of it.

In my own State of Virginia, there is enormous excitement by the business community, by the environmentalists, by all who want to preserve and enhance our environment and who want to take advantage of economic development that flows from it. I hope at the appropriate time, Mr. President, our colleagues will vote against this particular amendment. And with that I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, every so often we are put in a difficult situation with amendments presented by somebody we have great affection and respect for, yet we are not in a position to agree with the amendment. Such is the instance here where we are now wrestling with the amendment presented by the distinguished Senator from Arkansas, with whom I have had the privilege of working on the Environment Committee and who is a very valuable member of that committee. Just yesterday we worked closely on a very major piece of legislation which unanimously came out of the committee, and part of the reason it was so successful in the committee was because of the help from the Senator from Arkansas.

But I must say I think he is making a mountain out of a molehill here, if you would. Maybe I ought to put it in river terms in some fashion. What occurred was in the State of the Union Address the President announced a plan to create initiatives designed to assist communities in their efforts to clean up and restore rivers and riverfront areas.

Last week, he signed an Executive order creating the American heritage rivers initiative. He had previously announced that he was going to do it and had used that term, American heritage rivers.

This amendment would, in my judgment, derail that designation and add a whole series of complexities to it that I will touch on in a minute. Since the announcement of this initiative in the State of the Union Address, communities along two major rivers in my State, the Blackstone River and the Woonasquatucket River, have been invigorated by the hope of gaining this designation. They have had rallies and gatherings, and I have had the privilege of attending some of those. I could not help but think, when the President announced this initiative, that he was describing an ongoing project we have in our State. It is the so-called Blackstone River Valley National Heritage Corridor which was created by legislation that I authored some 10 years ago.

In my years as Governor and first few years in the Senate, I came to view the Blackstone River as a nearly impossible problem. Many years of pollution from toxic substances had wiped out much of the wildlife along the river, and there had been terrific economic change. What once were great mills there had moved away or been abandoned and, indeed, it was a languishing situation.

Once this designation was made, as a result of technical assistance and advice from the National Park Service, a modest investment of Federal funds, enormous commitment from the local communities, business people, and residents, this whole area is experiencing a renaissance.

Today, community leaders from the Blackstone River Valley are sharing what they have learned with individuals from the other rivers, the Woonasquatucket, for example, and they are working together on an application for designation as an American heritage river. They want this designation. Individuals from the communities are writing the President, sharing their thoughts with him what the rivers mean to them, and we know this is a competitive situation. I must say I didn't know the whole Connecticut River was seeking it, and that is a powerful aggregation. They are favored. It goes through, I guess, three or four States—starting up on the Canadian border and coming down Vermont and New Hampshire and Connecticut, Massachusetts. However, we are very anxious that our rivers, the Blackstone and the Woonasquatucket, taking the two together, would receive this designation.

The question is this Executive order. I ask unanimous consent that a copy of the President's Executive order be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered

(See exhibit 1.)

Mr. CHAFEE. Section (d) of the Executive order says the following. I think this is important:

> Agencies shall act with due regard for the protection of private property provided by the Fifth Amendment to the United States Constitution.

That is what it says. There is nothing in this Executive order that interferes with the rights of individual property owners along the rivers. Nominations for this designation must come from the communities and have to be supported by a broad range of individuals. Once the designations are made, if a community finds it no longer wants to be an American heritage river, it can opt out. They are not bound into this thing. It is a very modest program. They get a designation. They get somebody from the Federal Government, one of the agencies that will help the communities along the river, do some things that will improve the quality of life along the river, make the river a more attractive entity in their lives.

As I say, the Federal role in these areas is limited to supporting community-based efforts to protect and restore the rivers. So I support the President's plan to designate 10 rivers. I support the goals of the initiative which are to protect natural resources, encourage economic revitalization, and preserve historic and cultural treasures, and I vigorously support the efforts of the communities that I mentioned along the Blackstone River which is part in Massachusetts and part in Rhode Island, and the Woonasquatucket River to get this coveted designation.

I would like to close, Mr. President, by touching on the Senator's amendment, but I want to underscore that applications for this designation have to come from the communities. This is not some President in Washington reaching out and saying that this river is going to be an American heritage river. It can only come about through the community seeking that designation. It has to have support from local residents. As I say, if they do not want to be in it any longer, they can get out.

So for those reasons I reluctantly oppose the amendment of my distinguished colleague from Arkansas.

The Senator from Arkansas read his amendment, and there are a couple of things in there that I find troublesome and I must say I am not quite sure what they mean. In the prioritization section, he says:

> The nominations shall be subject to the prioritization process established by the Clean Water Act, the Safe Drinking Water Act and other applicable law.

Now, it may well be, I suspect, that under the Clean Water Act the prioritization is those rivers that are what we call most unclean, if you want to use that word, or the ones that are the most polluted. This is not geared solely toward a river cleanup in the sense of pollution control. That, of course, comes under the Clean Water Act. The Senator is quite right; that is an important part of prioritization of the Clean Water Act.

But this isn't the way, as I understand it, this act is to work. It isn't solely the President reaching out and saying we are going to designate the dirtiest rivers as American Heritage rivers because they need the most help. There is very little financial help from the Federal Government, totally unlike the Clean Water Act where there are massive grants, as the distinguished Senator knows, for wastewater treatment facilities, either municipal or the law, of course, forces the private companies that pollute in any fashion to clean up their act. That is not what this is designed for.

It goes on—and this is the point the Senator from Connecticut was making, that the provisions in this act really add a great layer of bureaucracy and red tape on top of what is an innocent process just getting the designation.

Example:

> CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along the rivers proposed for nomination, all—

All, every single—

> property owners holding title to land directly abutting the river shall be consulted.

Now, this can go on forever, trying to find who is along the river. Are they a tenant? Do they own it? What proportion of ownership do we have? In my State, we have factories that have been abandoned. They are owned by families that have disappeared. It is very hard to trace the ownership and find out who exactly lives there and owns the property.

Then we get to definition of a river community, in which the Senator says, ''For the purposes of the American Heritage Rivers Initiative, as used in the Executive order, the term river community' shall include all persons that own property, reside or regularly conduct business within 10 miles of the river.''

Now, I am not sure what the Senator means by that, but that is an impossible job, to bring in every person who lives within 10 miles of the river—lives there, owns property, or regularly conducts business. I don't know what that means. Suppose I am a regular attendee at a coffee shop along the river somewhere; I don't live within 10 miles, but I have lunch every day at this coffee shop. Do I fall under the term ''river community''?

So for those reasons, Mr. President—and again, I would be open to explanation on this river community definition that the Senator includes—I hope that this amendment will not be accepted.

EXHIBIT 1

EXECUTIVE ORDER—FEDERAL SUPPORT OF COMMUNITY EFFORTS ALONG AMERICAN HERITAGE RIVERS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969 (Public Law 91–190), and in order to protect and restore rivers and their adjacent communities, it is hereby ordered as follows:

Section 1. Policies.

(a) The American Heritage Rivers initiative has three objectives: natural resource and environmental protection, economic revitalization, and historic and cultural preservation.

(b) Executive agencies (''agencies''), to the extent permitted by law and consistent with their missions and resources, shall coordinate Federal plans, functions, programs, and resources to preserve, protect, and restore rivers and their associated resources important to our history, culture, and natural heritage.

(c) Agencies shall develop plans to bring increased efficiencies to existing and authorized programs with goals that are supportive of protection and restoration of communities along rivers.

(d) In accordance with Executive Order 12630, agencies shall act with due regard for the protection of private property provided for by the Fifth Amendment to the United States Constitution. No new regulatory authority is created as a result of the American Heritage Rivers initiative. This initiative will not interfere with matters of State, local, and tribal government jurisdiction.

(e) In furtherance of these policies, the President will designate rivers that meet certain criteria as ''American Heritage Rivers.''

(f) It is the policy of the Federal Government that communities shall nominate rivers as American Heritage Rivers and the Federal role will be solely to support community-based efforts to preserve, protect, and restore these rivers and their communities.

(g) Agencies should, to the extent practicable, help identify resources in the private and nonprofit sectors to aid revitalization efforts.

(h) Agencies are encouraged, to the extent permitted by law, to develop partnerships with State, local, and tribal governments and community and nongovernmental organizations. Agencies will be responsive to the diverse needs of different kinds of communities from the core of our cities to remote rural areas and shall seek to ensure that the role played by the Federal Government is complementary to the plans and work being carried out by State, local, and tribal governments. To the extent possible, Federal resources will be strategically directed to complement resources being spent by these governments.

(i) Agencies shall establish a method for field offices to assess the success of the American Heritage River initiative and provide a means to recommend changes that will improve the delivery and accessibility of Federal services and programs. Agencies are directed, where appropriate, to reduce and make more flexible procedural requirements and paperwork related to providing assistance to communities along designated rivers.

(j) Agencies shall commit to a policy under which they will seek to ensure that their actions have a positive effect on the natural, historic, economic, and cultural resources of American Heritage River communities. The policy will require agencies to consult with American Heritage River communities early in the planning stages of Federal actions, take into account the communities' goals and objectives and ensure that actions are compatible with the overall character of these communities. Agencies shall seek to ensure that their help for one community does not adversely affect neighboring communities. Additionally, agencies are encouraged to develop formal and informal partnerships to assist communities. Local Federal facilities, to the extent permitted by law and consistent with the agencies' missions and resources, should provide public access, physical space, technical assistance, and other support for American Heritage River communities.

(k) In addition to providing support to designated rivers, agencies will work together to provide information and services to all communities seeking support.

Sec. 2. Process for Nominating an American Heritage River.

(a) *Nomination.* Communities, in coordination with their State, local, or tribal governments, can nominate their river, river stretch, or river confluence for designation as an American Heritage River. When several communities are involved in the nomination of the same river, nominations will detail the coordination among the interested communities and the role each will play in the process. Individuals living outside the community may not nominate a river.

(b) *Selection Criteria.* Nominations will be judged based on the following:

(1) the characteristics of the natural, economic, agricultural, scenic, historic, cultural, or recreational resources of the river that render it distinctive or unique;

(2) the effectiveness with which the community has defined its plan of action and the extent to which the plan addresses, either through planned actions or past accomplishments, all three American Heritage Rivers objectives, which are set forth in section 1(a) of this order;

(3) the strength and diversity of community support for the nomination as evidenced by letters from elected officials; landowners; private citizens; businesses; and especially State, local, and tribal governments. Broad community support is essential to receiving the American Heritage River designation; and

(4) willingness and capability of the community to forge partnerships and agreements to implement their plan to meet their goals and objectives.

(c) *Recommendation Process.*

The Chair of the Council on Environmental Quality (''CEQ'') shall develop a fair and objective procedure to obtain the views of a diverse group of experts for the purpose of making recommendations to the President as to which rivers shall be designated. These experts shall reflect a variety of viewpoints, such as those representing natural, cultural, and historic resources; scenic, environmental, and recreation interests; tourism, transportation, and economic development interests; and industries such as agriculture, hydropower, manufacturing, mining, and forest management. The Chair of the CEQ will ensure that the rivers recommended represent a variety of stream sizes, diverse geographical locations, and a wide range of settings from urban to rural and ensure that relatively pristine, successful revitalization efforts are considered as well as degraded rivers in need of restoration.

(d) DESIGNATION.

(1) The President will designate certain rivers as American Heritage Rivers. Based on the receipt of a sufficient number of qualified nominations, ten rivers will be designated in the first phase of the initiative.

(2) The Interagency Committee provided for in section 3 of this order shall develop a process by which any community that nominates and has its river designated may have this designation terminated at its request.

(3) Upon a determination by the Chair of the CEQ that a community has failed to implement its plan, the Chair may recommend to the President that a designation be revoked. The Chair shall notify the community at least 30 days prior to making such a recommendation to the President. Based on that recommendation, the President may revoke the designation.

Sec. 3. Establishment of an Interagency Committee. There is hereby established the American Heritage Rivers Interagency Committee (''Committee''). The Committee shall have two co-chairs. The Chair of the CEQ shall be a permanent co-chair. The other co-chair will rotate among the heads of the agencies listed below.

(a) The Committee shall be composed of the following members or their designees at the Assistant Secretary level or equivalent:

(1) The Secretary of Defense;

(2) The Attorney General;

(3) The Secretary of the Interior;

(4) The Secretary of Agriculture;

(5) The Secretary of Commerce;

(6) The Secretary of Housing and Urban Development;

(7) The Secretary of Transportation;

(8) The Secretary of Energy;

(9) The Administrator of the Environmental Protection Agency;

(10) The Chair of the Advisory Council on Historic Preservation;

(11) The Chairperson of the National Endowment for the Arts; and;

(12) The Chairperson of the National Endowment for the Humanities.

The Chair of the CEQ may invite to participate in meetings of the Committee, representatives of other agencies, as appropriate.

(b) The Committee Shall:

(1) establish formal guidelines for designation as an American Heritage River;

(2) periodically review the actions of agencies in support of the American Heritage Rivers;

(3) report to the President on the progress, accomplishments, and effectiveness of the American Heritage Rivers initiative; and

(4) perform other duties as directed by the Chair of the CEQ.

Sec. 4. Responsibilities of the Federal Agencies. Consistent with Title I of the National Environmental Policy Act of 1969, agencies shall:

(a) identify their existing programs and plans that give them the authority to offer assistance to communities involved in river conservation and community health and revitalization;

(b) to the extent practicable and permitted by law and regulation, refocus programs, grants, and technical assistance to provide support for communities adjacent to American Heritage Rivers;

(c) identify all technical tools, including those developed for purposes other than river conservation, that can be applied to river protection, restoration, and community revitalization;

(d) provide access to existing scientific data and information to the extent permitted by law and consistent with the agencies mission and resources;

(e) cooperate with State, local, and tribal governments and communities with respect to their activities that take place in, or affect the area around, an American Heritage River;

(f) commit to a policy, as set forth in section 1(j) of this order, in making decisions affecting the quality of an American Heritage River;

(g) select from among all the agencies a single individual called the ''River Navigator,'' for each river that is designated an American Heritage River, with whom the communities can communicate goals and needs and who will facilitate community-agency interchange;

(h) allow public access to the river, for agencies with facilities along American Heritage Rivers, to the extent practicable and consistent with their mission; and

(i) cooperate, as appropriate, with communities on projects that protect or preserve stretches of the river that are on Federal property or adjacent to a Federal facility.

Sec. 5. Responsibilities of the Committee and the Council on Environmental Quality. The CEQ shall serve as Executive agent for the Committee, and the CEQ and the Committee shall ensure the implementation of the policies and purposes of this initiative.

Sec. 6. Definition. For the purposes of this order, Executive agency means any agency on the Committee and such other agency as may be designated by the President.

Sec. 7. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 11, 1997.*

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I find myself in the uncomfortable position of offering an amendment that is opposed by a chairman for whom I have the greatest respect and greatest esteem and the highest regard. So it is with that recognition that were I not so convinced of the merits of this amendment, I would have to rethink its value and its submission.

When we talk about making a mountain out of a molehill, I think the opponents of this amendment are making a mountain out of a molehill. This amendment has the simple purpose of protecting the rights of property owners and ensuring the input and participation of those most affected by these designations. It is not too much to think that Congress ought to ratify this designation, that Congress ought to have a say or view in the designation of these rivers in what could be a very, very broad program—eight cabinet departments, and four Federal agencies We have a process for the Wild and Scenic Rivers. Why not have a say in the American heritage rivers initiative as well.

Now, my esteemed colleague said there is very little money involved. We do not know. It has not been authorized, nor has it been appropriated. How much money is involved in this? Who can really give me an answer to that? There is no answer because we have eight cabinet departments and we have four Federal agencies, each one taking a little bit out of their pot. How much is involved? I would pose that question to those who are opposing this amendment. This has been presented as just a small initiative; that really we are making too much out of it and this is just a voluntary program. If it is a small program, we have eight cabinet-level departments involved and four Federal agencies participating in it. That sounds like a rather major initiative to me.

If you will compare the simplicity of my three-page amendment to the length of the Executive order, which has been submitted for the RECORD, I think one will see who is making a mountain out of what molehill.

Now, my esteemed colleague gave us some historical background as to how this initiative came forward. Let me just amplify a little bit more. The President officially announced this in his State of the Union Address. It was published during the month of February in the Federal Register, although it was not noticed to a great extent. Several public hearings apparently were held in the spring but congressional offices were not uniformly notified of hearing dates. Equally troubling was the short 3-week public comment period that was posted in the May 19 Federal Register. Because of the scope and the goals of the initiative and the magnitude of possible designations, I along with 15 of my colleagues signed a letter to Kathleen McGinty, chair of the Council on Environmental Quality, asking for a 120-day extension.

That is all we asked for, extend the comment period. They gave 3 weeks for the public. This is being presented as, Well, we would welcome all of those who are concerned about this to have adequate input. The fact is, the administration gave 3 weeks for public comment, and we as the elected representatives of the people said, Please extend that to 120 days. The administration only agreed to a mere 3 weeks. I think that was a very inadequate response to a program that has never been authorized and never been appropriated.

As I read the letter that has been sent out to all of my colleagues from the American Rivers, from the National Audubon Society, National Trust for Historic Preservation, the River Network, and the Sierra Club, I hardly recognized the amendment of which they were speaking. They outlined their objections to the Hutchinson amendment. They say the Hutchinson amendment imposes ''unprecedented, onerous and unnecessary requirements.''

I read the amendment. So let the American people make their judgment as to whether that is an appropriate characterization of the amendment and whether asking Congress to approve, asking the property owners be notified and given the opportunity to say yes or no to it, whether they like it or not, if that is an onerous and unprecedented requirement.

Then they have four bullets in which they express their objections. Listen to these objections. These are the objections of the American Rivers, National Trust for Historic Preservation, Sierra Club, the National Audubon Society, and the River Network. Objection No. 1, ''All designations would require congressional approval.'' Boy, that is something to object to, that Congress would actually approve it. They object, ''The amendment would require all property owners along rivers to be identified and asked to support or oppose the nomination.'' Boy, that is something to object to, to actually notify the property owners and give them an opportunity to say whether they support it or oppose it. This is the objection of these groups to this amendment. That is an onerous requirement, to notify property owners about this new designation that is going to impact their lives, impact their property, the use of their property. They object, they say, ''The amendment would prohibit the initiative to assist nondesignated rivers.'' I don't see that in the amendment.

Then they say, ''The amendment would create and impose on river communities a 20-mile-wide Federal corridor including all persons who own property, reside or regularly conduct business in the corridor.'' I say to my distinguished colleague who questioned the definition, if you don't like definition, give us a different definition. But at least there is a definition of what a river community is. Because in the Executive order there is no definition of what we are talking about when we say a river community. We thought there ought to be some kind of definition as to what a river community is, and the best way to define it is to designate those who are most impacted by it.

So, once again, I would never present any legislative offering that I am authoring as being a perfect legislative remedy. But I am suggesting that there

is nothing intemperate or unreasonable about what we are seeking. We are seeking to ensure that private property rights are protected, that property owners have an opportunity for input, and that congressional review and approval be preserved. That is our prerogative as those elected by our citizens.

Once again, if there is a mountain being made out of a molehill, it is those who would oppose a very commonsense amendment that would ensure that those most impacted by another Federal initiative will have input and have some protection for their rights and that those they elected to represent them up here would have a final say on whether those rivers are so designated or not. I ask my colleagues to look beyond the rhetoric and look at the reality of what this amendment does, the purpose of the amendment, and then grant their support for the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be relatively brief here. I gather there are a couple of our colleagues who want to come over and be heard on the amendment itself.

Let me suggest, first of all, to my colleagues here who have been following this, there were more than 90 days of comment on the initiative. In fact, as a result of that period of comment, there were a number of important changes and clarifications to address some of the concerns expressed regarding the initiative's implementation. I ask unanimous consent those changes be printed in the RECORD at this point.

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

IMPORTANT CHANGES TO THE AMERICAN HERITAGE RIVERS INITIATIVE AS A RESULT OF PUBLIC COMMENT

The goal of the American Heritage River initiative is to support community-led efforts to spur economic revitalization, protect natural resources and the environment, and preserve historic and cultural heritage. After more than 90 days of comment on the initiative, the Administration made a number of important changes and clarifications to address some of the concerns expressed regarding the initiative's implementation.

The Administration is committed to ensuring that private property rights, water rights, and other rights are fully respected and protected under the American Heritage Rivers initiative.

The American Heritage Rivers initiative will work in coordination with laws and regulations that seek to reduce pollution, improve water quality, protect drinking water, manage floodplains, promote economic development, facilitate interstate commerce, promote agriculture, protect wetlands and endangered species, preserve important historic and archaeological sites, and address other concerns.

The American Heritage Rivers initiative will not conflict with matters of state and local government jurisdiction, such as water rights, land use planning and water quality standards, nor will it change interstate water compacts, Indian tribal treaty rights, flood damage reduction, or other existing rights. By achieving greater coordination between programs and local needs, American Heritage Rivers will work to build mutual understanding and better solutions to existing and future problems. It will provide a forum in which federal officials, community organizations, and other stakeholders can examine how the range of regulations are implemented locally.

Employees of the federal government, including the River Navigator, may not as a result of the American Heritage Rivers initiative infringe on the existing authority of local governments to plan or control land use, or provide or transfer authority over such land use; nor may the initiative affect any existing limitations on or create any new authorities for the participation of federal employees, including River Navigators, in local zoning or land management decisions involving private property.

The initiative will not supersede, abrogate, or otherwise impair the authority of each state to allocate quantities of water within its jurisdiction; and any proposal relating to water rights in a community's plan must comport with all applicable laws and interstate compacts. Nothing in this initiative is meant to preclude any holder of a state water right from exercising that right in a manner consistent with state law.

In implementing the American Heritage Rivers initiative, federal departments and agencies shall act with due regard for the protections of private property provided by the Fifth Amendment to the United States Constitution.

The American Heritage Rivers initiative is voluntary and locally driven; communities choose to participate and can terminate their participation at any time. Nominations must come from the people who live and work along a river. Those who rely on the resources but live outside the area may be included in discussions about the plan of action, but may not submit a nomination.

Mr. DODD. Furthermore, let me lay out how this works. This is not just sort of throwing this out. We are going to have some sort of political determination made regarding these 10 heritage rivers.

First of all, the administration stated that if a Senator or a Member of Congress opposes a designation in his or her State or district, the designation will not occur. That at least gives people an opportunity here to express the wishes of their communities. So, today we will have a vote on this. I presume that is the way people want to express how they feel about this. If colleagues want to vote for the Hutchinson amendment, the amendment of my colleague from Arkansas, that's a good indication of where you stand on this, and that can certainly narrow down the process, I suppose, here. That would be, I presume, an expression of how your constituency felt on this.

Second, the administration has proposed a panel of experts representing economic development, including agriculture, natural resources, environmental protection, historic and cultural preservation, to review all the nominations and make recommendations to the President. This would not only, I think, ensure a fair and objective process, but guarantee the designations are made in a timely manner. So it is not going to be made by one individual. You bring together people to determine what are the qualifications that ought to be looked at. Certainly, some of the already existing Federal laws regarding clean water are very, very important. There are other considerations, and that ought to be a part of it.

Third, there must be broad-based support for this. In the nomination package submitted, communities must show a broad base of support, including property owners, State, tribal, local governments, before this package is going to be accepted.

Let me suggest here, by the way, that it spells it out. ''The administration recommends that supporters should reflect''—I am reading here, now, ''the diversity of the community, including but not limited to property owners, as appropriate, and as stated in the Federal Register notice they should include farmers, ranchers, landowners, businesses and industries, education, arts organizations, youth groups, community leaders, developers, community development organizations, historical societies, environmental groups and other nonprofit organizations, elected officials, State, tribal and local governments.'' You can't get much broader than that. You have to demonstrate that kind of support.

Private property owners are an important element here. It is not limited to that. If we are going to ask people to give comment out here, certainly we are suggesting that ought to come from those people, but there are other entities as well that are affected by it. Businesses are affected by it. Universities are affected by it. Communities are affected by it.

What the Register says here is get the comments from everybody here including private property owners. Does it say to get every single private property owner? No; that would be a nightmare. On the Connecticut River, 500 miles of river through four States and congested urban areas, are you going to get a comment from every private property owner? Why not kill the whole thing? That's the idea. Get rid of it. Have an amendment that says there should be no designation of 10 heritage rivers. That's a lot cleaner. But the idea somehow in four States where we are applying—no guarantee we are going to be accepted; we are for this in four States—the delegations are for it, the communities are for it, we have to go back now and go through 510 miles on both sides of the Connecticut River, 10 miles on either side, and get comments from every single property owner, with all due respect, kills this.

There is a cleaner way of killing it; a cleaner way of killing it than maiming this process and adding a huge bureaucracy where we go out now, because we like this, and go through the next year or two where local communities, at some expense, are going out and getting comment from every single property owner. Talk about adding to the burden of a process. There is no

mandate here, no regulations, no money. Just a designated 10 rivers in the country as being heritage rivers. Talk about adding to the cost of local taxpayers and communities—this amendment does that.

Here we require, the administration requires, broad-based comment. Nominations may only be made—they may only be made by members of the community. That is the only way this can occur. It doesn't occur because some Senator nominates it. It has to come from the community. That is exactly the purpose and the intent here. So, the idea of going across and saying we are going to exclude everyone else in the process—there are no new regulations or changes in existing law. The American heritage rivers does not change the existing prioritization process for the Clean Water Act, the Safe Drinking Water Act, or any other preexisting law. Given that the American heritage river initiative imposes no new regulations on any activities undertaken or designated on designated rivers, people would naturally abide by the law, obviously, in areas that are covered under those provisions of law. Any project identified in a community's nomination package must undergo applicable State, and local review processes. Property owners are key at this stage of the review. The administration believes such review should remain a local issue and Federal agencies should assume no additional roles in what is a local decision.

In the nomination package, communities must demonstrate that members of the community have had an opportunity to comment and discuss the nominations and plan of action. That is required. When you submit your package from a local community, you have to demonstrate you have gone out to the community and solicited the views of the people of your community.

It even goes further, so it is not just a mayor or select person in town, but it is actually that you have to demonstrate in the local community you have solicited the comments and the views of people in that community, including your private property owners.

In implementing the American heritage river initiative, Federal departments and agencies are required to act with due regard for the protection of private property owners, provided by the fifth amendment to the U.S. Constitution, and as directed by Ronald Reagan, President Reagan's 1988 Executive Order No. 12360.

I must say here, this has been pretty well thought out here, requiring applications must come from the community. The community leaders must solicit the opinion of people in their communities. It also solicits the views of others in addition to the private property owners along those rivers, but doesn't require every single one of them, as does this amendment, as it insists. I read it to you. It says here:

''To ensure the protection of private property owners along a river proposed for nomination, all property owners''—I am reading now line 17, 16 and 17—''all property owners holding title to land directly abutting river bank shall be consulted and asked to offer letters of support for or opposition to the nomination.''

All 510 miles of the Connecticut River? Along the Mississippi River, all property owners? Colorado River, all properties owners are required here? It would be a nightmare. Why not just a simple amendment, ''There shall be no designation of American heritage rivers''? It is cleaner; up or down, yes or no.

What if in the process we go through this process by communities, by towns all across the country going through this process, at great cost, and at the end we don't get designated, someone else does? I understand that. But why make us go through all of this? Why not just say, ''We don't like the program; get rid of it.''

As I said earlier, if people don't want this, if Members of Congress, the delegation does not want it, believe me, you won't be included. It is simple, straightforward, guaranteed, no problem. If any Senators here decide they don't want their States to be included, the rivers that run through them, vote that way today and, believe me, the process gets thinner. Believe me, it gets thinner. Those of us in the New England States certainly feel that.

Senator CHAFEE of Rhode Island pointed out, on page 3, the definition of a river community:

> For the purposes of the American Heritage Rivers Initiative . . ., the term ''river community'' shall include all persons that own property, reside or regularly conduct business within 10 miles of the river.

I have almost 500 miles of Connecticut River, add 10 miles on either side of it and go up and down there, you add to my nightmare of everyone who abuts the river. Now I have to go 10 miles to either side. This gets unbelievably cumbersome to try to do something as simple as designation of 10 heritage rivers—no mandates, no regulations, no money to try to manage it here and nothing can be done by a Federal agency that runs into opposition of local agencies and governments.

This has been well thought out, Mr. President, well thought out by a panel of people who will designate it. It is not going to be made by someone in the White House who picks out a river, but to try to see if we can't come up with a group of people here who will make intelligent choices about this.

This is really pretty straightforward. Again, I can tell you, and it may differ from place to place in the country, but I gather it is pretty competitive. We have people all across the country excited about this.

We have had about six different meetings in my State. We invited the head, the chief administrator, for the Environmental Protection Agency. We had a huge crowd turn out expressing their support—the communities, the business leaders—saying this is something we really want here.

Now to go back and say we have to get every single property owner for 10 miles on either side on this thing to designate river communities, this would be a great blow, I think, to millions of people in this country who would like to see their rivers restored, who like the fact that there is a President in this country who has said we ought to pay attention to this.

Hopefully, this is just the beginning of a process where more rivers can be designated in the future. I suspect we are going to have a lot of hurt feelings at the end of this process. We only have 10 that are going to be designated out of the entire country. But the fact that 10 will be and maybe others can be to highlight the importance of these rivers, the communities and all the activities associated with it, I think ought to be applauded. The fact that the administration has put in place a very deliberate, thoughtful process of where this should begin, how it ought to be conducted, who makes the decisions, who is going to be consulted, I think is something that deserves applause, rather than coming up, as I say with all due respect, with an amendment that would basically gut this process entirely and make it impossible for millions of people across this country to celebrate their rivers and to try to restore them to the cultural, historic, economic, and environmental importance that they ought to have in this country.

For those reasons, at the appropriate time, I will offer a motion to table this amendment and hope my colleagues will support it. I say that with all due respect for my colleague from Arkansas. We have worked together on a number of different issues. I have great respect for him. I enjoy his company and service. I just have a fundamental disagreement with what this amendment would do. I think it would be dangerous to what has otherwise been a very ennobling effort and one that ought to enjoy broad-based support here.

Mr. President, I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, with mutual respect for Senator DODD's opposition to this amendment, three times my distinguished colleague has suggested that a vote for the Hutchinson amendment will be a vote not to participate in the American heritage rivers initiative. I assure my colleagues, and I hope that Senator DODD will join me in assuring my colleagues, that this process is not so political that casting a vote for an amendment designed to protect the private property owners would somehow jeopardize later approval or selection as an American heritage river. It is simply not the case.

Mr. DODD. If my colleague will yield on that point, I will clarify it for him.

Mr. HUTCHINSON. Yes, I will yield.

Mr. DODD. Any Member of Congress who wants to can object to their State being included and it will exclude that nomination. Obviously, one can interpret a vote here.

Mr. HUTCHINSON. Reclaiming my time, that, of course, is the case, but a vote for the Hutchinson amendment is not, as it has been suggested, a vote against this initiative or a vote against having a river in your State participate in this program.

I think it gives the wrong appearance and the wrong suggestion for Members of the Senate that somehow their vote on this amendment might influence whether or not rivers in their States would be selected and be so designated.

There are many who came and asked me to sponsor an amendment similar to what was passed in the House in which funds were simply cut off for this program. I resisted the desire to do that, because I didn't think that the goals, as stated for the initiative, were bad, but I did believe that there needed to be some protections, and some assurances.

Senator DODD says that this is somehow some backdoor way of killing the program. Well, the House in effect did that. I resisted that because I didn't want to indicate I wasn't supportive of the goals of the initiative. But I did believe that we needed to have a process that ensured that it would guarantee the rights of private property owners along these precious historic rivers would be protected.

It has been asserted that we have such a process in place. My confidence in that process is somewhat shaken because of my experience with the administration over this issue.

Fifteen U.S. Senators signed a letter asking for the comment period to be extended for 120 days, but we could not get the administration to honor that request. Because our simple request was denied, I have a hard time accepting that the requests of average citizens would be honored.

The process may look good on paper, but that is not the process in reality. If, in fact, there is such confidence that property owners are going to have input and those most affected are going to have adequate input, then there shouldn't be any problem in accepting an amendment that puts that assurance into statutory language.

The fact is, the process has been short-circuited. Those most impacted and those most affected are not being given an opportunity to express themselves.

It has been suggested that this is a small program, voluntary program, no money involved. How can that be asserted? We don't know how much money is going to be spent. Nobody can tell me how much is going to be spent on this initiative because no one knows. There has been no authorization. There has been no appropriation. We have eight Cabinet-level departments involved and four Federal agencies involved. Let's put that in the amendment, ''No money will be spent. We are going to designate these rivers and no money will be spent.'' No. We are not going to get that assurance because that is not the case.

How broad are the implications of this initiative? No one knows, because Congress has been cut out of the process, until this moment. An Executive order, a short comment period, the process moves forward, and when one Senator dares to stand along with some colleagues who have had some courage to cosponsor the amendment, suddenly we are imposing some terrible, onerous burden upon this program. Who objects to that? I believe this is why we were elected: to look at the executive branch, to rein in agencies that may go off without adequate public input and without a proper process. All we are doing in this amendment is assuring there is going to be such a process.

They say, ''Well, this is terrible to have to notify all the property owners.'' There are a lot of ways of notifying, and we have, both on the State and Federal level. There are many different kinds of public notification. You can do that through newspapers. You can do that through radio. You can do that through public service announcements. As a former radio station owner, it was something we did that all the time. It is common knowledge that newspapers give public notice all the time.

It is important to ensure in statute that we are going to have public notice to all property owners and that their input is desired. We want to know if you are for the initiative or against it, give us your ideas. Give us your suggestions—that is not some kind of onerous burden. It is a fundamental part of freedom. It is part of liberty. It is part of the essence of a democratic republic. It is an asssurance to the citizens of our country that they will have adequate input. It is not to stand here on the floor of the U.S. Senate and say, ''Well, we can't possibly notify everybody.'' We can and we should. The Amerian public should know, and they have the right to give their thoughts and their suggestions on whether they are for it or they are against it.

If one is convinced that the property owners' input is going to be guaranteed under the current process, there surely should be no objection to supporting this amendment and guaranteeing that they are going to have proper input. The fact is, we need to reassure the citizens of this country that we in the U.S. Senate do take the rights of property owners seriously and that when we are going to designate their property, we are going to give it a title—we don't know what all the implications of the American Heritage Rivers Initiative may be—it is incumbent upon us to guarantee that they are going to have the right to be involved in that process. That is what this amendment is about. Let's let them know. Let's let them have input. Let's let their elected officials be able to make the final decision.

It is argued that for Congress to review and to approve the designations of these rivers is somehow to politicize the process. Anybody who has watched the executive branch operate over the last 4 years—for that matter, I suspect you go could go back much further; I have been in Congress since 1993—if you look back over those years, I think it is very difficult to argue that designations and decisions being made in the executive branch are somehow nonpolitical.

If you wanted to depoliticize the process, bring it before the U.S. Senate, bring it before the House, bring it before the appropriate committees and let us ratify it. We do it all the time. We do it for the wild and scenic rivers. This will allow Congress to have the same kind of input and the same kind of ratification process that we have on other programs.

No, that is not a bad thing; it is a good thing. It is a good thing to notify property owners, to ensure public input, to allow the elected representatives of the people to have a say-so in these kinds of programs. For many of us who have looked at the use of the Executive order over the last few years, we understand, we understand well, that a nation that was built upon three equal branches of Government and a system of checks and balances. Too often the legislative branch has allowed our prerogatives to be usurped by an executive branch that would just as soon govern by Executive order. Whether it is totally meritorious or whether it may not be totally meritorious, we should have a say in those kinds of decisions. Here is an area in which we, as the legislative branch, can reassert our rightful constitutional authority to review these decisions.

So I ask my colleagues to, once again, look at the actual language of the amendment, look at the intent of the amendment, look beyond the rhetoric and support this very responsible, moderate, temperate provision to ensure that the rights of our citizens are protected. I yield the floor.

Mr. KENNEDY. Mr. President, I join my colleagues in strong opposition to this amendment, which would severely undermine the American heritage rivers initiative proposed by President Clinton in his State of the Union Address this year.

Since the President's announcement, many communities across the Nation, including impressive coalitions along the Connecticut River, Blackstone River, and Merrimack River in Massachusetts and New England, have expressed their strong support for this new program. They recognize it as an excellent opportunity to work in partnership with the Federal Government to protect the environment and cultural resources that make each of these rivers a unique part of our history and heritage.

The initiative is designed to join the National Park Service's technical expertise with local decisionmaking, so

that cities and towns across the country can decide how best to revitalize their rivers and communities.

This amendment would impose a host of unnecessary Federal mandates that would make it difficult for communities to nominate their rivers for designation as American heritage rivers. It would be impossible to carry out the program as President Clinton intended. The amendment would dictate the size of each river corridor—requiring uniform boundaries with a 20-mile-wide span along each river—rather than allowing flexibility for local circumstances. It would require mandatory participation of each and every property owner within the 20-mile-wide boundary of the corridor, and upset the ongoing application process that many communities are pursuing in good faith to meet a December 10 deadline. It would also require congressional approval of the President's selection of rivers, injecting politics into a nomination process that is currently based on merit.

This amendment is a frontal assault on the American heritage rivers initiative. It would strip citizens of their ability to protect and revitalize their rivers on their own terms, and give Congress the authority to micromanage these important local efforts.

The American heritage rivers initiative has great potential, and has won high praise from communities across the country. It makes no sense to change the ground rules of the game at this late stage, and I urge the Senate to reject this amendment.

Mr. LEAHY. Mr. President, for the last 2 weeks, we have seen firsthand the threats facing our rivers. In Maryland and Virginia, rivers have been plagued with fish washing up along the banks with lesions. Although the State and Federal fish and wildlife agencies have not been able to pinpoint the cause, I think we all can assume it is linked to the health of these rivers. The President's American heritage rivers initiative was launched to identify those rivers which are facing the greatest threats and assist communities revitalize the health of their backyard resources.

In Vermont, many of our rivers have already suffered such environmental harm that they can no longer sustain healthy fish populations. Even in Vermont's first nationally designated wilderness area, the 16,000 acre Lye Brook wilderness of the Green Mountain National Forest, streams are too toxic for fish. While the streams are remote from Vermont's population centers and industries, it stands square in the path of storms from the midwest, which carry pollutants that puff out of coal-fired power plants and cause acid rain.

Although I would argue that Vermonters are the most environmentally aware and involved citizens in the country, they cannot take on these environmental threats alone. The American heritage rivers initiative will empower these communities to access Federal resources to help them protect, preserve and develop their river resources. This is assistance Vermonters have been asking for—assistance where the community identifies the need, where the community controls the projects and where the community decides the outcome. This program is voluntary. This program is grassroots.

Since the President announced this initiative, I have heard from Vermonters up and down the Connecticut River asking me to nominate their river for this initiative. Although I whole-heartedly support the nomination of the Connecticut River, I told those communities that the nomination had to come from home, not from Washington. And this is as it should be. The nomination of the Connecticut has created a new enthusiasm for the Connecticut River in Vermont. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received that demonstrates the widespread interest in nominating the Connecticut as part of this initiative.

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

CONNECTICUT RIVER
WATERSHED COUNCIL, INC.,
Easthamption, MA, February 18, 1997.

Re "Heritage River" designation for the Connecticut River.

Hon. PATRICK LEAHY,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: In his "State of the Union" address, President Clinton announced a national conservation initiative of singular relevance to the Connecticut River. He stated his intention to designate ten of the Nation's most significant rivers as "American Heritage Rivers."

The Connecticut not only merits national recognition, but it is the symbol of what a heritage river should be—an array of extraordinary local conservation and economic development actions that are bolstered and reinforced by government resources and expertise. We ask for your support and active efforts in Washington to see that the Connecticut is selected as one of the Nation's ten Heritage Rivers.

Designation is intended to create a partnership between the federal government and those who work at the local level to protect and responsibly use river resources. It will *not* bring federal regulation and mandates. Instead, it will redirect federal resources and expertise to help Valley residents safeguard our river environment, sustain and renew our river communities, and preserve the historic and cultural fabric of our river Valley. Individuals, communities, and organizations already working in the watershed will define the partnership and determine the support they want from the federal government to aid us in conserving our river resources and building the watershed economy.

The Watershed Council has put together a "Connecticut River Fact Sheet" for you, detailing the many resources that make the River special and worthy of heritage designation (a copy is enclosed). Summarized, the top three reasons are:

1. The Connecticut is New England's longest river and largest river system. The 410-mile river has a 11,260 square-mile watershed that encompasses parts of four states—Connecticut, Massachusetts, New Hampshire and Vermont. Besides its rich diversity of plants, animals, birds, fish and other wildlife, the Connecticut supports recreation, power generation, agriculture, and urban revitalization. It provides 70% of Long Island Sound's freshwater. Its "special places" include the Northern Forest at its headwaters, the Connecticut River Macrosite below Hanover, NH, an internationally recognized estuary wetland area below Middletown, CT, and a host of significant historic, geologic and cultural sites in the Valley.

2. The Connecticut River faces challenges that local and state governments alone cannot resolve. The New England Interstate Water Pollution Control Commission is about to issue a report entitled "The Health of the Watershed" detailing the water quality threats facing the River. Problems that need attention include nonpoint source pollution, toxins in fish, erosion, flow fluctuation, combined sewer overflows (CSOs) and upgrading existing sewage treatment plants.

3. There are willing local partners up and down the River ready to work in partnership with the federal government. There is a diverse network of nonprofit groups and local agencies ready to take advantage of the opportunities and resources that designation would bring to the Connecticut River. These include nonprofit land trusts and local conservation and historic preservation groups in each of the four states; hydropower dam operators; the Great Falls Discovery Center partnership in Turners Falls; the 13 regional planning commissions in the Valley such as the North Country Council, the Joint River Commissions, the Franklin County and Pioneer Valley Planning Commissions, the Connecticut River Assembly and the Gateway Commission; urban revitalization efforts like Riverfront Recapture in Hartford or the Springfield Economic Development Council; Hartford's Metropolitan District Commission; and statewide and regional conservation organizations like the Connecticut Chapter of The Nature Conservancy, the Society for the Protection of New Hampshire Forests, the Vermont Natural Resources Council, and the Connecticut River Watershed Council.

For the Connecticut to shine in the company of rivers that are already part of our national consciousness—the Mississippi, the Columbia, the Rio Grande—we must all champion its heritage nomination. Competition for this national recognition and the allocation of scarce federal resources it will mean will surely be fierce.

The decision on which rivers will be designated is expected within the next 90 days, so time is of the essence. We urge you to write to Interior Secretary Bruce Babbit this month to express your support for selecting the Connecticut as a heritage river. Secretary Babbit has visited the Valley several times in the recent years and has spoken eloquently about the Connecticut's natural and cultural values, so he personally knows our River.

If you have further questions about the President's American Heritage Rivers Initiative or need more information about the Connecticut, please do not hesitate to have your staff contact me. Meanwhile, the Council is already working with a network of individuals, communities, and organizations to gather the local nominations that will win the designation for our River.

Sincerely,

WHITTY SANFORD,
Associate Executive Director.

Mr. LEAHY. This widespread interest in the Connecticut River would not be recognized by Senator HUTCHINSON's amendment. His amendment would only define the "river community" as persons who live within 10 miles of the river. The Connecticut River connects

four States and supports a watershed of over 11,000 square miles. I would argue that the river community stretches throughout this watershed.

This amendment would also give priority to those rivers based on the Clean Water Act and the Safe Drinking Water Act. Although I certainly agree that these laws should be key parts of the criteria, it overlooks the other half of the President's initiative—economic revitalization. Many of our great American rivers were once the focus of our national economy as the primary means of transportation and commerce. Much of this role has been lost, but the economic link between communities and rivers has not. The Connecticut supports a rich agriculture community, a recreation network and a renewed sportfishing industry. The economic importance should also be recognized.

I support the President's interest in highlighting 10 rivers for revitalization and hope that the program moves along quickly to bring our communities together around their rivers. I urge my colleagues to defeat the Hutchinson amendment so that the program will not be bogged down with unnecessary delay.

Mr. LIEBERMAN. Mr. President, I rise in strong opposition to the amendment offered by Senator HUTCHINSON that would have severe consequences for President Clinton's American heritage rivers initiative.

The American heritage rivers initiative is designed to support community efforts on behalf of their own river resources and will help these communities tell the rest of the Nation just how special their river is. The Federal Government has a lot of expertise to offer to local communities on how to accomplish that goal, and we ought to be looking for ways to share that wealth with communities who want it. I wanted to take a moment to explain why I think the initiative is the right way to accomplish these goals.

The initiative involves no new regulatory requirements for individuals or State, tribal, and local governments. It is a voluntary, community-defined effort that gives riverbank communities the option to work in partnership with the Government to help cut redtape and match community priorities with services provided by Federal agencies. The initiative will allow communities to partner voluntarily with the Federal Government so that existing resources can be used more effectively. In this time of increasingly scarce funding, this is certainly worth encouraging.

Individuals, communities, and organizations already working in the watershed will define the partnership and determine the support they want from the Federal Government to conserve river resources and build the watershed economy. This initiative isn't a land grab by the Federal Government, or even a potential one. It is simply an effort to help sustain and renew river communities, and recognize the rich history and tremendous contributions of rivers to the Nation.

Second, safeguards are in place to ensure that the initiative will protect the interests of river communities. Most importantly, nominations for designation as an American heritage river must come from the communities themselves. Unless a community wants an American heritage river, they don't have to have one. And there are opportunities to designate only stretches of river in case the local communities feel that designation of the entire river would be appropriate.

The nominations themselves must meet several criteria that demonstrate designation is not going to interfere with anyone's interests. For example, the nomination must have broad support from individuals and organizations along the river. This means that a river won't be designated unless it makes sense to the community—the people who are closest to the resource and understand it best—that this action will be beneficial. Also, the nomination must show that the different interests who live in the community—public, private, and local government groups—are willing to cooperate to protect the river.

Now what happens if a river receives an American heritage designation? The Federal Government simply makes a commitment to use existing staff, resources and programs to assist river communities in their river restoration and community revitalization efforts. These are relatively simple services but can be essential for local communities struggling to gain the attention of the Federal Government. For example, an Internet Home Page will be set up to provide communities with information on river conditions and where to access other kinds of information important to the interests of the community such as available grants, and where to get aerial photographs and advice from experts. This kind of nonintrusive assistance will help to streamline the bureaucracy that can be encountered when communities plan initiatives to revitalize their surroundings. A commitment to a better-functioning government is in everyone's interests. In addition, this isn't a perpetual designation—any community may have this designation terminated at its request at any point in the future.

If a river receives the American heritage designation, the Federal Government agrees to act as a ''good neighbor'' to those communities involved. This means that the Federal Government will ensure that its actions have a positive effect on the natural, historical, economic, and cultural resources of the river communities. Agencies will be required to identify ways to inform local groups regarding Federal actions and must consult with American heritage river communities early in the planning stages of those actions to take into account the communities' goals and objectives. Communities also will be granted greater flexibility to try out new and innovative approaches that support their needs. Reducing the bureaucratic obstacles communities face and committing the Government to plan around the communities' objectives means that the Federal Government will be more responsive to the needs of local areas—something we all want. The initiative will allow riverbank communities to build their watershed economy and conserve their river resources in better, smarter ways than might be possible currently.

In New England, communities along the Northeast's longest river and largest river system—the Connecticut River—are sold on the American heritage rivers Initiative. The Connecticut traverses four States from its headwaters in New Hampshire to Long Island Sound and affects millions of lives and livelihoods in the States through which it flows. Unfortunately, the Connecticut faces problems that State and local governments cannot resolve alone—run-off from lawn care and agricultural fertilizers and discharges from sewage treatment plants pour into the river. Some fish contain unhealthful levels of toxins. Sewers overflow into the river when it rains. A network of ready-and-willing groups up and down the river want to work in partnership with the Federal Government to help the Connecticut. These include State and local conservation and historic preservation groups, local businesses, hydropower dam operators, regional planning commissions, and urban revitalization efforts. Designation of the river as an American heritage river would benefit every regional, state, and local effort to promote the Connecticut River Valley as a place of unmatched quality, where there is an opportunity to raise a family, expand a business, or spend a vacation.

Rivers are a cornerstone of this Nation's great history and define the distinctive character of riverfront communities. Rivers are lifelines that rank among our greatest environmental, economic, and human resources. What we say and do in caring for all our rivers will say to future generations not what we think about ourselves here in 1997, but what we want the world to be for our grandchildren, and their grandchildren. The American heritage rivers Initiative will help ensure that our legacy to future generations reflects our commitment to work together to conserve and restore the environment, to protect cultural and historical resources, and to promote responsible economic development and tourism on our Nation's most important assets. The initiative deserves out support. I urge opposition to Senator HUTCHINSON's amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition because I would like to speak briefly on the introduction of legislation on campaign finance reform and to submit my bill today

since the bill is going to, apparently, be considered in some form by the Senate next week.

I have consulted with the distinguished manager, Senator GORTON, who stated that it would be acceptable to him for me to take 10 minutes, and I consulted with Senator ENZI, who has been waiting to speak on another matter, and I consulted with Senator DODD, who may not be officially in charge of the bill.

Mr. DODD. Will my colleague yield for a point of information, Mr. President? Is this just to introduce some legislation? He is not asking for any votes on any matter?

Mr. SPECTER. I am just about to ask unanimous consent to proceed as if in morning business for the purpose of introducing legislation, but I wanted to state my purpose as to why I was seeking that time at this moment.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, and I will not object if it is for the purpose of introducing legislation, as long as my colleagues are satisfied with this, I am as well.

Mr. SPECTER. I thank my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1191 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SPECTER. I thank the Chair and thank my colleagues. I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Arkansas.

AMENDMENT NO. 1196, AS MODIFIED

Mr. HUTCHINSON. Mr. President, in participating in this debate on the Hutchinson amendment on the American heritage rivers initiative, and listening to I think some very valid points that have been made by my esteemed colleague, I ask unanimous consent to modify my amendment, and would modify the amendment to read, on page 2, section (b), No. 3, ''CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, the comments of all property owners holding title to land directly abutting river bank who wish to comment shall be considered.''

The PRESIDING OFFICER. Is there objection to the modification?

Mr. DODD. Reserving the right to object, and I will not object, I appreciate my colleague's efforts to modify this. I point out that it appears to me you have still got to go out and try to get the comments. But, nonetheless, I appreciate the purpose behind his effort here, so I have no objection.

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

Will the Senator send the modification to the desk?

Mr. DODD. I would like to see a written version of this so we could have it.

Mr. HUTCHINSON. I will be glad to provide a written version.

The amendment (No. 1196), as modified, is as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—AMERICAN HERITAGE RIVERS INITIATIVE

SEC. 701. AMERICAN HERITAGE RIVERS INITIATIVE.

(a) IN GENERAL.—During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 (62 Fed. Reg. 48445) only in accordance with this section.

(b) DESIGNATION BY CONGRESS.—

(1) NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality shall submit to Congress nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

(2) PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clear Water ACt (42 U.S.C. 7401 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other applicable Federal law.

(3) CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, the comments of all property owners holding title to land directly abutting river bank who with to comments shall be considered.

(3) DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by Act of Congress.

(c) DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage Rivers Initiative, as used in Executive Order 13061, the term ''river community'' shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

Mr. HUTCHINSON. My point in the amendment of course is to make Congress a partner in this process. And to the extent that this would be difficult to implement, this change I hope will be helpful. I appreciate the Senator's indulgence.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I believe that most of the debate on this amendment has been concluded. The Senator from New York [Mr. D'AMATO], has wanted to speak on it, on the same side as the Senator from Connecticut. He tells us that he can be available in about 10 minutes.

So on my own behalf, and on behalf of the majority leader, if, at the conclusion of Senator D'AMATO's comments, debate seems to have been concluded, it will be appropriate either to vote on the amendment directly or for the Senator from Connecticut to make a motion to table.

Mr. DODD. If my colleague would yield, I will inquire here and make calls and see whether or not anyone else would like to be heard on the amendment. If no one does want to be heard, I certainly have no objection to going to a vote on this.

I would like to be able to comment myself at some point here on the modification to the amendment that has been made by the author of the amendment at some point here. That is why I want to see the writing, to make sure I understand exactly.

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. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, let me first of all say my opposition to my colleague's amendment is difficult for me. I have the utmost respect for him. We have a fine working relationship. Occasionally we have a disagreement, as on this amendment. I know he feels very strongly about it.

My interests in the wilderness areas and the rivers of this country go back to the time when I was Governor of the State of Arkansas. Long before Congress considered wilderness legislation, Arkansas was considering it. I must confess before God and everybody that my wilderness proposal was the only substantive legislation I lost or was unable to pass in my first term as Governor. It was considered a little bit of a radical concept.

Now, of course, we have millions and millions of acres in the national forests and State forests set aside for wilderness areas. It was a concept whose time had not come in 1971. I remember one legislator said, ''Who wants a wilderness? If you want one, go grow one.'' That is how shallow the thinking was about wilderness back then.

Fortunately, I was able to designate a few rivers as scenic rivers. I am pleased we were able to do that. I am a strong believer in preserving everything that has any aesthetic or cultural value.

Now, as I see this proposal, not my colleague's proposal, but as I see what the President is proposing, I just do not understand, frankly, the opposition. We have had some calls in our office suggesting that this is a United Nations plot to take over private property. Well, I wouldn't be standing here saying that the President's idea is a good one if I thought for a minute it was going to take people's property away from them, that there was some kind of cabal or conspiracy to do such a thing as that.

I guess that you could compare this to a scenic highway. In Arkansas we designate scenic highways in our State. You know why we do that? To entice tourists to drive on those scenic highways. You drive a few miles west of Washington, DC, and all you can see are signs saying ''Scenic Highways.'' I have never heard any outcry from anybody in my State opposing scenic highways. We love them. They do wonders for the Arkansas tourist industry.

If I understand the proposal on the heritage rivers, it is designed so that the President would have to be told or he would have to be requested by the people in the local community that they want to declare their river an American heritage river. If he did it, it would be an honorary designation more than anything else. The only time any Federal resources would be committed to it would be if the local community decided that they wanted to start a new project along the river, as we have done in Little Rock, AR, with a beautiful new park.

In 1972, I attended a Southern Governors' Conference in Austin, TX. We always have a big dinner at the close of those things. Lady Bird Johnson was my seatmate at dinner. I had never met her before. She is a very gracious, charming woman. The Lady Bird Johnson Park out here is a real tribute to her. She told me, ''Governor BUMPERS, I was in Little Rock about 2 weeks ago and I was staying in a brandnew hotel. I looked out my window toward the river and there was the county jail and a sand and gravel operation.'' She said, ''I believe that Little Rock is the only city in the world on a major river that doesn't have a riverfront park that utilizes the beauty of the river and builds on the beauty of that river.''

I came back and reported that to the city fathers in Little Rock. It was rather embarrassing when she brought it to my attention. To make a long story short, we now have one of the most magnificent riverfront parks in Little Rock, AR, today, of any State in the Nation. We have a week-long Riverfest festival which everybody in Arkansas takes great pride in.

There is nothing underhanded or sinister in this proposal. The President is not asking for legislative authority. He is simply saying, if the community of Little Rock came to him and said, ''We want this river in our State declared an American heritage river,'' he could proclaim it, like giving them a plaque. Everybody in this body has 1,000 plaques. What is wrong with that, providing recognition to aesthetic values in this rather meager way?

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Very briefly, my colleague from New York is here and I will yield to him, but I want to make a quick comment on the modification offered by our colleague from Arkansas to his amendment.

Certainly, while I appreciate the attempt here to lessen the burden of contacting every single person and property owner of this amendment, still I respectfully suggest that it has some major flaws.

No. 1, it still suggests that Congress knows better about the wishes of local communities. We have a fundamental disagreement about that. As my colleague, Senator BUMPERS, said—and I am confident my colleague from New York will agree—this is community originated. The idea that we would have the say over what our local communities want is contrary to the steps we have taken in the last few years. We have tried to strengthen our local communities in almost every process.

No. 2, the consultation process suggests here that only private property owners be consulted for comment here. Obviously there are a lot of other interests here that would want to comment, beyond private property owners. What is suggested by the Executive order, you get broad-based comments, including private property owners. And if we adopt this language, the argument is you exclude in the process these other people.

No. 3, the amendment says that we ought to define ''river communities'' as those that are 10 miles on either side; yet to make a case, if we exclude them from commenting here, as the amendment does by implication here, that, in my view, would be a mistake.

Last, this amendment, underlying it all, presumes that the program is intended to be some large, costly bureaucratic effort. Nothing could be further from the truth. It is anything but that. It is designed to be just the opposite of that, to be a community-based effort here to recognize and designate the importance of the great rivers of this country.

Certainly I appreciate that there are those who get concerned when they hear about Washington wanting to help, their abundance of good humor about Washington wanting to help. In this case, that is exactly what it is. It has been a wonderful inspiration, Mr. President, to see the communities come together all along these rivers and, in multi-States, sort of competing in a healthy way to be designated one of the 10 heritage rivers.

As I said at the conclusion of my earlier remarks, we ought to be applauding this. This is a worthwhile effort here. There is nothing sinister about it. There is nothing underhanded, no secret agenda, no mandates, regulations, or dollars associated with this in any way. Yet I suggest here, by this amendment, when you start reading it, I can see someone saying, ''Look, I wish to comment on this, but I didn't get a chance to comment,'' and you are in a lawsuit before you know it because we have adopted laws here that say that anyone who wishes to comment ought to be able to comment.

Once you start doing that, you are inviting people to suggest otherwise—''I wasn't heard,'' ''I should have heard,'' ''I wish to comment, you didn't give me a chance.'' I don't think we want to go down that road.

With all due respect to my colleague from Arkansas, I know my colleague from New York, when he completes his remarks, will move to table this amendment. I will join him in that motion and urge my colleagues to support us in that effort.

I thank Senator D'AMATO and Senator BUMPERS for their leadership and hope we can reject this amendment and by doing so recognize the important effort that the President has undertaken as he did in mentioning this effort in the State of the Union Message.

I yield the floor.

Mr. D'AMATO. Mr. President, first of all, let me say, as well-intentioned as the legislation of the Senator from Arkansas is, I believe it presents a number of obstacles. I think while there are those of us who are concerned with respect to undue Federal intrusion, that is not so in the American Heritage Rivers Program because it is a program that by its very implementation must take place through the initiatives of the local communities.

This is not a question where the President or Washington or Big Brother designates a river and says, ''I want this river to be in the program.'' This program comes about as a result of the initiatives of the State and local governments.

For example, in New York, Governor Pataki has recommended that the Hudson River be one of those rivers that applies for designation. Indeed, they have. Not only has the request come from the State, but it really has come as a result of dozens and dozens of communities and community groups along the Hudson River petitioning to be part of this process, that will help ongoing initiatives including the Hudson River Estuary Management Program, the Hudson River Greenway Program, local waterfront revitalization programs. Again, dozens of communities and cities want to be part of this process.

The fact is that the State is ready to spend, along with this and local initiatives, some $75 million on the Hudson River.

What we are talking about is enhanced services to deliver the kind of upgrading that will bring an improvement of services to the people on the river. If this amendment were enacted, we might well see an entire program that is ready for implementation and that involves local initiatives thwarted, only because the initiative is a voluntary program that is locally driven and community based.

Now, some of the requirements that this legislation would bring about would have the effect of denying access to and tying up the process. To notify property owners in a 10-mile area and take comment—and I see my colleague says that is not necessary; maybe he would like to address that—but the burdens placed upon implementation, and the fact we get into this process of having to designate raises concerns. Would Congress have to designate 10 rivers annually? And should that really be the province of Congress, to say which of these rivers should be part of this program? Now, I believe in the separation of powers. I think it is absolutely essential. But I am wondering how we would go about that. Really, shouldn't it be the State and local governments petitioning the executive branch and having various requirements that they must meet? And, of

course, we may or may not agree with the selection modality. I am not suggesting that we just sign off. Obviously, we as representatives of our States and communities want to be in a position to see that there is fairness. That is why we are here, to keep some balance in the allocation of resources. I don't know whether or not we should be the people who, on an annual basis, authorize the selection process of 10 rivers. I think that really should lie within the province of the executive branch having to meet some kind of competitive standard.

We are very excited by this Presidential initiative. Let's be very candid here. The Governor of New York and the President of the United States, in terms of political philosophy, have not always lined up on the same side. Indeed, I say, on many occasions, they take opposite points of view. So I think it is important when the Governor points out that this is an opportunity for a State-Federal partnership on a basis that makes sense without there being undue intrusion—because we reject undue intrusion. There is a process that is underway. Now, I can just imagine, if the Hudson River isn't designated, we will probably launch a hue and cry as to why not. Of course, that is part of the process. If it is not designated and we think it should be, we would be prepared to ask those questions. That is part of democracy; that is part of the process.

No one has the absolute, and no one's decisions and actions can go without the risk of being challenged in the court of public opinion, and that is what we would be doing. But I have every reason to believe, notwithstanding the political differences and philosophical differences, for the most part, we will get reasonable decisions. I think some of these issues are going to be very easy. There are some bodies of water where the local governments and State officials are anxious and can put forth a good case to be designated. Then they will get down to areas where it gets competitive and where reasonable people might disagree. Are we going to say there won't be some politics entering into it? Of course, there will be. But it will be right here on this floor within this body, I note, to the chagrin of many. The Presiding Officer would not believe that. But I can attest to the fact that I believe that would be the case, in my limited experience in observing these matters in the course of the past 17 years. And so it would be in the House of Representatives.

Taking the political jockeying that would take place in terms of designating these rivers between the House and the Senate, that would really be a lulu. You know, there is something called the rights of the minority, which this body in particular ensures, and I like that. I think it is important. Even though we may have legislation and the majority supports it, oftentimes, I think it is a necessary and important right. I think if we were to reflect on the history of this body, we would find that sometimes those who are not in the majority have held up legislative initiatives and, in the fullness of time, it has come out that they were correct. So it is not bad. But I want to say that it could be used in the manner which would make it difficult to get designations of the kinds of rivers that should be qualified.

So I will be, of course, forced to move to table this amendment on behalf of myself and Senator DODD at the appropriate time. I don't intend to do that until my colleagues have an opportunity to express themselves.

Mr. GORTON. If the Senator from New York will yield, the Senator from Minnesota is here wishing to speak. I think it is appropriate that the Senator from Arkansas get to terminate the debate. If the Senator from New York doesn't wish to stay, perhaps it would be appropriate for me to ask unanimous consent that the Senator from New York, together with the Senator from Connecticut, be allowed to move to table at this point, but ask unanimous consent that after the motion to table is put, but before it is voted on, that the Senator from Minnesota have 5 minutes and the Senator from Arkansas have 5 minutes, after which a vote would take place on the motion to table. Would that be acceptable? I put that request to the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I make a motion to table on behalf of myself and Senator DODD, and 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.

The PRESIDING OFFICER. There are 10 minutes of debate remaining. The Senator from Minnesota has 5 minutes. The Senator from Arkansas has 5 minutes.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I really am in strong opposition to the amendment of my friend—and he is a friend—from Arkansas. I find it hard to understand why we would be creating additional hurdles, as this amendment does, for communities to work together to restore and protect rivers and riverfronts. I think that is what this debate is all about. We have a President who has initiated a program that will help local communities restore and protect rivers without any additional regulation, and Mr. President, for the life of me, I don't know why we would want to support an amendment that would delay the start of this program, and which I think really would have no obvious benefit for our country.

Mr. President, while the Congress does have an oversight role—and I acknowledge that—this amendment, I believe, is a misplaced effort to involve all property owners in the designation process, that would really create a whole new cumbersome process and give some form of veto power to a single property owner who might decide to object, for whatever reason. So I think the amendment, however good-intentioned, is mistaken.

Mr. President, it seems to me that this amendment is about stopping the American Heritage Rivers Program, not protecting property owners from some imagined Federal takeover of their property. The Senate is supposed to be a voice of reason. I think by perpetuating the myth that the Federal Government is somehow engaged in a land grab or a power grab through this program is a dangerous game, and I think it is one we should be very cautious about entering into.

Let me speak, in the last couple of minutes, about Minnesota. We have some fine rivers in the State of Minnesota and many communities who want to see this program go forward. One of those rivers, I think most of my colleagues are acquainted with, is called the Mississippi River. It flows right past the State of my friend. I don't need to tell my colleagues how important this river is to the Nation, how important it is to our Nation's culture, our history, and our economy. I will tell you that in Minnesota we have mayors from communities such as Bemidji, at the headwaters of the Mississippi and from Minneapolis, St. Paul, South St. Paul, St. Cloud, Anoka, Wabasha, Winona, and others, working with mayors in other States along the Mississippi to develop their nomination for this program.

So we have a lot of communities seeking designation of the Upper Mississippi River to improve access to Federal riverfront revitalization programs, and who are fully respectful of property rights, like other local governments across America who want to compete in this program. I think that if this amendment was passed, it would place an insurmountable roadblock in front of the aspirations of local communities in the State of Minnesota and across America who are trying to make improvements and make the most of their river resources. Let me repeat that. I think if the amendment passed, the biggest problem is that it will create an insurmountable roadblock for a lot of our local communities who are doing their level best to make improvements and make the most of their river resources. That is the problem.

I applaud the President's work. I applaud this initiative, this program, and I hope my colleagues will vote against the Hutchinson amendment. I will certainly strongly support the Dodd-D'Amato motion to table.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I think it has been a good debate. I think

some of the suggestions made and some of the points are very valid. We have tried to respond to those.

I want to assure my distinguished colleague from New York that I believe the Hudson River's possibilities and its chances of being designated as an American Heritage will be enhanced by the adoption of this amendment. One of the provisions is prioritization, which would be in accord with the Clean Water Act and the Safe Drinking Water Act. That will help the Hudson River. We don't designate the rivers in Congress. Congress doesn't designate them, but we would like to have the right of approval. I think that is proper and appropriate.

The amendment does not undermine the Clinton Executive order. Instead, it assures that the rights of property owners will be upheld through the notification and comment process. It further assures that the true interests of those residing near, owning property, or conducting business in the area of the river will be heard, and that their interests will not be muted by powerful outside lobbyists or interest groups who desire to force their will on a selected community.

It should be understood that this initiative has never been authorized, money has never been appropriated. It sweeps money from eight Cabinet departments, four governmental agencies, allowing the Federal bureaucracy to dominate what should be a community-directed initiative.

My friend and colleague from Arkansas, Senator BUMPERS, made the analogy of the Scenic Highways Program in the State of Arkansas, in which highways are called scenic highways, and signs are put up, and how that helps tourism. I remind my good friend that the scenic highways in Arkansas are approved by the State legislature. So I think if we are going to carry that analogy, Congress should assert itself in its proper role in approving these designations. That is what it is all about.

We don't know the cost of this initiative, the magnitude of it. Congress needs to be involved in it. We want congressional approval. Executive orders are being overutilized by this administration. Congress needs to reassert itself as an equal branch of Government. We want the property owners to be protected. I have shown my good faith in trying to make that workable. It is a workable amendment. We want those rivers to be prioritized in compliance with existing law, the Clean Water Act and the Safe Drinking Water Act. It is a good amendment, it is a simple amendment, in contrast with the lengthy Executive order the President has issued.

This is a very simple amendment that provides very basic protections and ensures congressional input on these decisions in this program that will be made. I will close with this. I ask my colleagues this question: If you owned property along one of these rivers, wouldn't you want to be consulted? I think the answer to that is ''yes,'' and if the answer to that question is ''yes,'' then you need to vote against this motion to table and support the Hutchinson amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—57

Abraham	Faircloth	Leahy
Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	McCain
Bingaman	Frist	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Gregg	Murray
Bryan	Harkin	Reed
Bumpers	Hollings	Reid
Chafee	Inouye	Robb
Cleland	Jeffords	Roth
Collins	Johnson	Sarbanes
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Thompson
Dodd	Kohl	Torricelli
Domenici	Landrieu	Wellstone
Durbin	Lautenberg	Wyden

NAYS—42

Allard	Gorton	Mack
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Brownback	Grassley	Nickles
Burns	Hagel	Roberts
Byrd	Hatch	Rockefeller
Campbell	Helms	Santorum
Coats	Hutchinson	Sessions
Cochran	Hutchison	Shelby
Conrad	Inhofe	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kyl	Thomas
Dorgan	Lott	Thurmond
Enzi	Lugar	Warner

NOT VOTING—1

Stevens

The motion to lay on the table the amendment (No. 1196) as modified, was agreed to.

YIELDING OF TIME—S. 830

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, when the Senate turns to S. 830, the FDA reform bill, I yield my 1 hour for debate under the cloture rules to Senator KENNEDY.

The PRESIDING OFFICER. The Senator has that right.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with consideration of the bill.

Mr. THOMAS. I ask unanimous consent I be allowed to speak for 5 minutes.

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

NEW WORLD MINE

Mr. THOMAS. Mr. President, I will speak briefly on a subject that is part of the bill that is before the Senate, part of the bill on Interior. It has to do with the New World Mine. It has to do with the Land and Water Conservation Fund.

I rise to support the language that is in the Interior appropriations bill requiring that any expenditures out of the Land and Water Conservation Fund to be used for the purchase of the New World Mine must be authorized by the authorizing committee. That is also true of the Headwaters Forest.

There is some notion that there was an agreement during the debate on the budget with the administration that these funds would be available for authorization. I think it was clear the other day when the Senator from New Mexico came to the floor and spoke and indicated that there was no such agreement. I am here to congratulate the committee on that.

First let me make a couple of points clear. One is, I oppose the development of the New World Mine. I was one of the first elected officials to oppose that. There are some places, in my view, that are inappropriate for mining. I think this is one of them. It is true they were in the middle of EIS when the agreement was made to stop the mine, but nevertheless I have opposed that long before the President signed the agreement and came to Yellowstone Park with great fanfare and stopped the development of the New World Mine. I had opposed that. So despite the rhetoric that is coming out of the White House and is coming out of the CEQ at the White House, there was not an agreement, there was not an agreement for the expenditure of this money.

This is not an issue of whether you want to protect Yellowstone or whether you don't. We all want to do that. No one wants to preserve it certainly more than I. I grew up just outside of Yellowstone, 25 miles out of the east entrance. I spent my boyhood there. I understand the area. I am also chairman of the Subcommittee on National Parks, and we worked very hard and will continue to have a plan to strengthen the park and to save parks. So that is not the issue. That is not the issue.

We will have before this Senate, as a matter of fact, at the beginning of next year, a plan called Vision 20/20 which is