Bennett, Tim Hutchinson, Craig Thomas, Richard Shelby, Slade Gorton, — — —, Trent Lott, Dirk Kempthorne, Pete Domenici, and Don Nickles.

CONGRESS OF THE UNITED STATES,
THE IDAHO DELEGATION,
Washington, DC, August 14, 1997.

Hon. KATHLEEN A. MCGINTY,
Chair, Council on Environmental Quality, Old Executive Office Building, Washington, DC.

DEAR CHAIRMAN MCGINTY: The following are comments from Idaho's united Congressional delegation on the American Heritage Rivers Initiative as described in the *Federal Register,* Volume 62, No. 96, Monday, May 19, 1997.

Let us be clear—we have serious concerns with the initiative. We are not only concerned about the initiative itself, but the manner in which it was advanced. It is a clear effort on the part of the Administration to bypass the Constitutionally directed lawmaking power of Congress and our system of checks and balances. Congress has not authorized this initiative and has not appropriated money for this program. Additionally, the Council on Environmental Quality (CEQ) is not granted the power to govern or regulate rivers or watersheds within sovereign states. As such, this initiative represents a challenge of Congress' power and the rights of states, in line with the protections guaranteed in the Fourteenth Amendment.

We have other objections beyond this fundamental concern. For example, this initiative actually works against its stated goals: to streamline the federal process dealing with river protection. There are existing federal and state authorities that are charged with the mission of regulating water resource planning and allocation. In addition, there are nearly a hundred grass roots watershed councils across the nation that are accomplishing the same objectives as the initiative, but they have local input as opposed to federal control. The initiative creates an unnecessary, additional layer of bureaucracy that will make it more difficult for private individuals to continue to develop and use water resources that have in the past been controlled by state and local government entities.

Another concern relates to the effort to obtain local input regarding the designation of rivers as an American Heritage River. While we support obtaining local input, we question whether the initiative is designed to achieve a truly representative sampler. This is because the local input is based upon what is referred to as ''river communities.'' Any small group, environmental organization or local civic club could be defined as a ''community.'' The initiative redefines communities, watersheds, and jurisdictional boundaries to create this governing entity, which will then have the power to decide the ''length of the area'' to be designated ''whether it be an entire watershed, the length of an entire river, or a short stretch of a river, and may cross jurisdictional boundaries.''

Because these communities have no set definition and because of the diverse, and often conflicting set of options, this may cause real communities to become fragmented. Worse, there is no guarantee that private property owners will be included in any decisions made by this river community. In fact, a river could be designated over the specific protests of local private property owners whose land would be most affected.

This potential threat to property rights is a serious one. There are no safeguards written into the initiative to protect the rights of property owners. On the contrary, it appears the initiative could result in rezoning properties, thereby disallowing legitimate uses or development. It's also feared that property values will decline because of the designation.

Another major concern with this initiative is that the designation of a river is essentially permanent. Wile CEQ may claim that a river can be undesignated at any time, according to the wishes of the local community, there is no defined process for undesignation. And you are aware, the needs and wishes of communities change and a community may decide it no longer wants to have that section of river designated.

The process by which this initiative was proposed is flawed, as well. It is in violation of the National Environmental Policy Act (NEPA), which requires an Environmental Impact Statement (EIS) to be filed for any federal action which would significantly impact our environment. No EIS was filed. Furthermore, NEPA requires a ninety-day public comment period for any EIS. A mere three weeks was originally provided for public comment. While we appreciate the extension of the comment period to sixty days, it was only after extensive public outcry.

Despite all of these significant problems with the initiative, there is still one more that cannot be ignored. If this initiative were to be enacted, it would conflict with the Idaho Constitution. Article XV, Section 1 of the Constitution of the State of Idaho, as approved by the U.S. Congress states: ''The use of all waters . . . [is] subject to the regulations and control of the state. . . .'' Additionally, Idaho Code 42–101 states: ''All the waters of the state, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same therefrom for any beneficial purpose.'' Idaho clearly has jurisdiction, control, and sovereignty over water within her own borders and any federal attempt to usurp or interfere with that authority will be aggressively resisted.

As you can see, we have some serious reservations about your American Heritage Rivers initiative. Our concerns can be summed up into three basic areas: the lack of Congressional approval, the vague language and absence of definitions and the excess federal control over private property and state water rights.

We thank you for extending the comment period to sixty days, but we request you withdraw this initiative and allow the local stakeholders and the state to use their current laws to govern their water.

Sincerely,

HELEN CHENOWETH,
Member of Congress.
LARRY E. CRAIG,
United States Senator.
MIKE CRAPO,
Member of Congress.
DIRK KEMPTHORNE,
United States Senator.

Mr. KEMPTHORNE. Mr. President, Idahoans are quite opposed to the AHRI. They see it as a further encroachment of the Federal Government not only into their lives but onto their lands. Even though the administration insists the initiative would be locally driven and administered, the average Idahoan strongly disagrees with this notion and simply wants the Federal Government's role to decrease in every possible aspect.

Mr. President, I support the amendment to H.R. 2107 submitted by the Senator from Arkansas.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to proceed in morning business for up to 5 minutes.

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

HELICOPTER CRASH IN BOSNIA

Mr. BIDEN. Mr. President, I rise this evening to comment on the tragic news from Bosnia. Earlier today, a U.N. helicopter carrying several international officials crashed 40 miles northwest of Sarajevo. Twelve people are reported dead and four injured. The latest reports indicate that on board were four or five Americans, still unidentified, who were working for the International Police Task Force and the Office of the High Representative for Bosnia. Among the dead was Gerd Wagner, the Senior Deputy High Representative for Bosnia. Ambassador Wagner was well known to many of us in the Congress, since before he took up his post this past summer he was the political counselor at the German Embassy in Washington.

A Balkan expert who learned Serbo-Croatian while serving in Belgrade earlier in his career, Ambassador Wagner answered the call to take up the challenging and dangerous post as Senior Deputy to High Representative Carlos Westendorp.

I had dinner with the Ambassador 3 weeks ago in Sarajevo. In the presence of a diverse group of Bosnian Muslims, Croats, and other international officials, he spoke out forcefully in favor of the difficult task of making the Federation work. Much of the credit for refugee resettlement and for fleshing out the political institutions mandated by the Dayton accords belongs to Gerd Wagner.

Mr. President, this terrible helicopter crash follows just 2 years after the accident on Mount Igman that took the lives of three dedicated American diplomats—Joe Kruzel, Bob Frasure, and Nelson Drew. In neither the Mount Igman accident in 1995 nor today's helicopter crash was any foul play suspected.

As a matter of fact, the early reports are reminiscent—Dr. Haltzel, of the Foreign Relations Committee staff, and I were talking about it today—of our own helicopter travel in Bosnia 3 weeks ago. We were in a similar situation. Reportedly the reason Ambassador Wagner's delegation crashed was heavy fog. We also took off from Sarajevo in a peasoup fog, and the pilot of our American Blackhawk helicopter expressed concern about the fog and the mountains. Obviously, in our case it turned out not to be a problem. Tragically in this case for Ambassador

Wagner's Czech-made helicopter, it ended up being a fatal problem.

As I mentioned, apparently the crash was not the consequence of any foul play. The accident occurred while Ambassador Wagner's party was on a regular peacekeeping mission. The sacrifices of these brave individuals point out the dangers that international peacekeepers, mediators, diplomats, USAID workers, and others face in Bosnia every day, even if they may not be the direct victims of the ethnic fighting.

If the cause of stabilizing the fragile peace in Bosnia and putting that country back on the road to political and economic recovery is important to the United States and its allies, as I firmly believe it is, then we must take the risks to achieve our goals. Our diplomats in Bosnia understand that simple truth, our volunteer professional soldiers in SFOR understand that simple truth, our USAID workers in Bosnia understand it, and our volunteers working for the International Police Task Force in Bosnia understand it. And Gerd Wagner understood it.

Mr. President, our hearts go out to the families of all the victims, the relatives of the as yet unnamed Americans on board, and Ambassador Wagner's wife, Mrs. Sandra Wagner, their two sons, and their daughter, who has been studying at the University of California at Berkeley. Gerd Wagner was a fine German diplomat, a dedicated international civil servant, and a good friend of the United States of America. He will be sorely missed.

Mr. President, I thank my colleague from Iowa for allowing me to speak ahead of him, and I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

TRIBUTE TO BOBBY SILVERSTEIN

Mr. HARKIN. Mr. President, I rise now to pay tribute to a great friend of mine, a close personal friend and someone who has added significantly to the Senate and the House over the course of almost an entire adult lifetime of work and, moreover, who has added to moving America forward in terms of how we feel and how we care about each other and really moving America forward toward the ideal of our Nation. And that is a nation without barriers to anyone, a nation of opportunity for all.

Mr. President, I speak of Bobby Silverstein, who later this month will leave the Senate to teach and establish a center for the study and advancement of disability policy at George Washington University.

For the past decade, Bobby has been my chief counsel and staff director of the Subcommittee on Disability Policy. During this time, he has been the behind-the-scenes architect of legislation that has truly revolutionized our Nation's policy towards its citizens with disabilities and expanded opportunities for the more than 49 million Americans with disabilities and their families. There is simply not a more knowledgeable, skillful, accomplished and respected person in the field of disability policy in our entire Nation.

Bobby Silverstein played a significant role in crafting the Americans with Disabilities Act, ADA. Before the ADA, discrimination on the basis of disability was wrong, but it was not illegal. Bobby helped me fashion a coalition of grassroots and Washington-based advocacy groups and demonstrated the significant political strength of this unity. Through this coalition, every Member of Congress was educated that disability is a natural part of the human experience, that discrimination on the basis of disability can be tolerated no longer, and that people with disabilities must be judged on what they can do, not on the basis of myths, stereotypes or fears.

His mastery of the issues, unrivaled negotiating skills, patience, and excellent working relationships with those in the disability community, the business community, the Congress, and the White House enabled what many have called the emancipation proclamation for people with disabilities—the Americans With Disabilities Act.

Under Bobby's behind-the-scenes leadership, public policy for infants, children, and adults with disabilities and their families has been strengthened and expanded in every aspect of life: education, employment, civil rights, housing, income maintenance, health, transportation, telecommunications, and recreation. In addition to the ADA, he was my chief aide responsible for securing passing of legislation establishing the National Institute of Deafness and Communication Disorders at the National Institutes of Health. This Institute has contributed significantly to the knowledge of deafness, and has led to improvements in the lives of millions of Americans who are deaf or hard-of-hearing, including senior citizens. Bobby also shaped legislation to reauthorize the Rehabilitation Act, which supports essential job training, employment, and independent living opportunities for thousands of adults with disabilities. On October 16, 1990, the Television Decoder Circuitry Act became law and opened up the information available on television to the millions of individuals who can benefit from captioned television, including deaf individuals and those children and adults who are learning English.

Prior to this time, people who were deaf, like my brother Frank, had to have a great big box that they set on top of their television set that would receive the signal and decode it for that television. Those units cost, if I am not mistaken, in the neighborhood of a couple of hundred dollars. But as my brother said to me one time, that's fine when I'm home watching television; I can get the news and the weather and other information I need through my decoder on my television. But what about when I travel and I stop at a motel or hotel and I want to find out what the weather is going to be, or I want to listen to the news? I can't take that box with me.

So, beginning in 1988, 1989, we began having hearings on the possibility of mandating every television set sold in America have a little chip put in it so that every television could decode the signal for closed captioning. I remember the hearings. The companies came in and said, ''Oh, no, this was going to cost too much money.''

Bobby wasn't satisfied. He went to the manufacturers of the chips, asked how much it would cost to produce the chips, and if every television set had them in it how much would it cost. And it came down to mere pennies. So, armed with that information, we were able to get that information to our committee, to Members of the Senate and the House. The bill passed and, as I said, was signed into law by President Bush on October 16, 1990.

So, every time when you turn on that television and a phone call comes in and you want to watch what is going on but you want to turn the sound down so you punch that button on your remote and the captions come up so you can follow the news and still answer that phone call, think of Bobby Silverstein. He is the one who made it happen. It was a great law and one that has just helped millions of Americans, including people like me who do not suffer from deafness, for just the very kind of purpose I just mentioned.

Bobby also championed the Assistive Technology for Individuals With Disabilities Act, protection and advocacy legislation for individuals with mental illness, the Development Disabilities Assistance and Bill of Rights Act and landmark family support legislation. Most recently, Bobby was the lead Democratic staffer for the negotiations that led to the bipartisan enactment of Public Law 105–17, the Individuals with Disabilities Education Act—known as IDEA—Amendments of 1997. This passed this year. IDEA guarantees a free, appropriate public education for more than 6 million children with disabilities.

Bobby came to the Senate after several years working for Congressman Pat Williams of Montana in the House of Representatives, where his skills resulted in landmark legislation that established early intervention and preschool opportunities for very young children with disabilities—what we now call part H. These two programs have enabled hundreds of thousands of children to obtain the services and support they need to live with their families and develop to their potential.

In addition to his impressive legislative achievements, Bobby has extensive experience working in Federal agencies and the private sector. He has drafted policy interpretations for the Office of Civil Rights of the United States Department of Health, Education and