

*Resolved by the Senate (the House of Representatives concurring).*

**SECTION 1. SENSE OF CONGRESS REGARDING PUBLIC RECREATIONAL AND MULTI-PURPOSE USE OF UNITED STATES FOREST SERVICE LAND.**

It is the sense of Congress that—

(1) the Forest Service should not close shooting or archery facilities without prior notification to Congress and the general public unless there is an immediate threat to public safety;

(2) notification to Congress of any plan for closure of a shooting or archery facility should include the reasons for the closure, including any potential for imminent public safety endangerment;

(3) the Forest Service should avoid unreasonable restrictions in the issuance of special-use permits for firearm and archery sports facilities;

(4) the Forest Service should fully evaluate alternative sites in the Coronado National Forest and provide, to the extent consistent with the environmental assessment, a reasonable alternative that would allow the Tucson Rod and Gun Club to quickly open a safe facility for firearm and archery sports; and

(5) the Forest Service should adhere to its deadline of November 20, 1998, for a decision on a site for the Tucson Rod and Gun Club.

Mr. MCCAIN. Mr. President, today I submit a resolution that is of tremendous importance to me and many of my constituents back in Arizona. This resolution expresses the Sense of the Congress that firearm and archery sports are a recognized recreational opportunity for the general public and a legitimate use of public land. The availability of public land for such activities is especially important in western states, such as Arizona, where a very large percentage of the land is public land.

Mr. President, given that there is little private land in Arizona that is available for such activities, I believe it is crucial that the Forest Service support the continuation of firearm and archery sports on national forest lands.

Mr. President, the Tucson Rod and Gun Club operated a shooting and archery range in the Coronado National Forest for almost 45 years and had an exemplary safety record during that time. When opened, it was miles from the nearest developed area, but the City of Tucson has spread to the very edge of the forest, and houses and schools are now within a short distance from the existing shooting range. The Club's special use permit was temporarily suspended on March 10, 1997 after a Forest Service report concluded that the range may pose a hazard to the homeowners in the vicinity and to visitors to the Sabino Canyon area. The Club as well as the Congressional delegation has asked the Forest Service to assist in searching for an alternate site for their facility.

Mr. President, despite assurances by the Secretary of Agriculture and by the Forest Service that the Club's request would be dealt with in an expeditious manner, it is now more than eighteen months since the range was closed, and shooters in Tucson still do

not have a reasonably close, organized, and safe place for recreational firearm sports. At the delegation's urging, the Secretary of Agriculture directed the Forest Service to look at the proposed alternative sites and issue a decision on a selected site for these activities by November 1998. The local Forest Supervisor has pledged to issue a final decision in this matter by November 20, 1998, and has further agreed that once this decision is rendered, no further public comments will be solicited, nor will additional environmental analysis be required by the Department of Agriculture or the Forest Service. I expect the Forest Supervisor to abide by this understanding.

Mr. President, let me make clear that it is not my intent in offering this resolution, to override the Forest Service's normal planning process or existing laws. I know there are others in this body with similar concerns about retaining multiple use policies of the Forest Service. The intent in the resolution is that the Forest Service should support shooting and archery ranges on public land as one of the many public uses of public lands and should strive to find a suitable alternative location for the Tucson Rod and Gun Club.

Mr. KYL. Mr. President, I concur with everything the senior Senator from my state has just said. I would like to add that I find it inconceivable that the Forest Service could determine that it cannot identify approximately 20 acres of land on the entire Santa Catalina ranger district of the Coronado National Forest that is both suitable for a shooting range and readily accessible to the members of the Club. I expect that a suitable location will be found and that the Forest Service will work with the club in good faith to agree on a plan to open a facility.

Mr. President, I would also like to thank Representative KOLBE for his leadership and hard work on this issue.

Mr. MCCAIN. Mr. President, I join with my Arizona colleague in applauding the efforts of our colleague in the House, Representative KOLBE, to resolve this issue.

AMENDMENTS SUBMITTED

KING COVE HEALTH AND SAFETY ACT OF 1998

MURKOWSKI AMENDMENT NO. 3676

Mr. MURKOWSKI proposed an amendment to the bill (S. 1092) to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes; as follows:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "King Cove Health and Safety Act of 1998".

**SEC. 2. FINDINGS.**

The Congress finds that—

(a) King Cove, Alaska is a community in the westernmost region of the Alaska Peninsula with a population of roughly 800 full-time residents and an additional 400 to 600 workers who are transported in and out of the community a number of times a year to work in the local fish processing plant and on fishing vessels;

(b) the majority of the full-time residents are indigenous Native peoples of Aleut ancestry that have resided in the region for over 5,000 years;

(c) the only mode of access to or from King Cove is via small aircraft or fishing boat, and the weather patterns are so severe and unpredictable that King Cove is one of the worst places in all of the United States to access by either of these modes of transportation;

(d) the State of Alaska has initiated the King Cove to Cold Bay Transportation Improvement Assessment to confirm the need for transportation improvements for King Cove and to identify alternative methods of improving transportation access with comprehensive environmental and economic review of each alternative;

(e) the State of Alaska has identified a road between King Cove and Cold Bay as one of the alternatives to be evaluated in the transportation planning process but for a road to be a viable option for the State of Alaska, the Congress must grant a legislative easement within the Izembek National Wildlife Refuge ("Refuge") across approximately seven miles of wilderness land owned by the Federal Government;

(f) there are fourteen miles of roads within the wilderness boundary of the Refuge which are currently traveled by vehicles;

(g) any road constructed in accordance with such easement would be an unpaved, one-lane road sufficient in width to satisfy State law; and

(h) the combined communities of King Cove and Cold Bay have approximately 250 vehicles.

**SEC. 3. PURPOSE.**

The purpose of this Act is to establish a surface transportation easement across Federal lands within the Refuge and to transfer 664 acres of high value habitat lands adjacent to the Refuge in fee simple from the King Cove Corporation to the Federal Government as new wilderness lands within the Refuge in exchange for redesignating a narrow corridor of land within the Refuge as nonwilderness lands.

**SEC. 4. LAND EXCHANGE.**

If the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation in and to all land owned by the Corporation in Sections 2, 3, 4, 5, 6, and 7 of T 57 S, R 88 W, Seward Meridian, Alaska; and any improvements thereon, the Secretary of the Interior ("Secretary") shall, not later than 30 days after such offer, grant the Aleutians East Borough a perpetual right-of-way of 60 feet in width through the lands described in sections 6 and 7 of this Act for the construction, operation and maintenance of certain utility-related fixtures and of a public road between the city of Cold Bay, Alaska, and the city of King Cove, Alaska and accept the transfer of the offered lands. Upon transfer to the United States, such lands shall be managed in accordance with Section 1302(i) of the Alaska National Interest Lands Conservation Act, shall be included within the Refuge, and shall be managed as wilderness.

**SEC. 5. RIGHT-OF-WAY.**

Unless otherwise agreed to be the Secretary and the Aleutians East Borough, the right-of-way granted under section 4 shall—

(1) include sufficient lands for logistical staging areas and construction material

sites used for the construction and maintenance of an unpaved, one-lane public road sufficient in width to meet the minimum requirements necessary to satisfy State law;

(2) meet all requirements for a public highway right-of-way under the laws of the State of Alaska; and

(3) include the right for the Aleutians East Borough, or its assignees to construct, operate, and maintain electrical, telephone, or other utility facilities and structures within the right-of-way.

#### SEC. 6. CONFORMING CHANGE.

Upon the offer of Corporation lands under section 4, the boundaries of the wilderness area within the Refuge are modified to exclude from wilderness designation a 100 foot wide corridor to accommodate the right-of-way within the following land sections—

(1) Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska.

(2) Sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska.

(3) Sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

#### SEC. 7. RIGHT-OF-WAY LOCATION.

Unless otherwise agreed to by the Secretary and the Aleutians East Borough, the right-of-way granted under section 4 shall be located within—

(a) sections 2, 3, 10, and 11 of T 59 S, R 86 W, Seward Meridian, Alaska;

(b) sections 27, 28, 29, 30, 31, 32, 33, 34, and 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

(c) sections 3, 4, 9, 10, 13, 14, 15, 16, 23, 24, 25, 26, and 36 of T 58 S, R 87 W, Seward Meridian, Alaska;

(d) sections 5, 6, 7, 8, 9, 16, 17, 20, 21, 27, 28, 29, 32, 33, and 34 of T 57 S, R 87 W, Seward Meridian, Alaska;

(e) sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska;

(f) sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska;

(g) section 6 of T 37 S, R 88 W, Seward Meridian, Alaska; and

(h) sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

#### SEC. 8. TECHNICAL AMENDMENTS.

The following provisions of law shall not be applicable to any right-of-way granted under section 4 of this Act or to any road constructed on such right-of-way—

(1) section 22(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(g)).

(2) title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.), except as specified in this section; and

(3) section 303(c) of title 49, United States Code.

SEC. 9. The Secretary and the Aleutians East Borough shall jointly prepare a plan setting forth—

(1) the times of the year a road may reasonably be constructed when there are not high concentrations of migratory birds in Kinzarof Lagoon; and

(2) limitations on non-emergency road traffic during periods of the year when there are high concentrations of migratory birds in Kinzarof Lagoon.

SEC. 10. If within 24 months of the date the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation lands set forth in Section 4 of this Act, the Secretary and the Aleutians East Borough fail to mutually agree on the following—

(1) a final land exchange and a grant of a right-of-way pursuant to Section 4; and

(2) the right-of-way specifications, and terms and conditions of use set forth in sections 5, 6, 7 and 8 of this Act;

then the Aleutians East Borough shall have the right to select a 60 foot right-of-way for

the construction, operation, and maintenance of certain utility-related fixtures and of a public road from lands described in Section 7 of this section, and to identify logistical staging areas and construction material sites within the right-of-way. If an agreement is not reached within 6 months after the Aleutians East Borough notifies the Secretary of its selection, then the right-of-way is hereby granted to the Borough.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

Mr. THURMOND. Mr. President, I ask unanimous consent that the committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday October 1, 1998. The purpose of this meeting will be to mark up the nomination of Michael Reyna to be a member of the Farm Credit Administration Board and to mark up the USDA Information Technology Reform and Year 2000 Compliance Act (S2116).

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

#### COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet on Thursday, October 1, 1998, at 9:30 a.m. in open session, to receive testimony regarding plans for Department of Energy national security programs.

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

#### COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 1, 1998 at 9:30 a.m. on S. 2494—Multichannel Video Competition Act.

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

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 1, 1998 at 2:30 p.m. on pending committee business.

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

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 1, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nominations of Eljay B. Bowron to be Inspector General, DOI; Rose Eilene Gottemoeller to be Assistant Secretary of Energy for Non-Pro-

liferation and National Security; and David Michaels to be Assistant Secretary of Energy for Environment, Safety and Health.

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

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. THURMOND. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing to receive testimony from Greta Joy Dicus, nominated by the President to be a member of the Nuclear Regulatory Commission (re-appointment), and Jeffery S. Merrifield, nominated by the President to be a member of the Nuclear Regulatory Commission, Thursday, October 1, at 11:00 a.m., Hearing Room (SD-406).

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

#### COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1, 1998 at 10:00 a.m. to hold a hearing.

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

#### COMMITTEE ON INDIAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, October 1, 1998 at 10:30 a.m. to conduct a Markup, on S. 1870, to amend the Indian Gaming Regulatory Act; H.R. 1805, Auburn Indian Restoration Act; and S. 2097, to encourage and facilitate the resolution of conflicts involving Indian tribes, to be followed immediately by a hearing on S. 2010, to provide for business development and trade promotion for Native Americans. The hearing will be held in room 485 of the Russell Senate Office Building.

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

#### COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, October 1, 1998, at 9:30 a.m. in room SD-226 of the Senate Dirksen Office Building.

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

#### COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, Oct. 1, 1998 at 2:30 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "Judicial Nominations."

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

#### COMMITTEE ON RULES AND ADMINISTRATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be