

What we have here may be a disagreement of what the facts mean among experts.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 1239

(Purpose: To ensure an orderly transition to newly implemented guidelines on National Forests in Arizona and New Mexico)

Mr. GORTON. Mr. President, I ask unanimous consent that any pending amendment be set aside and that I be able to present an amendment on behalf of Senators DOMENICI and KYL to ensure an orderly transition to newly implemented guidelines on National Forests in Arizona and New Mexico. And I assure Members that the other Senators from the States agree and the amendment has been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DOMENICI, for himself and Mr. KYL, proposes an amendment numbered 1239.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

#### SEC. . IMPLEMENTATION OF NEW GUIDELINES ON NATIONAL FORESTS IN ARIZONA AND NEW MEXICO.

(a) Notwithstanding any other provision of law, none of the funds made available under this or any other Act may be used for the purposes of executing any adjustments to annual operating plans, allotment management plans, or terms and conditions of existing grazing permits on National Forests in Arizona and New Mexico, which are or may be deemed necessary to achieve compliance with 1996 amendments to the applicable forest plans, until March 1, 1998, or such time as the Forest Service publishes a schedule for implementing proposed changes, whichever occurs first.

(b) Nothing in this section shall be interpreted to preclude the expenditure of funds for the development of annual operating plans, allotment management plans, or in developing modifications to grazing permits in cooperation with the permittee.

(c) Nothing in this section shall be interpreted to change authority or preclude the expenditure of funds pursuant to section 504 of the 1995 Rescissions Act (Public Law 104-19).

Mr. DOMENICI. Mr. President, the purpose of the amendment is to ensure that the Forest Service can implement changes to the grazing program in the Southwest region in an orderly fashion.

Currently the Southwest Region of the Forest Service is working to implement amendments it has made to the

land use plans on all of its 11 National Forests.

These amendments were made in response to litigation over threatened and endangered species habitat, and were adopted in June, 1996.

Since the amendments were adopted, the Forest Service has been taken back to court, because some groups believed that the they were not acting fast enough to implement the plans.

The Forest Service is now under a court order to maintain the status quo.

This has allowed them to continue working toward compliance with the forest plan amendments while the Appeals Court decides the case.

Since late July, when the injunction was issued, the Forest Service has completed a review of over 1,300 grazing allotments in the two states.

The review indicates that more than half do not fully comply, and over 250 have been determined to be of a "high priority."

Under the Forest Service's stated plan of action, they will study and determine the best way to bring these allotments into compliance with the forest plans in priority order.

Once this is determined, the Forest Service will begin implementing changes that are needed at the beginning of the next grazing season in March.

The plaintiffs in this case, however, have long been opposed to livestock grazing on public lands.

This amendment does not preclude the Forest Service from taking appropriate and timely action to protect the threatened and endangered species.

It simply provides time for the agency to implement changes in a thoughtful and orderly manner, without the pressure from further litigation.

This time will allow the Forest Service to work with those who to date have been completely left out of this process.

These are the same people who are most likely to be adversely affected by implementation of the amendments.

I hope the Senate will support this amendment.

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

The amendment (No. 1239) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

#### UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. LAUTENBERG. I would like to put in a unanimous-consent request to yield the hour of time that I have to Senator KENNEDY on the cloture vote on S. 830.

Mr. GORTON. Reserving the right to object, I did not hear the request of the Senator.

Mr. LAUTENBERG. I have an hour reserved on the cloture motion on S. 830.

Mr. GORTON. No objection.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be able to yield that hour to Senator KENNEDY.

The PRESIDING OFFICER. The Senator has that right.

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

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

Mr. REID. Mr. President, when the Senate turns to S. 830, I yield my 1 hour to the minority leader under the cloture rule.

The PRESIDING OFFICER. The Senator has that right.

Mr. REID. 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. GORTON. 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 the consideration of the bill.

#### AMENDMENT NO. 1240

(Purpose: To make a technical correction to title 31 of the United States Code relating to payments for entitlement land)

Mr. GORTON. Mr. President, I send an amendment to the desk making a technical correction to title 31 of the United States Code relating to payments for entitlement land on behalf of Senator STEVENS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for Mr. STEVENS, proposes an amendment numbered 1240.

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

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

The amendment is as follows:

Insert at the appropriate place:

SEC. . PAYMENTS FOR ENTITLEMENT LAND.—Section 6901(2)(A)(i) of title 31, United States Code, is amended by inserting "(other than in Alaska)" after "city" the first place such term appears.

Mr. STEVENS. Mr. President, the Department of the Interior has interpreted a provision I sponsored in the 1996 lands bill. This interpretation reduces monies intended to go to Alaska's unorganized borough as a payment

in lieu of taxes [PILT] by over \$950,000. I offer an amendment to the Interior appropriations bill to correct this.

After many years of working on this issue, the Congress last year enacted my proposal to qualify the unorganized borough in the State of Alaska for PILT. This provision of law—section 1033 of P.L. 104-333—made clear that “any area in Alaska that is within the boundaries of a census area used by the Secretary of Commerce in the decennial census,” and which did not qualify for PILT under the existing clause, would qualify for a PILT. The only entity in Alaska that would qualify under this provision is Alaska’s unorganized borough. The Department—through the Solicitor—has correctly interpreted that the unorganized borough qualifies, but has incorrectly calculated the amount the unorganized borough should receive under the 1996 amendment.

PILT payments are generally calculated based on population and land acreage. The 1996 amendment specified that the unorganized borough’s entire population and entire acreage would be used in the calculation. The Secretary has not counted the entire population in the unorganized borough in calculating the borough’s PILT allocation. Specifically, the Department has not counted the population of certain cities which have federal lands within the unorganized borough.

According to the Regional Solicitor’s May 30, 1997 opinion, if the population of each city within the unorganized borough were counted as intended by the 1996 provision, the State would be entitled to \$3,362,339. If in Alaska the cities within the unorganized borough are calculated separately, according to the opinion, the payments to the cities would be \$78,557 and the payment for the unorganized borough would be \$2,333,764. These two payments total \$2,412,321, \$950,018 less than the \$3,362,339 the unorganized borough should be receiving.

The amendment today would clarify that the population of the cities within the unorganized borough in Alaska should be counted in calculating the PILT allocation for the unorganized borough, and not separately, as intended by the provision in the 1996 lands bill.

Mr. GORTON. Mr. President, this does make a correction in connection with bill payments to Alaska which I believe is appropriate and I believe has been cleared.

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

The amendment (No. 1240) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1241

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of

myself and Senator BYRD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. BYRD, proposes an amendment numbered 1241.

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

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

The amendment is as follows:

On page 11, line 11, strike “\$43,053,000” and insert “\$42,053,000”.

On page 15, line 25, strike “\$1,249,409,000” and insert “\$1,250,429,000”.

On page 17, line 8, strike “\$167,894,000” and insert “\$173,444,000”.

On page 17, line 18, strike “\$1,000,000” and insert “\$5,000,000”.

On page 18, line 7, strike “\$125,690,000” and insert “\$126,690,000”.

On page 28, line 22, strike “\$1,527,024,000” and insert “\$1,529,024,000”.

On page 64, line 16, strike “\$1,346,215,000” and insert “\$1,341,045,000”.

On page 65, line 18, strike “\$160,269,000” and insert “\$154,869,000”.

On page 79, line 20, strike “\$627,357,000” and insert “\$629,357,000”.

Mr. GORTON. Mr. President, this is a managers amendment that shifts money between a number of accounts in order to address a number of outstanding issues relating to this bill. This amendment is fully offset by reductions from elsewhere in the bill so that the bill remains in compliance with its allocation. This proposal has been cleared with Senator BYRD and I urge its adoption.

Mr. BYRD. Mr. President, I am in agreement with the Chairman’s remarks, and appreciate his cooperation in developing this amendment. I believe this will help move us further along toward completion of this bill. I support the amendment.

Mr. GORTON. Mr. President, I ask unanimous consent that an explanation of the effect of this amendment be printed in the RECORD.

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

The effect of this amendment is as follows:

—\$200,000 for accessibility improvements at the FitzGerald Tennis Center at Rock Creek Park;

—\$1,000,000 for recreation development at Franklin Lake Dam on the Homochitto National Forest;

—\$2,000,000 for tribal community colleges;

—\$2,000,000 for bank stabilization at Shiloh National Military Park;

—transfers \$700,000 from National Park Service construction for Gettysburg National Military Park to the operations account for Gettysburg NMP, as well as providing an additional \$220,000 for Gettysburg NMP operations; the net effect of these adjustments as well as funding in the Committee reported bill through the special parks initiative is a total increase for Gettysburg NMP of \$1,052,000 above the budget request;

—\$2,000,000 for transportation fuel cells;

—\$1,000,000 for land acquisition at Cumberland Island National Seashore;

—\$100,000 for the North Country Trail;  
—\$4,000,000 for the Oklahoma City bombing memorial; and

—\$50,000 for special resource studies to conduct a study assessing the suitability and feasibility of designating the Charleston School District, in Charleston, AR, the first public school district integrated in 1954 pursuant to the Supreme Court decision of *Brown v. Board of Education*, as a unit of the National Part system, to interpret and commemorate the development of the Civil Rights movement in the United States. Such study shall be prepared as a part of the study of Central High School in Little Rock, AR, identified in the Senate report (S. Rpt. 105-56) accompanying H.R. 2107, and shall be completed within one year after the date of enactment.

The offsets for these purposes come from increases provided above the budget request. The offsets are:

—\$1,000,000 from Fish and Wildlife Service Construction (emergency projects)

—\$5,170,000 from National Forest System, including \$4,300,000 from recreation and \$870,000 from wildlife habitat management;

—\$6,400,000 from Forest Service Construction.

#### SMITH-WYDEN AMENDMENT ON COUNTY LAW ENFORCEMENT

Mr. WYDEN. Mr. President, included in the manager’s amendment is an amendment, I am pleased to cosponsor this amendment with my colleague, Senator SMITH, to provide an additional tool in the toolbox, if you will, for rural counties who have come under significant hardship in funding law enforcement activities covering National Forest lands.

Most particularly, Mr. President, a number of Oregon counties have had their sheriff’s office budgets nearly busted by the need to address illegal, occasionally violent protests related to Federal timber sales and the regular management of National Forest lands in Oregon.

On nearly every timber sale protest, my office has worked very closely with the Forest Service to find help. We have literally shaken the Forest Service tree to find additional resources to help small counties deal with their heightened law enforcement needs when one of these demonstrations occurs.

While the Forest Service has been helpful, it has not prevented these rural counties from incurring, in some cases, nearly their entire year’s law enforcement budget on just one protracted timber protest.

Federal receipts must be used by Oregon Counties in the proportion of 25 percent for schools and 75 percent for roads. This amendment simply allows counties to use surplus funds out of the share that is for roads, on law enforcement activities associated with the use of public roads of the county.

The Smith-Wyden amendment simply gives these counties—Douglas, Lane, Klamath, Jackson, and Josephine—a small tool to help them deal with illegal timber demonstrations that are political, and that are related to the Federal management of Federal lands. It is patently unfair that local