

105 million acres. That is more than the entire State of California. All this land was withdrawn from multiple use without any input from the people of Alaska, any input from the public, any input from Members of Congress.

I ask you, can you understand why we are sensitive? With all these actions held over Alaska's head, we were forced to cut the best deal we could. Twenty years later, the people of our State are still struggling to cope with the weight of these decisions. When they say you forget history, why, I say you are doomed by it, doomed to repeat it if you do not remember. So as long as we stand in this Chamber people will not be allowed to forget what happened when the public and the Congress are excluded from the public land management decisions.

When my friend from Arkansas says that this does not belong in this legislation, that it does not belong because it is not an emergency, he is absolutely wrong. It is an emergency. This is an action arbitrarily proposed by the Secretary of the Interior now. It is contrary to law, and it has to be stopped.

Mr. President, again, the fact is if R.S. 2477 was not in existence on October 21, 1976, it will not and it cannot by definition be created now. We have no problem with that. We want that to be the case. What we do not want is the Secretary to arbitrarily suddenly come to the conclusion that if vehicle travel has not proceeded over these routes prior to October 21, 1976, there is no justification for inclusion.

So in closing, Mr. President, I wish that we did not have to address this issue at this time, but it is an emergency for the Western States. It belongs on the first legislative vehicle that we can get the attention of the Congress relative to taking action. I thought we put this to an end in a bipartisan manner last year when we enacted a permanent moratorium on future actions by the Department, but that was not good enough for the Secretary. So behind closed doors this Secretary has sought to disregard the spirit and the intent of our previous action.

We have no other alternative, Mr. President, but to pursue this in a manner to continue to have available the viability of historical transportation routes that were in existence across our State, so that we can bring our State together, recognizing the huge amount of Federal withdrawal that is evidenced on this chart by the colored areas that represent all Federal withdrawals as compared to the white areas which simply address the State holdings. So one can readily see the necessity of having the option to establish, if you will, access routes across traditional trails that existed that were dog sled routes, or footpaths, that were used for commerce prior to that 1976 date. We simply have to have the assurance that that will remain as the law of the land and we can continue to allow, after our short 39 years of exist-

ence as a State, the development of our State, we can be bound together. That is why it is an emergency and that is why I commend my good friend and senior Senator for putting this in this legislation because there is no question it is an emergency of the highest nature in the State of Alaska and certainly affects the other Western States as well as we have seen the withdrawal of 1.6 million acres under the Antiquities Act in Utah by this administration.

I thank the Chair and I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska, Senator.

Mr. STEVENS. I want to remind the Senate now, and I will do so later just prior to the vote, in this year's Interior appropriations bill, signed by the President last fall, after serious negotiation with the administration, conducted by the previous chairman of this Appropriations Committee, at my request this section was put in that bill, section 108:

No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management or validity of a right-of-way, pursuant to Revised Statute 2477, 43 U.S. Code 932, shall take effect unless expressly authorized by an act of Congress subsequent to the date of enactment of this act.

Now, that was the compromise last year as we began this fiscal year. We believe it is an emergency when we return to Washington to find that the Secretary of the Interior has issued a policy, a statement, edict, fiat, whatever you want to call it, but he has in effect changed the law, in his opinion, purported to change the law in a way that he believes is not covered by that very strong statement:

No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management or validity of a right-of-way, pursuant to Revised Statute 2477. . . shall take effect unless expressly authorized by an act of Congress subsequent to the date of enactment of this act.

That is this Congress. We have very clearly said, and the President of the United States agreed, that any change regarding the validity of rights-of-way shall be authorized by an act of Congress, and yet if we do not take this action that is in this bill that policy statement will guide all members of the Interior Department with regard to approval of the applications of Western States for rights-of-way under the law, a law that was agreed to in 1976 and expressly reserved all existing rights-of-way.

I think it is a very clear issue, notwithstanding all of the flak that is out there in these direct mail pieces that are stimulating every newspaper from here to Washington State. It is just too bad that editors have not learned how to read because if they would read what the law is, I do not see how they can come to the conclusions that they do in some of the editorials I have read today. I hope the Members of the Sen-

ate are not swayed by those editorials because they certainly are not based upon the law or the facts of the situation.

Mr. President, I will suggest the absence of a quorum awaiting my friend. We do have some matters that we can take care of. I might state for the information of the Senate that we have an indication from the Parliamentarian that only 33 of the 109 amendments that were filed are proper under cloture. Members should consult, if they wish to do so, the staff of either side to find out the situation with regard to their amendment. Senator BYRD and I have agreed that if we can we would like to cooperate with Members on matters that are true emergencies, particularly for those people who are from the disaster States, and there are 33 of those, Mr. President. But we are compelled to rely upon the actions of the Parliamentarian under the rule unless we can find some way to accommodate the changes that would be necessary to validate the amendments involved. So I urge Members of the Senate to determine whether the amendments they have filed prior to cloture are now valid after cloture.

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

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

RECESS

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate stand in recess until 10 minutes after 2.

There being no objection, at 1:42 p.m., the Senate recessed until 2:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 145

The PRESIDING OFFICER. The question recurs on amendment No. 145 by the Senator from New York.

There are 5 minutes equally divided. Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I ask unanimous consent that Senator GRAHAM of Florida, Senator WYDEN, and Senator LAUTENBERG be added as co-sponsors.

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

Mr. D'AMATO. Mr. President, make no mistake about it, I support the provisions that have broken the chain of