

Mr. THURMOND. Mr. President, I wish to associate myself with the remarks made by our able majority leader on both subjects. He has shown leadership here, just as he has shown in so many other instances.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 1426 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on November 21, 1995, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1328. An act to amend the commencement dates of certain temporary Federal judgeships.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 32. Concurrent resolution providing for a conditional recess or adjournment of the Senate on Monday, November 20, 1995, until Monday, November 27, 1995, and a conditional adjournment of the House on the legislative day of Monday, November 20, 1995, or Tuesday, November 21, 1995, until Tuesday, November 28, 1995.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996.

The message further announced that the House agrees to the amendment of the Senate to the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 1996, and for other purposes.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 440. An act to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1328. An act to amend the commencement dates of certain temporary Federal judgeships.

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills and joint resolution were signed on November 21, 1995, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

#### MEASURE PLACED ON THE CALENDAR

The following measure was placed on the calendar:

H.R. 1833. An act to amend title 18, United States code, to ban partial-birth abortions.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 24, 1995 he had presented to the President of the United States, the following enrolled bills:

S. 440. An act to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1328. An act to amend the commencement dates of certain temporary Federal judgeships.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1620. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-07; to the Committee on Appropriations.

EC-1621. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated November 1, 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Finance, Committee on Foreign Relations.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-471. A resolution adopted by the Council of the City of Toledo, Ohio relative to the "Contract With America"; ordered to lie on the table.

POM-472. A resolution adopted by the Captive Nations Committee of New York, New York relative to Chechnia; to the Committee on Foreign Relations.

POM-473. A resolution adopted by the Board of Directors of the Seattle Education Association of Seattle, Washington relative to Federal spending on education; to the Committee on Labor and Human Resources.

#### REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of November 20, 1995, the following report was submitted on November 21, 1995, during the adjournment of the Senate:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany the bill (S. 1396) to amend title 49, United States Code, to provide for the regulation of surface transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself, Mr. HATCH, Mr. STEVENS, and Mr. BENNETT):

S. 1425. A bill to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (for himself and Mr. CRAIG):

S. 1426. A bill to eliminate the requirement for unanimous verdicts in Federal court; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself, Mr. HATCH, Mr. STEVENS, and Mr. BENNETT):

S. 1425. A bill to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes; to the Committee on Energy and Natural Resources.

#### THE REVISED STATUTES 2477 RIGHTS-OF-WAY SETTLEMENT ACT

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation co-sponsored both by myself, Senator HATCH, Senator STEVENS and Senator BENNETT. The purpose of this legislation is to allow State law to continue to determine revised statute covering 2477 right-of-ways, as it is known in the West.

Mr. President, for almost 130 years State law has applied to the validation of R.S. 2477 right-of-ways. Simply stated, that is the "right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

Originally, the grant was section 8 of the Mining Act of 1866. The provision then became section 2477 of the revised statute, R.S. 2477, until its repeal by the Federal Land Policy Management Act of 1976, known as FLPMA.

Section 706 of FLPMA repealed R.S. 2477. However, section 701 states—and I quote—"Nothing in this act terminates any valid right-of-way existing on the date of approval of the act." Similarly, Section 509 of FLPMA states that nothing in title V on right-of-ways—and I quote—"shall have the effect of terminating any right-of-way or rights-of-use heretofore issued, granted, or permitted."

Under the authority of R.S. 2477, highways were established to achieve access through the public domain. It was a primary authority under which many existing State and country highways were constructed and operated over Federal lands in the Western United States.

Mr. President, in my State of Alaska many of these access routes were nothing more than perhaps a dogsled trail or footpath, but nevertheless provided essential routes from village to village for Alaska's Native people and other residents of the State. At that time it was a territory.