

the Senate had voted on a version of the balanced budget amendment in the 103d Congress that was "identically the same" as the version voted on in the 104th Congress. He then mistakenly inserted into the CONGRESSIONAL RECORD copies of two resolutions when he represented to be "the two resolutions that we voted on \* \* \*."

In fact, he inserted into the RECORD copies of the resolutions as introduced, but not as amended and actually voted on by the Senate. The two resolutions which were ultimately voted on contained language differences concerning judicial review.

The distinguished Senator from North Dakota and I had a colloquy with the Senator from Oklahoma. As we pointed out then, the language differences were not the primary reasons for our votes in opposition to the balanced budget amendment in the 104th Congress. Our opposition stemmed mainly from the dramatic change in the interpretation of section 6 of the proposal concerning implementing language—regarding the intention to count the annual surplus in the Social Security trust fund. However, since the Senator from Oklahoma was attempting to portray the issue in a simple black-and-white fashion—as two votes on identical proposals—we sought to clarify for the RECORD that the representations he made were flat out wrong.

Last Friday, the junior Senator from Oklahoma again took the floor to discuss this matter. He stated that, after all, the two resolutions really were "exactly the same thing" since both added language dealing with the issue of judicial review. Therefore, even though the language was different, certain Senators "turned right around and actively opposed the same exact language in a balanced budget amendment" that they had earlier supported in 1994.

The junior Senator from Oklahoma then quoted the distinguished Senator from Georgia, Senator NUNN, who authored a 1995 amendment on judicial review. What the Senator from Georgia actually said on February 28, 1995 was that his amendment on judicial review was "similar to the Danforth amendment we agreed to last year and the Johnston amendment, which was defeated last week" by a vote of 47 to 52.

I ask unanimous consent that the Danforth amendment from 1994 and the Johnston and Nunn amendments from 1995, each of which amends section 6 of the balanced budget amendment, be printed in the RECORD at this point.

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

#### DANFORTH AMENDMENT

The power of any court to order relief pursuant to any case or controversy arising under this Article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section.

#### JOHNSTON AMENDMENT

The judicial power of the United States shall not extend to any case or controversy arising under this article except for section 2 hereof, or as may be specifically authorized in implementing legislation pursuant to this section.

#### NUNN AMENDMENT

The judicial power of the United States shall not extend to any case or controversy arising under this article except as may be specifically authorized by legislation adopted pursuant to this section.

Mr. FORD. As the Senator from Georgia noted, all three amendments are similar. The Senator from Oklahoma says the Danforth and Nunn amendments are "exactly the same thing." Yet last year he voted against the Johnston amendment, which also dealt with judicial review. Perhaps the next time we are discussing identical proposals on the balanced budget amendment, the junior Senator from Oklahoma can inform all of us concerning what was so different about the Johnston amendment on judicial review to justify his different positions. I would think he would consider it to be the same exact language. The junior Senator from Oklahoma continues to try to make a silk purse out of a sow's ear.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES REFERRED

The following resolution was read and referred as indicated:

S. Res. 263. Resolution relating to church burning; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of June 13, 1996, the following report was submitted on June 17, 1996, during the adjournment of the Senate:

By Mr. D'AMATO, from the Special Committee to Investigate Whitewater Development Corporation and Related Matters:

Special Report entitled "The Final Report" (Rept. No. 104-280).

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment:

H.R. 3448. A bill to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes (Rept. No. 104-281).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

John W. Hechinger, Sr., of the District of Columbia, to be a member of the National Security Education Board for a term of 4 years.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### 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. BYRD:

S. 1881. A bill to amend title 23, United States Code, to make available for obligation such sums as are necessary to pay the Federal share of completion of construction of the Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEWINE:

S. 1882. A bill to amend chapter 89 of title 5, United States Code, to include medical foods as a specific item for which coverage may be provided under the Federal Employees Health Benefits Program; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself and Mr. COHEN):

S. 1883. A bill to amend title 23, United States Code, to conform to State law the vehicle weight limitations on certain portions of the Interstate System, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAMM:

S. 1884. A bill to provide a penalty of not less than 10 years imprisonment without release for damage by arson to houses of worship; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mrs. HUTCHISON, Ms. MOSELEY-BRAUN, Mr. FAIRCLOTH, Mr. LEVIN, Mr. HELMS, Mr. KEMPTHORNE, Mr. ABRAHAM, Mr. BIDEN, Mrs. BOXER, Mr. BRADLEY, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. D'AMATO, Mr. DODD, Mrs. FEINSTEIN, Mr. GRAMM, Mr. HARKIN, Mr. INHOFE, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. SIMON, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 265. A resolution relating to church burnings; considered and agreed to.

By Ms. MOSELEY-BRAUN (for herself and Mr. SIMON):

S. Res. 266. A resolution to congratulate the Chicago Bulls on winning the 1996 National Basketball Association Championship and proving themselves to be one of the best teams in NBA history; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD:

S. 1881. A bill to amend title 23, United States Code, to make available for obligation such sums as are necessary to pay the Federal share of completion of construction of the Appalachian Development Highway System, and for other purposes; to the Committee on Environment and Public Works.

##### THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM COMPLETION ACT

Mr. BYRD. Mr. President, I rise today to introduce the Appalachian Development Highway System Completion Act of 1997. This bill will ensure that adequate funds will be disbursed to complete the Appalachian Development Highway System by the year 2003, some 38 years after the Federal Government first committed itself to the completion of this critical highway network.

We are quickly approaching the expiration of the funding authorizations contained in the Intermodal Surface Transportation Efficiency Act, or ISTEA as it is commonly referred to. Our colleagues in the other body have already begun hearings on the reauthorization of ISTEA, and the Senate Environment and Public Works Committee will begin efforts toward that end in the next several months. As we approach the drafting of a new comprehensive multiyear highway bill, I want to call the attention of my Senate colleagues to the proposal to ensure that the Federal Government finally fulfills its commitment to providing adequate highway access throughout the Appalachian region.

The necessity to expand highway access to spur the development of the Appalachian region was first cited by the President's Appalachian Regional Commission of 1964, 32 years ago. The commission's report stated:

Developmental activities in Appalachia cannot proceed until the regional isolation has been overcome by a transportation network which provides access to and from the rest of the Nation and within the region itself. The remoteness and isolation of the region lying directly adjacent to the greatest concentration of people and wealth in the country are the very bases of Appalachian life. Penetration by an adequate transportation network is the first requisite of its full participation in industrial America.

One year later, the Appalachian Regional Development Act of 1965 authorized several programs for the development of the region, the first of which called for the construction of a new highway network. According to the act, these highways "will open up an area or areas with a developmental potential where commerce and communication have been inhibited by lack of adequate access."

Mr. President, subsequent amendments to the act defined the 3,025 miles that comprise the Appalachian Development Highway System. Unfortunately, today we find that while the Interstate Highway System is virtually 100 percent complete, the Appalachian Development Highway System is only 76 percent complete. Of the 3,025 miles that comprise the Appalachian system, roughly 725 miles remain unfinished more than 30 years after the system was promised.

These unfinished miles, spread throughout the 13 States that have counties within the statutorily designated boundaries of Appalachia, await completion. Those States include Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. All of West Virginia is within Appalachia. West Virginia is the only State that is wholly within Appalachia.

While the completion of the Interstate Highway System did play a role in the development of certain parts of Appalachia, the interstate system largely bypassed the Appalachian region due to the extremely high costs associated with building roads through Appalachia's rugged topography. As a result, the construction of the interstates had the detrimental effect of drawing passengers and freight, and their accompanying economic benefits, away from the Appalachian region. This left the Appalachian region with a transportation infrastructure of dangerous, narrow, winding roads that followed the paths of river valleys and streambeds between mountains. These roads are, more often than not, two-lane roads that are required to be squeezed into very limited rights-of-way. They are characterized by low travel speeds and long travel distances due to the winding roadway pattern. They were often built to inadequate design standards and, therefore, present very hazardous driving conditions.

For those areas where the Appalachian Development Highway System has been completed, we have seen stunning economic successes. The Appalachian Regional Commission has completed surveys indicating that of the hundreds of thousands of jobs that have been created in the Appalachian region over recent decades, over 80 percent of these jobs have been located along either the Appalachian highway system or the Interstate Highway System.

We have seen this in West Virginia as we have seen it in each of the other 12 States that comprise the Appalachian region. Unfortunately, we have also seen that in those areas where the Appalachian Development Highway System has not been completed, it is almost impossible for communities to compete for large employers due to poor access to national markets.

Mr. President, the rationale behind the completion of the Appalachian highway system is no less sound today than it was 32 years ago—in 1964. Un-

fortunately, there are still children in Appalachia who lack decent transportation routes to schools. There are still pregnant women, elderly citizens, and others who lack timely road access to area hospitals. There are thousands of people who certainly find it very difficult to obtain sustainable, well-paying jobs because of poor road access to the major employment centers.

Mr. President, the people of Appalachia have waited long enough for the Federal Government to fulfill its commitment to the Appalachian region. The bill I am introducing today will ensure that sufficient funds are set aside in the next major highway bill to complete the remaining 24 percent of the Appalachian Development Highway System.

This bill takes a different approach from that of the prior authorization acts for the Appalachian highway system. The bill calls for direct contract authority to be made available from the highway trust fund to be distributed to the States of the Appalachian region solely for the purpose of completing the 725 unfinished miles of the Appalachian Development Highway System.

One of the primary reasons why completion of the Appalachian highway system has lagged behind that of the Interstate Highway System is because the interstate system has benefited from the direct availability of highway trust funds, while the Appalachian Development Highway System has been required to be financed largely through incremental annual appropriations of general funds.

Now, Mr. President, the Appalachian Development Highway System is no less deserving of highway trust funds than any other major arterial road system. The 725 miles of the Appalachian Development Highway System that await completion represent just 1.6 percent of the size of our completed Interstate Highway System. They represent less than one-half of 1 percent of the size of the National Highway System, just designated in law in 1995. It is certainly high time that the funding mechanism for the Appalachian Development Highway System be put on a par with those of other highway systems of national significance that are customarily funded through direct contract authority from the trust fund.

The bill I introduce today also makes clear that funds provided to the Appalachian States for the completion of the Appalachian Development Highway System will be provided in addition to the funds that those States will receive from the Federal aid highway program for their customary purposes. These States should not be required to choose between the maintenance of their interstate and other Federal highways and the completion of the Appalachian system. It would not be fair to the