

is so proud to serve. It was no surprise to anyone when he was awarded the 1993 Federal Executive of the Year, an outstanding and well deserved recognition for his contributions.

I am confident that I speak for many of my colleagues when I express admiration and thanks to Joe for his invaluable contributions to the United States of America and to the global scientific community. He has our best wishes and deepest gratitude for his accomplishments in his 38 years of Federal Service.●

EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT OF 1998

● Mr. COVERDELL. Mr. President, yesterday, the Senate passed the conference report to H.R. 2646, the Education Savings and School Excellence Act of 1998 by a bipartisan vote of 59-36. With respect to the Reading Excellence provision of the bill, I wanted to state for the RECORD that there was a technical error in the report regarding the participation of private schools. I will seek to correct this technical problem when the opportunity arises to ensure the participation of private schools in the literacy program authorized under this bill.●

SUPREME COURT DECISION ON THE REACHBACK TAX

● Mr. CONRAD. Mr. President, the Senate has often heard me speak about the people of North Dakota, and at times I have been compelled to speak about the injustices North Dakotans have been forced to endure because of something our Federal government has done to them.

Today, the Supreme Court handed down a decision which should mark the beginning of the end for the reachback tax, which has been a terrible burden for the largest lignite producer and largest coal industry employer in our state.

This very important part of our economy was unfairly and unjustly saddled with the reachback tax under the 1992 Coal Industry Retiree Health Benefit Act. The Coal Act has been draining millions of dollars from this company every year.

The Supreme Court, while agreeing that Congress has the power to help fund retired unionized bituminous coal miners' health benefits, held that Congress did so improperly. We subjected honest, tax-paying corporate citizens to a truly onerous levy without an adequate basis for doing so. If the Senate had taken the time either in committee or in a floor debate to consider fully the scope of this reachback tax, perhaps the rebuke Congress received this morning from the Supreme Court could have been avoided.

In the opinion of the Court, the Act places a "severe, disproportionate, and extremely retroactive burden" on the reachback company that brought the action. As such, the Court held that

the tax imposition it reviewed violates the Constitution's takings clause.

In short, Mr. President, the Supreme Court has affirmed the arguments that many of us have pursued in this body for some time—namely, that Congress needs to revisit the whole problem of how to fund the health benefits for retired unionized bituminous coal miners.

Since its inception, I have fought for reform of the Coal Act. Many of my colleagues over the years have joined me in this bipartisan fight. With the impetus of today's decision by the Supreme Court, the Senate should commit itself to fixing the Coal Act soon. I am confident that we can devise a plan that assures benefits for affected retirees and their families, treats the industry fairly, and passes Constitutional muster.●

TRIBUTE TO JAMES EDWIN "JIMMY" WALKER

● Mr. SHELBY. Mr. President, I rise today to salute a great Alabamian and a great American whose life was cut short by war—Lieutenant James Edwin "Jimmy" Walker. I did not have the pleasure of knowing Jimmy, but many people from my home state who knew this young man have nothing but praise for him.

Born in 1913, Jimmy became one of the most outstanding athletes in the history of Holt High School. He was the captain of the football, baseball, and basketball teams, leading his small school to athletic prominence in the state. Jimmy's former high school coach and teacher described him as having "superior athletic abilities, and as being a great and popular leader." He further described Jimmy as "a joy and an inspiration to those who had the good fortune to work and play with or for him."

In 1932, Jimmy entered the University of Alabama, in Tuscaloosa, on an athletic scholarship. Throughout his three years of varsity competition, he started on both the football and basketball teams. On campus, as well as on the athletic field, Jimmy was well known, loved and respected. He was a member of the "A" Club, Alabama Quadrangle, Jason's Honorary Junior Society, Pi Gamma Alpha Fraternity, O.D.K., Cotillion Club, and the Court of Appeals of the Student Government. Notably, Jimmy was captain of the victorious Rose Bowl and national championship football team of 1935, as well as captain of the 1934 Crimson Tide Basketball team. He was an All-Conference, All-Southeastern, and All-American basketball player while remaining active on campus and successful in the classroom. Jimmy ultimately received his Bachelor of Science degree in 1935.

Jimmy continued in athletics, coaching basketball at Virginia Military Institute. As in high school, Jimmy led a small school to great heights. His teams were outstanding, consistently

ranking higher than the much larger southern schools. At the time, newspapers called his accomplishment "a coaching masterpiece."

Despite his considerable professional and personal success and his growing notoriety, Jimmy asked for a leave of absence from coaching to join the United States Navy at the start of World War II. When he became a First Lieutenant in the Navy, he told his family that he had finally "made the team." After a period of distinguished wartime service, on December 22, 1943, this Alabama sports-hero-turned-Naval-officer sadly died in South America, from wounds received while in the performance of his official duties.

Jimmy died serving his country. He was a true leader, not only on the athletic field but in all areas of life. As a coach, a student, and a military officer, he was a fine role model for those around him. His dedicated, patriotic spirit will be remembered for a long time. He truly gave his all for victory.

Today, 45 years after his untimely passing, my thoughts are with Jimmy's family and friends. His spirit will forever live on in those who knew him. Perhaps Jimmy's sister, Neta Walker Laycock, of Tuscaloosa, Alabama, captured his outstanding personality best when she said: "If you knew him, you loved him. If you didn't, you missed a treat."●

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now turn to calendar No. 422, H.R. 4059, that all after the enacting clause be stricken, and the text of S. 2160 be inserted in lieu thereof, and the bill be amended by two conforming amendments at the desk.

AMENDMENTS NOS. 3045 AND 3046

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes amendments numbered 3045 and 3046, en bloc.

The amendments (Nos. 3045 and 3046) are as follows:

AMENDMENT NO. 3045

(Purpose: To adjust appropriations for Navy military construction, Air Force family housing construction, and Defense-Wide military construction to accommodate the authorizations of appropriations for such construction for fiscal year 1999)

At the appropriate place insert the following:

SEC. . (a) Notwithstanding any other provision of this Act, the amount appropriated by the heading "MILITARY CONSTRUCTION, NAVY" is hereby increased by \$5,780,000.

(b) Notwithstanding any other provision of this Act, the amount appropriated by the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE" is hereby decreased by \$11,000,000.

(c) Notwithstanding any other provision of this Act—

(1) the amount appropriated by the heading "FAMILY HOUSING, AIR FORCE" is hereby increased by \$5,220,000; and

(2) the amount appropriated by that heading for Construction is hereby increased by \$5,220,000.

AMENDMENT NO. 3046

(Purpose: To increase by \$12,716,000 the appropriation for military construction for the Army National Guard and to decrease the appropriation for military construction for the Army Reserve by \$12,716,000)

At the appropriate place insert the following:

SEC. (a) Notwithstanding any other provision of this Act, the amount appropriated by this Act under the heading "MILITARY CONSTRUCTION, ARMY NATIONAL GUARD" is hereby increased by \$12,716,000.

(b) Notwithstanding any other provision of this Act, the amount appropriated by this Act under the heading "MILITARY CONSTRUCTION, ARMY RESERVE" is hereby decreased by \$12,716,000.

Mr. DOMENICI. Mr. President, the pending military construction appropriations bill provides \$8.5 billion in new budget authority and \$2.6 billion in new outlays for Military Construction and Family Housing programs for

the Department of Defense for fiscal year 1999.

When outlays from prior-year budget authority and other completed actions are taken into account, the outlays for the 1999 program total \$9.1 billion.

Compared to 1998 appropriations, this bill is \$417 million lower in budget authority, and it is \$477 million lower in outlays.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the active forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The bill is within the revised section 302(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee Chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's allocation.

Because Congress has not yet passed the final 1999 congressional budget resolution, prior year outlays for this bill have not yet been revised to reflect Congress' override of President Clinton's Line Item Veto of 37 FY 1998 military construction projects. When this adjustment is made, outlays prior to 1999 will be revised upward by \$112 million. It is my understanding that this necessary adjustment will be made when CBO revises its baseline for this legislation, which should be before this bill is reported back to the Senate from Conference with the House.

The bill provides important increases over the President's request for 1999, and I urge the adoption of the bill.

Mr. President, I ask unanimous consent that a table showing the relationship of the bill to the subcommittee's section 302(b) allocation be printed in the RECORD.

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

S. 2160, MILITARY CONSTRUCTION APPROPRIATIONS, 1999—SPENDING COMPARISONS, SENATE-REPORTED BILL

(Fiscal year 1999, dollars in millions)

Category	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	8,481				8,481
Outlays	9,120				9,120
Senate 302(b) allocation:					
Budget authority	8,484				8,484
Outlays	9,120				9,120
President's request:					
Budget authority	7,784				7,784
Outlays	9,059				9,059
House-passed bill:					
Budget authority					
Outlays					
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	-3				-3
Outlays					
President's request:					
Budget authority	697				697
Outlays	61				61
House-passed bill:					
Budget authority	8,841				8,841
Outlays	9,120				9,120

Note. Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the military construction appropriation bill and report for fiscal year 1999.

This bill reflects the bipartisan approach that the ranking Member, Senator MURRAY of Washington, and I have tried to maintain regarding military construction and this subcommittee. It has been a pleasure to work with Senator MURRAY, her staff and the members of the subcommittee throughout this process. I very much appreciate all of their support.

Mr. President, this bill was reported out of the full Appropriations Committee on June 11, by a unanimous vote of 27 to 0. The bill recommended by the full Committee on Appropriations is for \$8,480,574,000. This is \$696.5 million over the budget request.

However, this bill provides \$702 million less than what was appropriated last year—a reduction of 8.2 percent overall spending authority for the committee from the amount appropriated in fiscal year 1998.

Further, more importantly, the bill reflects a reduction of 23 percent since

fiscal year 1997—almost \$2 billion less from just two years ago.

We have sought to recommend a balanced bill to the Senate, and we believe it addresses key, military construction requirements for readiness, family housing, barracks, quality of life and the Guard & Reserve components.

This bill honors the commitment we have to our Armed Forces. It helps ensure that the housing and infrastructure needs of the military are given proper recognition.

Also, I am pleased to report to the Senate that the bill is within the committee's 302(b) budget allocation for both budget authority and outlays.

Mr. President, this bill has some points I want to mention. We added \$98 million above the budget request to provide better and more modern family housing for our service personnel and their families.

On another quality of life measure, we have added substantially to the budget request for medical and hospital facilities. We have provided \$708 million for some 46 barracks construction projects to provide single service mem-

bers a more favorable living environment.

The committee also fully funds the budget request of \$97 million for funding 15 class I violation environmental projects.

We also addressed the shortfalls that continue to plague our Reserve components. The Department continues to walk away from the total force concept. Recognizing this, we have again lent support by adding \$267 million to the Guard and Reserve accounts. In each case, the funds will help satisfy essential mission, quality of life or readiness requirements.

22 percent of the bill, or \$1.731 billion, is for downsizing defense infrastructure, or better known as the Base Closure and Realignment Program. This includes funding for the last two rounds of BRAC.

Almost a quarter of all military construction dollars goes toward the base closure and realignment process.

All of the projects that we have recommended are included in the Senate-passed version of the defense authorization bill. We will work very closely with the Armed Services Committee,

as we put together a conference package for military construction.

We have tried to accommodate the sizeable administration request for overseas projects in such places as Korea, Germany and the Middle East. 18 percent of the administration's budget request for military construction projects is for overseas areas. We have funded only the essential of those projects.

There are many other issues that I could speak about at this time. I urge the Members of the Senate to support this bill and move it forward expeditiously.

I would like to yield to my ranking member, Senator MURRAY.

Mrs. MURRAY. Mr. President, it is my pleasure to join Chairman BURNS in recommending for the Senate's consideration the FY 1999 military construction appropriations bill. Through a bipartisan effort, we have created what I think is a very fair and just bill that should please both DoD and my colleagues here in the Senate.

As he does every year, Chairman BURNS had to weigh the priorities of the Department of Defense, the requests of his colleagues, and the recommendations of the Armed Services Committee. He had to do this with an unacceptably low budget request of \$7.784 billion, which was \$1.4 billion less than the \$9.18 billion we appropriated last year. Thanks to Chairman SEVENS, that budget request was raised to an \$8.48 billion allocation—which we have completely allocated in an equitable and bipartisan way.

You will find that the budget request yet again tremendously short ended the Guard and Reserve—asking for only \$179 million compared to the \$390 million we appropriated last year. Thanks to some creative maneuvering and forward thinking, we were able to fund the Guard and Reserve this year at \$446 million without disadvantaging any other portion of our bill.

As Chairman BURNS noted, the active components were given \$2.57 billion for military construction. In an attempt to fund even more projects, Chairman BURNS and I have also created a \$200 million package of quality of life projects that has been added to the authorization bill. These adds are included in our bill, and the criteria used in choosing them was that the programs had to be quality of life, had to be in the future year defense plan, and had to represent a broad number of States and services. These are inherently valuable projects, and include improvements to family housing, child development centers, dining facilities, barracks renewal, and physical fitness centers. I encourage all members to support this important initiative to provide a better quality of life to our service men and women.

Mr. President, this is a good bill—and it's a bill that all of the Senators here should be pleased to support. Again I'd like to thank Chairman BURNS for his fair, honest, and excellent work at

drafting a bi-partisan and equitable bill. I'd also like to thank and commend his appropriations staff, Sid Ashworth, as well as minority staff in past. Emily East and Dick Diamond for commitment to producing this first-rate bill. I hope my colleagues can join Chairman BURNS and me in supporting this bill and voting to adopt it today.

I yield the floor.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3045 and 3046) were agreed to.

Mr. BURNS. Mr. President, I ask unanimous consent that H.R. 4059, as amended, be considered read the third time, and passed, and the motion to reconsider be laid on the table, all without further action or debate.

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

The bill (H.R. 4059), as amended, was considered read the third time, and passed as follows:

(The text of the bill (H.R. 4059) will be printed in a future edition of the RECORD.)

Mr. BURNS. Mr. President, I move that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, all without further action or debate.

The motion was agreed to and the Chair appointed Mr. BURNS, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. CRAIG, Mr. STEVENS, Mrs. MURRAY, Mr. REID, Mr. INOUE, and Mr. BYRD, conferees on the part of the Senate.

UNANIMOUS CONSENT AGREEMENT—S. 1882

Mr. BURNS. Mr. President, I ask unanimous consent that the majority leader, after the notification of the Democratic leader may turn to calendar No. 354, S. 1882, the higher education bill, and upon the reporting by the clerk, the chairman be immediately recognized to modify the committee-reported substitute. I further ask that there be 7 relevant first degree higher education amendments in order for each leader, with relevant second-degree amendments, and following the disposition of these amendments, the substitute be agreed to and the bill be advanced to third reading and the Labor Committee be immediately discharged from the House companion bill, H.R. 6.

I further ask that the Senate proceed to its immediate consideration and all after the enacting clause be stricken, the text of S. 1882, as amended, be inserted, H.R. 6 be advanced to third reading and a vote occur on passage, all without any intervening action or debate.

Finally, I ask unanimous consent that the Senate bill, S. 1882, be returned to the calendar.

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

MEASURE READ THE FIRST TIME—S. 2236

Mr. BURNS. Mr. President, I send a bill to the desk and ask that it be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2236) to establish legal standards and procedures for product liability litigation.

Mr. BURNS. I now ask for its second reading and will object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk.

COMMENDING THE LIBRARY OF CONGRESS FOR 200 YEARS OF SERVICE

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 106, submitted earlier by Senators WARNER and FORD.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 106) to commend the Library of Congress for 200 years of outstanding service to Congress and the Nation, and to encourage activities to commemorate the bicentennial anniversary of the Library of Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at this point in the RECORD.

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

The concurrent resolution (S. Con. Res. 106) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 106

Whereas the Library of Congress was established in 1800 and will celebrate the 200th anniversary of the Library of Congress in 2000;

Whereas the goal of the bicentennial commemoration is to inspire creativity in the century ahead and ensure a free society through greater use of the Library of Congress and libraries everywhere;

Whereas the bicentennial goal will be achieved through a variety of national, State, and local projects, developed in collaboration with the offices of the Members of Congress, the staff of the Library of Congress, and special advisory committees; and

Whereas the bicentennial commemorative activities include significant acquisitions, symposia, exhibits, issuance of a commemorative coin, and enhanced public access to