

105TH CONGRESS
1ST SESSION

S. 22

To establish a bipartisan national commission to address the year 2000
computer problem.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. MOYNIHAN introduced the following bill; which was read twice and
referred to the Committee on Governmental Affairs

A BILL

To establish a bipartisan national commission to address
the year 2000 computer problem.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission on the
5 Year 2000 Computer Problem Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) A devastating computer problem will have
9 extreme negative economic and national security
10 consequences in the year 2000 and in subsequent

1 years, unless the Federal Government addresses and
2 remedies that problem.

3 (2) Most computer programs (particularly pro-
4 grams in mainframes) in computers used by both
5 the public and private sector express dates with only
6 2 digits, on the assumption that the first 2 digits
7 are “19”.

8 (3) Because of the problem referred to in para-
9 graph (2), most computer programs—

10 (A) read “00–01–01” as “January 1,
11 1900”; and

12 (B) will not recognize the year 2000 or the
13 21st century without a massive rewriting of
14 codes.

15 (4) The Congressional Research Service has
16 completed a report on the implications of the prob-
17 lem described in paragraphs (2) and (3) (referred to
18 in this Act as the “year 2000 computer problem”).

19 (5) According to the report by the Congres-
20 sional Research Service, each line of computer code
21 will need to be analyzed and either passed on or be
22 rewritten.

23 (6) According to leading research in the com-
24 puter field—

1 (A) on the basis of an average cost of
2 \$1.10 per line of code, it may cost as much as
3 \$30,000,000,000 to correct the computer sys-
4 tems of the Federal Government; and

5 (B) it is important to address the crisis
6 caused by the year 2000 computer problem im-
7 mediately by making funds available by appro-
8 priations, because—

9 (i) the cost of remedying that problem
10 will increase at an approximate rate of 20
11 to 50 percent per year;

12 (ii) the number of available persons
13 with skills to address that problem will di-
14 minish as a result of increased demand;

15 (iii) the year 2000 computer problem
16 is an international problem that could cost
17 as much as \$600,000,000,000 to repair on
18 a worldwide basis;

19 (iv) that repair could be compromised
20 by external contamination by foreign coun-
21 tries that do not comply with measures to
22 effectuate the repair;

23 (v) the Federal Government and the
24 governments of States and political sub-
25 divisions thereof will bear a significant

1 share of the cost of remedying the year
2 2000 computer problem; and

3 (vi) it is necessary to have adequate
4 financial resources to ensure the proper
5 operation of computer systems at the levels
6 of government referred to in clause (v).

7 (7) The following analyses, determinations, and
8 recommendations need to be made to address the
9 problem of remedying the year 2000 computer prob-
10 lem:

11 (A) A brief analysis of the history and
12 background concerning the reasons for the oc-
13 currence of the year 2000 computer problem.

14 (B) A determination of the costs of review-
15 ing and rewriting computer codes for both the
16 Federal Government and the governments of
17 States for the 3-year period immediately follow-
18 ing the date of enactment of this Act, includ-
19 ing—

20 (i) a legal analysis of responsibilities
21 for the costs; and

22 (ii) possible equitable bases for shar-
23 ing the costs.

1 (C) An analysis of the implications of the
2 year 2000 computer problem with respect to
3 intergovernmental and integrated systems.

4 (D)(i) A determination of the period of
5 time necessary to remedy the year 2000 com-
6 puter problem (including testing).

7 (ii) If the earliest practicable date deter-
8 mined under clause (i) is not January 1, 2000,
9 a determination of—

10 (I) with respect to each Federal agen-
11 cy (as that term is defined in section
12 551(1) of title 5, United States Code)—

13 (aa) priority functions of that
14 Federal agency; and

15 (bb) priority systems of that
16 agency; and

17 (II) which Federal agencies are at
18 risk of being incapable of performing basic
19 services as a result of the year 2000 com-
20 puter problem.

21 (E) The development of balanced and
22 sound contracts to be used in necessary Federal
23 procurement with respect to using private con-
24 tractors in the computer industry, including

1 contracts to carry out compliance with meas-
2 ures necessary to achieve a remedy of the year
3 2000 computer problem for computer programs
4 and systems—

5 (i) in use as of the date of enactment
6 of this Act; and

7 (ii) acquired after the date of enact-
8 ment of this Act.

9 (F) An analysis of the effects and potential
10 effects on the United States economy that
11 would result if the year 2000 computer problem
12 is not resolved by June 1, 1999.

13 (G) Recommendations to the President and
14 the Congress concerning, with respect to mini-
15 mizing costs and risks to the public and private
16 sector as a result of the year 2000 computer
17 problem—

18 (i) lessons to be learned; and

19 (ii) policies and actions to be taken—

20 (I) before the year 2000; and

21 (II) after the year 2000, if cer-
22 tain public agencies have not taken
23 measures to remedy the year 2000
24 problem.

1 (8)(A) Congress recognizes that an executive
2 branch interagency committee has been established
3 to raise awareness of the year 2000 computer prob-
4 lem and facilitate efforts at remedying that problem.

5 (B) However, in order to best minimize the im-
6 pact and cost of the year 2000 computer problem,
7 and in recognition of the extreme urgency of the
8 problem, this Act establishes a bipartisan commis-
9 sion to—

10 (i) conduct the analyses and determina-
11 tions, and make the recommendations referred
12 to in paragraph (7); and

13 (ii) take the responsibility for assisting ap-
14 propriate Federal officials in ensuring that all
15 Federal agencies will be in compliance with nec-
16 essary measures to remedy the year 2000 com-
17 puter problem not later than January 1, 1999.

18 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—There is established a com-
21 mission to be known as the “National Commission
22 to Address the Year 2000 Computer Problem” (in
23 this Act referred to as the “Commission”).

24 (2) MEMBERSHIP.—The Commission shall be
25 composed of 20 members appointed as follows:

1 (A) 5 members shall be appointed by the
2 President from among officers or employees of
3 the executive branch or private citizens of the
4 United States (or both), of which not more than
5 3 individuals shall be members of the same po-
6 litical party.

7 (B) 5 members shall be appointed by the
8 President from among officers or employees of
9 the governments of States or private citizens of
10 the United States (or both), of which not more
11 than 3 individuals shall be members of the
12 same political party.

13 (C) 5 members shall be appointed by the
14 President from among nominations made by the
15 President pro tempore of the Senate, in con-
16 sultation with the Majority Leader and Minor-
17 ity Leader of the Senate, from among officers
18 or employees of the Senate or private citizens of
19 the United States (or both), of which not more
20 than 3 shall be members of the same political
21 party.

22 (D) 5 members shall be appointed by the
23 President from among nominations made by the
24 Speaker of the House of Representatives, in

1 consultation with the Majority Leader and Mi-
2 nority Leader of the House of Representatives,
3 from among Members of the House of Rep-
4 resentatives or private citizens of the United
5 States (or both), of which not more than 3 indi-
6 viduals shall be members of the same political
7 party.

8 (b) CHAIRPERSON.—The President shall designate a
9 Chairperson from among the members of the Commission.

10 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
11 bers shall be appointed for the life of the Commission. Any
12 vacancy in the Commission shall not affect its powers, but
13 shall be filled in the same manner as the original appoint-
14 ment.

15 (d) INITIAL MEETING.—Not later than 30 days after
16 the date on which all members of the Commission have
17 been appointed, the Commission shall hold its first meet-
18 ing.

19 (e) MEETINGS.—The Commission shall meet at the
20 call of the Chairperson.

21 (f) QUORUM.—A majority of the members of the
22 Commission shall constitute a quorum, but a lesser num-
23 ber of members may hold hearings.

1 **SEC. 4. DUTIES OF COMMISSION.**

2 (a) IN GENERAL.—The duties of the Commission are
3 as follows:

4 (1) STUDY.—The Commission shall conduct a
5 study of the history of the year 2000 computer prob-
6 lem. The study shall provide for the following:

7 (A) A brief analysis of the history and
8 background concerning the reasons for the oc-
9 currence of the year 2000 computer problem.

10 (B) A determination of the costs of review-
11 ing and rewriting computer codes for both the
12 Federal Government and the governments of
13 States for the 3-year period immediately follow-
14 ing the date of enactment of this Act, includ-
15 ing—

16 (i) a legal analysis of responsibilities
17 for the costs; and

18 (ii) possible equitable bases for shar-
19 ing the costs.

20 (C) An analysis of the implications of the
21 year 2000 computer problem with respect to
22 intergovernmental and integrated systems.

23 (D)(i) A determination of the period of
24 time necessary to remedy the year 2000 com-
25 puter problem (including testing).

1 (ii) If the earliest practicable date deter-
2 mined under clause (i) is not January 1, 2000,
3 a determination of—

4 (I) with respect to each Federal agen-
5 cy (as that term is defined in section
6 551(1) of title 5, United States Code)—

7 (aa) priority functions of that
8 Federal agency; and

9 (bb) priority systems of that
10 agency; and

11 (II) which Federal agencies are at
12 risk of being incapable of performing basic
13 services as a result of the year 2000 com-
14 puter problem.

15 (E) The development of recommended bal-
16 anced and sound contracts to be used in nec-
17 essary Federal procurement with respect to
18 using private contractors in the computer in-
19 dustry, including contracts to carry out compli-
20 ance with measures necessary to achieve a rem-
21 edy of the year 2000 computer problem for
22 computer programs and systems—

23 (i) in use as of the date of enactment
24 of this Act; and

1 (ii) acquired after the date of enact-
2 ment of this Act.

3 (F) An analysis of the effects and potential
4 effects on the United States economy that
5 would result if the year 2000 computer problem
6 is not resolved by June 1, 1999.

7 (2) EXAMINATIONS.—In carrying out para-
8 graph (1), the Commission shall—

9 (A) examine—

10 (i) the historical context of computer
11 programs that relate to date fields and
12 their relationship to the year 2000 com-
13 puter problem;

14 (ii) the current condition (at the time
15 of the examination) of computer programs
16 that relate to date fields and their relation-
17 ship to the year 2000 computer problem;
18 and

19 (iii) the long-term condition of com-
20 puter programs as they relate to date
21 fields and the year 2000;

22 (B) identify problems in computers that
23 serve the public or private sector (or both) that

1 threaten the proper functions of computers dur-
2 ing the period immediately preceding the 21st
3 century; and

4 (C) analyze potential solutions to problems
5 related to the year 2000 computer problem that
6 will address—

7 (i) the brief period remaining to rem-
8 edy the problem;

9 (ii) the substantial cost of reviewing
10 and rewriting computer codes; and

11 (iii) the shared responsibilities for the
12 costs referred to in clause (ii).

13 (3) RECOMMENDATIONS.—During the period
14 during which the Commission conducts the study
15 under paragraph (1), the Commission shall make
16 such recommendations as the Commission deter-
17 mines to be appropriate concerning addressing the
18 year 2000 computer problem (including addressing
19 the problem as a matter of national security and
20 making recommendations concerning the procure-
21 ment contracts referred to in paragraph (1)(E))
22 to—

23 (A) the Secretary of Defense;

24 (B) the President; and

25 (C) Congress.

1 (b) REPORTS.—

2 (1) REPORT TO CONGRESS.—Not later 180
3 days after the initial meeting of the Commission,
4 and every 180 days thereafter during the period in
5 which the Commission is in existence, the Commis-
6 sion shall submit to Congress a report containing
7 such recommendations concerning the year 2000
8 computer problem as the Commission determines to
9 be appropriate to remedy the problem in such man-
10 ner as to ensure an effective transition of the com-
11 puter programs and systems of the Federal Govern-
12 ment and the governments of States and political
13 subdivisions thereof from the year 1999 to the year
14 2000, including—

15 (A) proposals for new procedures or regu-
16 lations; and

17 (B) legislative proposals (including rec-
18 ommendations concerning levels of appropria-
19 tions that are needed to ensure that transition).

20 (2) REPORT TO PRESIDENT.—Not later than
21 July 3, 1997, the Commission shall submit a report
22 to the President that contains the information re-
23 ferred to in paragraph (1).

1 **SEC. 5. ADMINISTRATION.**

2 (a) INFORMATION.—The head of a Federal agency,
3 as that term is defined in section 551(1) of title 5, United
4 States Code, shall, to the extent permitted by law, provide
5 the Commission such information as it may require for
6 the purpose of carrying out its functions.

7 (b) COMPENSATION.—Except as provided in sub-
8 section (c), members of the Commission shall serve with-
9 out any additional compensation for their work on the
10 Commission.

11 (c) TRAVEL EXPENSES.—While away from their
12 homes or regular places of business in the performance
13 of services for the Commission, members of the Commis-
14 sion shall be allowed travel expenses including per diem
15 in lieu of substance, in the same manner as persons em-
16 ployed intermittently in the Government service are al-
17 lowed expenses under section 5703(b) of title 5, United
18 States Code.

19 (d) STAFF.—The Chairperson of the commission
20 may, without regard to the civil service laws and regula-
21 tions, appoint and terminate an executive director and
22 such other additional personnel as may be necessary to
23 enable the Commission to perform its duties.

24 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
25 TENT SERVICES.—The Chairperson of the Commission
26 may procure temporary and intermittent services under

1 section 3109(b) of title 5, United States Code, at rates
2 for individuals which do not exceed the daily equivalent
3 of the annual rate of basic pay prescribed for level V of
4 the Executive Schedule under section 5316 of such title.

5 (f) EXPENSES.—Any expenses of the Commission
6 shall be paid from funds that are available to the Sec-
7 retary of Defense.

8 **SEC. 6. TERMINATION.**

9 The Commission, shall terminate on December 31,
10 1999.

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