

budget would have raided \$158 billion from the Social Security surplus over the coming five years to pay for other programs, while the Republican budget preserves every penny of the Social Security surplus.

In light of the President's diversion of Social Security monies to other programs, the members of the Budget Committee—by a nearly unanimous vote of 21 to 1—voted for an amendment I offered during the markup that called on Congress to reject any budget that would spend any portion of Social Security surpluses for any program other than Social Security. Not coincidentally, when the President's budget was later brought to a vote in the Senate, it was resoundingly rejected by a vote of 97 to 2.

The bottom line is that the time has come for Congress and the President to stop relying on Social Security's surpluses to fund other government programs. The Social Security lock-box legislation we are now considering provides a hard and fast means of protecting these monies, while providing needed "safety valves" for recessions, emergencies, declarations of war, or legislation that strengthens the Social Security program. Accordingly, I urge my colleagues to uphold their commitment to this proposal by voting to conclude debate and bring the Social Security lock-box proposal to a Senate vote.

Thank you, Mr. President. I yield the floor.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 20, 1999, the Federal debt stood at \$5,628,407,736,077.41 (Five trillion, six hundred twenty-eight billion, four hundred seven million, seven hundred thirty-six thousand, seventy-seven dollars and forty-one cents).

One year ago, April 20, 1998, the Federal debt stood at \$5,514,300,000,000 (Five trillion, five hundred fourteen billion, three hundred million).

Five years ago, April 20, 1994, the Federal debt stood at \$4,569,088,000,000 (Four trillion, five hundred sixty-nine billion, eighty-eight million).

Ten years ago, April 20, 1989, the Federal debt stood at \$2,754,104,000,000 (Two trillion, seven hundred fifty-four billion, one hundred four million).

Fifteen years ago, April 20, 1984, the Federal debt stood at \$1,486,967,000,000 (One trillion, four hundred eighty-six billion, nine hundred sixty-seven million) which reflects a debt increase of more than \$4 trillion—\$4,141,440,736,077.41 (Four trillion, one hundred forty-one billion, four hundred forty million, seven hundred thirty-six thousand, seventy-seven dollars and forty-one cents) during the past 15 years.

#### CBO ESTIMATE OF Y2K ACT

Mr. MCCAIN. Mr. President, when the Commerce Committee filed the report

for S. 96, the Y2K Act, the Congressional Budget Office had not completed the cost estimate for the bill. Recently, the committee received the estimate. In summary, the estimate concludes that the measure would most likely result in a savings to the Federal court system. I look forward to debating this measure, and I ask unanimous consent that the report be printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, March 19, 1999.

Hon. JOHN McCAIN,

Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 96, the Y2K Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for federal costs), Lisa Cash Driskill (for the state and local impact), and John Harris (for the private-sector impact).

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 96—Y2K ACT

Summary: Enacting S. 96 would provide some liability protection for businesses that fail to repair their year 2000 (Y2K) computer problems. CBO estimates that the net effect of S. 96 would most likely be a savings to the federal court system but we cannot estimate the extent of any such savings because we cannot predict the number of lawsuits that would arise—under either S. 96 or current law—from computer failures associated with the year 2000.

The cost of addressing the Y2K problem in the United States is expected to total hundreds of billions of dollars. The extent to which such problems will be resolved prior to next January (or shortly thereafter) remains highly uncertain. Even more uncertain is the extent to which companies and individuals might file lawsuits against businesses because of problems encountered next year. CBO expects that enacting S. 96 could deter some potential plaintiffs from filing such lawsuits.

Some class action lawsuits may be shifted from state courts to federal court under this bill, so the federal courts could incur an increase in costs because class action lawsuits tend to be very timely and costly. However, CBO expects that any such increase would be more than offset by savings attributable to having fewer Y2K cases, overall, under the bill than under current law. Any net change in costs to the federal court system would affect appropriated spending. The bill would not affect direct spending or receipts, so pay-as-you-go procedures would not apply.

S. 96 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) but, overall, CBO expects that enacting this bill would lead to a savings for state and local governments. The threshold established in UMRA (\$50 million in 1996 dollars, adjusted annually for inflation) would thus not be exceeded. The bill also would impose a new private-sector mandate but CBO cannot estimate the cost of the mandate.

Description of the bill's major provisions: S. 96 would provide various liability protections for businesses and state and local gov-

ernments facing possible litigation arising from Y2K computer problems. In particular, the bill would: limit punitive damages to \$250,000 or three times the actual damages that a plaintiff suffered, whichever is larger, and cap punitive damages at \$250,000 for companies with fewer than 25 employees; require potential plaintiffs to give a prospective defendant 90 days to propose a plan to resolve the Y2K problem before any legal action could be taken under a lawsuit; assess any liability on a proportional basis, whereby a person against whom a judgment is made would be liable for only the portion of damages corresponding to that person's percentage of responsibility as determined by the judge; and ease restrictions for filing class action lawsuits in federal court.

Estimated cost to the Federal Government: CBO estimates that enacting S. 96 would probably result in a net reduction in the workload of the federal court system as compared to what would occur under current law. Thus far, about 60 complaints associated with Y2K problems have been filed; the majority of cases based on those complaints are class action lawsuits that have been filed in state courts. Several of the larger cases have been settled, but there is little basis for predicting the number or outcome of Y2K lawsuits that would be filed under S. 96 or under current law. Therefore, CBO cannot estimate the magnitude of any net savings to the federal government under the bill.

To the extent that a significant number of lawsuits related to Y2K problems are filed under current law, the Judiciary will either need to seek legislation authorizing additional judgeships and support personnel to address the increased workload or experience a severe backlog in cases. Because S. 96 would limit punitive damages associated with Y2K cases, give businesses 90 days to respond to Y2K problems before any legal action could be taken against such businesses, and make other changes affecting liability laws, CBO expects that parties to lawsuits would be encouraged to reach a settlement. Thus, we anticipate that many lawsuits would not result in a trial, which can be timely and expensive. However, some class action lawsuits could be shifted from state to federal jurisdiction under S. 96 because the bill would ease restrictions for filing such actions in federal court. On balance, CBO estimates that the savings from eliminating trials for many lawsuits would more than offset any increased costs that might be incurred from trying additional class action lawsuits in federal court.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: S. 96 contains intergovernmental mandates as defined in the UMRA but would impose no significant costs on state, local, or tribal governments. The bill would preempt state law by applying certain federal requirements to Y2K civil lawsuits in state courts after February 22, 1999. CBO expects that enacting this legislation would deter some potential plaintiffs from filing and pursuing lawsuits, thus reducing the resources state courts would expend on this type of litigation.

In addition, by easing the requirements for filing Y2K class action lawsuits in federal court, the bill could diminish some of the burden on state courts, where most of the current lawsuits have been filed. On the other hand, more individual cases might be filed in state courts to complement class action suits in federal courts. Overall, CBO anticipates the net effect of this bill would be a savings to state courts.

This bill would supersede any state laws inconsistent with it. While no state has established Y2K liability protection for the private sector, several states currently are

considering that issue in their legislative bodies. Finally, S. 96 would provide state and local governments protection from punitive damages arising from a Y2K action. Only six states and the District of Columbia have already passed legislation protecting themselves and their localities from Y2K liability. To the extent that state and local governments could become defendants in Y2K litigation and have not protected themselves from liability, this bill would provide such protection and could result in a savings.

Estimated impact on the private sector: S. 96 would impose a new private-sector mandate by requiring prospective plaintiffs in legal actions related to Y2K computer problems to notify prospective defendants of their intent to file suit and wait up to ninety days after such notification before filing. The notice must identify the cause and size of the prospective plaintiff's loss, the remedy sought, and the legal basis for the suit.

For a single prospective plaintiff, the cost of complying with the mandate, the expense incurred in drafting and delivering the notice, is relatively small. The notice is, in effect, a summary of the suit to be filed, so that preparation for the suit is also preparation for the notice. CBO cannot, however, produce an estimate of the aggregate costs of the mandate, largely because we have no way to predict the number of Y2K lawsuits.

Estimate prepared by: Federal Costs: Suzanne Mehlman; Impact on State, Local, and Tribal Governments: Lisa Cash Driskill; Impact on the Private Sector: John Harris.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, I rise to observe the Armenian Genocide Remembrance Day which takes place on April 24. Each year we remember and honor the victims, and pay respect to the survivors we are blessed to still have with us.

During the periods 1915–1918 and 1920–1923, approximately 1.5 million Armenians perished under the rule of the Turkish Ottoman Empire. The Armenian people fell victim to deportation, expropriation, torture, starvation and massacre. We signify April 24, 1915 as the day of remembrance because of the more than 200 Armenian community leaders who were systematically hunted down in Constantinople on this date.

The Armenian genocide was the result of a consciously orchestrated government plan. The United States Ambassador to the Ottoman Empire, Henry Morgenthau, stated at the time that, "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact . . . I am confident that the whole history of the human race contains no such horrible episode as this."

In an effort to further our understanding of this tragic period, one of my constituents, Mae Derdarian, has written an important survivor's account of the Armenian genocide. Her book, *Vergeen*, recounts a thirteen-year old girl's deportation from her

home, the atrocities she survived, her escape from her tormentors, and her ultimate triumph over the horrors she witnessed and which were perpetrated on her. In a review of Ms. Derdarian's book, *The Detroit Jewish News* wrote "Every now and then a book comes along that haunts the reader long after the last page is turned. *Vergeen* is one of those stories . . . Mae Derdarian has created a page-turner, combing *Vergeen*'s memoir and her own mother's recorded accounts of what both women endured as survivors of the first genocide of the 20th century." Such first-hand accounts from survivors are critical to our understanding of genocide, and help us all to recognize and honor the lives of the victims.

Mr. President, each year we remember the horrors suffered by the Armenian people during the periods 1915–1918 and 1920–1923 under the Ottoman Empire. However, it is not enough to simply remember those who have perished. We must dedicate ourselves to see that tragedies such as the Armenian Genocide are not revisited on our planet. This is the highest tribute we can pay to the victims of any genocide.

The Armenian people have earned our enduring admiration for withstanding the horrors of two world wars and several decades of Soviet dominance in order to establish modern Armenia. The United States must continue its efforts to support freedom, prosperity and stability in Armenia as we honor and remember the victims of the Armenian Genocide.

#### ARMENIAN GENOCIDE COMMEMORATION

Mr. TORRICELLI. Mr. President, I rise today to commemorate the 84th anniversary of the Armenian genocide. This is an event that has defined the Armenian people for the past 84 years, and my thoughts and sympathies are again with them as they remember these events.

It is with a great sense of sorrow that we mark the 84th year since the tragic genocide and exile of the Armenian people. The Turkish Ottoman Empire expelled nearly 1.5 million Armenians as part of a staged campaign. In doing so, the world witnessed one of the most sobering events in modern history. As the first genocide of the 20th century, the period between 1915 and 1918 deserves our attention and respect, and it should remind us of the need to keep all those who perished during the Genocide alive in our memory.

While humankind has the ability to sponsor acts of great kindness and sacrifice, we also have the capacity for great evil. By pausing to commemorate the Armenian Genocide, we ensure that it will never slip into the recesses of history. Along with the Holocaust, the Armenian Genocide signifies our ability to promote evil, but if we close our eyes to the tragedies of the past, we risk the chance of repeating them in the future.

Sadly, the Armenian American community has its roots in the Armenian Genocide. Many individuals living here in the United States either lost family members at the hands of the Ottomans, or are survivors themselves. They have risen above adversity to become prominent and successful citizens despite a tragic past. The Armenian American community has been vocal in expressing its anguish about the Genocide. It is my hope that their perseverance in marking this event each year, as well as our own efforts here in the United States Senate, will be enough to allow us to remember the lessons of the Genocide. We are constantly forced to relearn the effects of evil unchecked, but I hope, in this case, we will be guided to a better future.

#### SECURITY AT AMERICA'S NUCLEAR LABORATORIES

Mr. JOHNSON. Mr. President, I would like to talk briefly on the critically important hearings being conducted in Congress regarding the alleged national security breaks at our Department of Energy nuclear weapons laboratories. As a member of the Senate Energy and Natural Resources Committee, I am committed to finding the answer to what may have happened and ensure that our national security is just that—secure.

I share the concern of most Americans that starting during the Reagan Administration, Chinese spies reportedly stole secrets from New Mexico's Los Alamos National Laboratory to assist China in developing advanced nuclear weapons. I am also concerned with the perceived inaction by individuals and agencies within our government for almost ten years. However, I strongly discourage my colleagues and others in framing this issue in partisan terms because the timeline we are discussing here today includes three Administrations of both parties. The goal of placing blame on Republicans or Democrats is counterproductive to the ultimate need of finding answers that lead to solutions.

The American public is entitled to know whether critically important secrets were stolen from our nuclear laboratories. We, as citizens of a democracy, also have the right to know what steps our government took—or failed to take—to protect our interests and livelihood. The accusations surrounding the Los Alamos Nuclear Laboratory have shaken the trust Americans have in our national security, our government, and our developing relationship with China, the most populated country in the world. It is the responsibility of this committee, Congress as a whole, and the Administration to provide the American public with the answers they deserve.

Accountability and accuracy must be established in this matter. However, knowing what happened and who was responsible is not enough. I am hopeful that out of this committee hearing and