

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

On page ___, between lines ___ and ___, insert the following:

() APPLICATION TO ACTIONS BROUGHT BY A GOVERNMENTAL ENTITY.—

(1) IN GENERAL.—To the extent provided in this subsection, this Act shall apply to an action brought by a governmental entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term “defendant” includes a State or local government.

(ii) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(iii) LOCAL GOVERNMENT.—The term “local government” means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term “Y2K upset”—

(i) means an exceptional incident involving temporary noncompliance with applicable federally enforceable measurement or reporting requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(III) noncompliance to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance; or

(V) lack of preparedness for Y2K.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(B) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(C) noncompliance with the applicable federally enforceable measurement or reporting requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable measurement or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable measurement or reporting require-

ments for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 30 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(6) VIOLATION OF A Y2K UPSET.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to penalties provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

SESSIONS AMENDMENTS NOS. 616–617

(Ordered to lie on the table.)

Mr. SESSIONS submitted two amendments intended to be proposed by him to the bill, S. 96, supra; as follows:

AMENDMENT No. 616

At an appropriate place in section 15, add the following section:

SEC. . ADMISSIBLE EVIDENCE.

A defendant in any Y2K action shall be entitled to introduce into evidence communications between the defendant and its federal and state regulator and the results of any regulatory review conducted with respect to the defendant's efforts to prevent a Y2K failure from occurring.

AMENDMENT No. 617

At an appropriate place at the end of section 5 add the following:

SUBSECTION . RATIONAL RELATIONSHIP.

In any action covered by this Act, punitive damages shall not be awarded unless the amount of the punitive award is rationally related to the totality of the defendant's wrongdoing.

BOXER AMENDMENT NO. 618

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 618, supra; as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, to conduct a hearing on “Financial Privacy.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Wednesday, June 9, 1999, at 9:30 a.m. on S. 837—Auto Choice Reform Act of 1999.

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

COMMITTEE ON FINANCE

Mr. MCCAIN. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, June 9, 1999, beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 10 a.m. to hold a hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 3 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Wednesday, June 9, 1999, at 10 a.m. for a hearing on oversight of national security methods and processes relating to the Wen-Ho Lee espionage investigation.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 9:30 a.m. to conduct an oversight hearing on internet gaming. The hearing will be held in room 485, Russell Senate Building.

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

COMMITTEE ON SMALL BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized

to meet during the session of the Senate for a markup on "S. 918, Military Reservists Small Business Relief Act of 1999." The markup will be held on Wednesday, June 9, 1999, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 2 p.m. to hold a hearing on intelligence matters.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a second hearing on project delivery and streamlining of the Transportation Equity Act for the 21st Century, Wednesday, June 9, 9:30 a.m., hearing room SD-406.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. McCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 9, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to continue the oversight conducted by the subcommittee at the April 6, 1999, Hood River, on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process.

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

ADDITIONAL STATEMENTS

MAXINE WHITNEY

• Mr. LAUTENBERG. Mr. President, the mark of a truly great person may be identified by their generosity, and generosity is the reason I rise today. I would like to honor Mrs. Maxine Whitney, a long-time Fairbanks, AK resident, businesswoman and philanthropist, for her multi-million dollar contribution of Native Alaskan artwork to the Prince William Sound Community College in Valdez, AK.

For the past 50 years in Alaska, Mrs. Whitney and her husband, Jesse, have traveled extensively in rural Alaska to gain a deeper understanding and appreciation of Native people and cultures. During their travels, Maxine amassed what is reportedly the world's largest

private collection of Native Alaskan art and artifacts.

Maxine's hobby of collecting Native Alaskan art soon became a much larger commitment when she purchased a small private museum in Fairbanks to house her treasures. For nearly 20 years, Maxine's Eskimo Museum showcased Native Alaskan history and the important contribution Native culture has had on the formation of Alaskan society. Mrs. Whitney maintained the museum from 1969 until the late 1980s.

Maxine's dedication to the arts is apparent from her recent donation of her extensive collection of Native Alaska art to Prince William Sound Community College, part of the University of Alaska education system. The collection, known as the Jesse & Maxine Whitney Collection, is the nucleus of the college's Alaska Cultural Center. This multi-million dollar donation will provide a means for all visitors to the center to learn about past and present Native Alaskan cultures as well as the history of Alaska.

Mrs. Whitney's dedication to keeping the Native Alaskan history alive should be celebrated. Her generous gift will enhance the knowledge and appreciation of Native cultures. It is people like Maxine Whitney, a patron of the arts and education, who enrich our lives with their gracious gifts.

In donating the Whitney Collection, Maxine has provided a world-renowned educational gem for all who visit the collection . . . she has provided a unique legacy for all Alaskans, and for all Americans. Thank you Maxine Whitney.●

THE HOTEL DOHERTY 75TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge and congratulate the Doherty family as they celebrate the 75th Anniversary of the Hotel Doherty on June 5, in Clare, Michigan.

The Hotel Doherty was established in 1924 by the late Michigan State Senator A.J. Doherty, Clare's mayor at the time. The Doherty was built to replace the Caulkins House in 1920, with local people donating the money to purchase the land.

The Hotel Doherty is one of the last historic landmark hotels in Michigan. What makes it even more unique is that it has remained as a single-family owned and operated business during all 75 years.

Clare's downtown business district has remained vibrant with the help of the Hotel Doherty. The Doherty is an excellent example of how small businesses are the backbone of Michigan's economy. I commend the Doherty family on their 75 years of business and I wish them all the best for future generations.●

JUNE DAIRY MONTH

• Mr. FEINGOLD. Mr. President, June is a very special month for this na-

tion's dairy industry. It is the month farmers and consumers join together to commemorate the contributions and history of our great dairy industry by celebrating National Dairy Month.

Even before the 1937 inception of National Dairy Month, Wisconsin led the nation in milk and cheese production. Even today, Wisconsin leads the nation in cheese volume, processing nearly 90 percent of the more than 22 billion pounds of milk produced into cheese. More than 350 varieties of cheese are produced in the state, including, Cheddar, American, Muenster, Brick, Blue and Italian, not to mention the famous Limburger cheese variety, which is only produced in Wisconsin. Also, Wisconsin buttermakers produce nearly 25 percent of the America's butter supply.

National Dairy Month is the American consumer's oldest and largest celebration of dairy products and the people who have made the industry the success it is today. During June, Wisconsin's dairy celebrations across our state, including dairy breakfasts, ice cream socials, cooking demonstrations, festivals and other events. These events all highlight the quality, variety and great taste of Wisconsin dairy products and honor the producers who make it all possible.

June Dairy Month is a time to celebrate America's dairy industry and Wisconsin dairy's proud tradition and heritage of quality. It provides Wisconsin's dairy farmers a special time to reflect on their accomplishments and those of their ancestors, and to look forward to continued success in the future.

Wisconsin was nicknamed America's Dairyland in the 1930s, but it became a leader in the industry soon after the first dairy cow came to Wisconsin in the 1800's. Dairy history and the state's history have been intertwined from the beginning. Why, before Wisconsin was even declared a state, Wisconsin's first cheese "factory" established when one clever Wisconsinite combined milk from her cows with milk from her neighbor's cows and made it into cheese.

Other Wisconsin dairy firsts include: the development of Colby cheese in 1874, the creation of brick cheese in 1875, the first dairy school in America—established in 1891 at the University of Wisconsin at Madison, the first statewide dairy show in the U.S. in 1928, and the creation of the world-record holding 40,060 pound, Grade-A Cheddar cheese in 1988. And Wisconsin also can claim one of the best-tasting inventions in the history of dairy industry: the creation of the first ice cream sundae in 1881.

Also unique to Wisconsin's dairy industry is the crowning of "Alice in Dairyland." This lucky young woman serves as the state's dairy ambassador all over the country, and often in other parts of the world. Last year's Alice, Jennifer Hasler of Monroe, represented