that the current restrictions which prohibit lobbying contacts only with the former employer, whether Member or committee, are inadequate. High level staffers have contacts and work closely with people throughout the body, not just with the other staff or Members on their committees or in their Member's office. These are people making $102,000 or more. They are highly in demand in the lobbying world, not just for their expertise but for their contacts. If the cooling off period is to mean anything with respect to these senior staff, it must cover more than the individual committee or member of Congress for whom they worked.

Some senior staff undoubtedly have contacts with their counterparts in the other body. But their day to day work, and therefore their closest contacts will be in the house of Congress in which they work. So this amendment leaves an outlet for the use of a former staffer's expertise in lobbying the other body. To me, that is a reasonable balance, and not an unreasonable restriction on a staffer's future employment.

Now some might argue that we are inhibiting talented individuals from pursuing careers in policy matters on which they have developed substantial expertise. It may be asked why a former high-level staffer on the Senate Subcommittee on Communications of the Senate Commerce Committee cannot accept employment with a telecommunications company? After all, this person has accumulated years of knowledge of our communication laws and technology. Why should this individual be prevented from accepting private sector employment in the communications field ?

But my amendment does not bar anyone from seeking private-sector employment. Staffers can take those jobs with the telecommunications company, but what they cannot do is lobby their former colleagues in the house of Congress for which they worked for two years. They can consult, they can advise, they can recommend, but they cannot lobby their former colleagues.

I considered an even longer cooling off period for staffers to be barred from lobbying their former employer, be it a member or a committee, but decided that the two year, house of Congress limitation strikes the best balance. Two years is the length of an entire Congress. That period of time should be enough to mitigate to a great extent the special access that the staffer is likely to have because of his or her former position. At the same time, it allows the staffer who is intent on pursuing a lobbying career to concentrate on the other body for two years, and then return to the side of the Capitol in which he or she worked after that period.

Mr. President, this amendment is not an attack on the profession of lobbying. The right to petition the government is a fundamental constitutional right. Simply attacking lobbyists does not address the true flaws of our political system. Lobbying is merely an attempt to present the views and concerns of a particular group and there is nothing inherently wrong with that. In fact, lobbyists, whether they are representing public interest groups or Wall Street, can present important information to Members of Congress that may not otherwise be available.

I strongly believe that there is no more noble endeavor than to serve in government. But we need to take immediate action to restore the public's confidence in their government, and to rebuild the lost trust between members of Congress and the electorate. This amendment is a strong step in that direction because it addresses a perception that too often rises to the level of reality—that the interests that hire former Members or staffers from the Congress have special access when they lobby the Congress. We need to slow the revolving door to address that perception, and this amendment will do just that.

I am pleased that the managers have agreed to accept my amendment and that it has become part of the bill that will go to the President for signature.

I yield the floor.

Mr. BENNETT. Mr. President, I yield back the remainder of our time.

Mrs. FEINSTEIN. I yield back the remainder of our time.

Mr. BENNETT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—95

| | | |
|---|---|---|
| Abraham | Domenici | Kohl |
| Akaka | Dorgan | Kyl |
| Allard | Durbin | Landrieu |
| Ashcroft | Edwards | Lautenberg |
| Bayh | Enzi | Leahy |
| Bennett | Feingold | Levin |
| Biden | Feinstein | Lieberman |
| Bingaman | Fitzgerald | Lincoln |
| Bond | Frist | Lott |
| Boxer | Gorton | Lugar |
| Breaux | Graham | Mack |
| Brownback | Grams | McCain |
| Bryan | Grassley | McConnell |
| Bunning | Gregg | Mikulski |
| Burns | Hagel | Moynihan |
| Byrd | Hatch | Murkowski |
| Campbell | Helms | Murray |
| Chafee | Hollings | Nickles |
| Cleland | Hutchinson | Reed |
| Cochran | Hutchison | Reid |
| Collins | Inhofe | Robb |
| Coverdell | Inouye | Roberts |
| Craig | Jeffords | Rockefeller |
| Crapo | Johnson | Roth |
| Daschle | Kennedy | Santorum |
| DeWine | Kerrey | Sarbanes |
| Dodd | Kerry | Schumer |
| Sessions | Stevens | Voinovich |
| Shelby | Thomas | Warner |
| Smith (OR) | Thompson | Wellstone |
| Snowe | Thurmond | Wyden |
| Specter | Torricelli | |

NAYS—4

| | |
|---|---|
| Baucus | Gramm |
| Conrad | Smith (NH) |

NOT VOTING—1

Harkin

The bill (H.R. 1905), as amended, was passed.

The PRESIDING OFFICER. H.R. 1905 having passed, the Senate insists on its amendments, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. ABRAHAM) appointed Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MORNING BUSINESS

Mr. WARNER. I ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

## THE Y2K LIABILITY BILL

Mr. REED. Mr. President, I would like to take this opportunity to discuss S. 96, the McCain bill concerning Y2K litigation. It is unfortunate that this bill has, to some extent, been utilized by those on both extremes of the tort reform debate: with proponents arguing that opposition to the bill reflects contempt for our economy and a few opponents accusing the bill's supporters of contempt for consumers' rights. The truth, as usual, is somewhere in between these two poles.

As our economy evolves, becoming national and international in scope, situations will arise that demand procedural and substantive changes to our legal system. Moderate, balanced tort reform is an issue on which I have worked for some years. I approach each issue with the same question: can our legal system be made more efficient while continuing to provide adequate, just protections to consumers? This approach has led me to support reforms which have been validated by the test of time.

Mr. President, in 1994, I supported one of the first tort reform measures to pass Congress, the Aviation Revitalization Act of 1994. At that time small plane manufacturers had been almost extinguished by costly litigation. This narrowly-tailored legislation limited the period, to eighteen years, in which manufactures could be sued for design or manufacturing defects. In the six

years since enactment, the industry has reemerged to create thousands of new jobs while providing consumers with safe products.

In 1995, I sought to apply this same principle to all durable goods, some of which remain in the workplace for forty, fifty, sixty years or more. Tool and machine manufacturers in Rhode Island and the nation were saddled with costs stemming from litigation over products they made a half century ago, some of which had been modified by others. As a result, I supported tort reform for durable goods which limited the statute of repose, reasonably capped punitive damages, and implemented proportionate liability to de minimis tortfeasors. In an effort to further the reform effort, I voted for this bill even though I was concerned that its punitive damage caps and proportionate liability sections were too broad. My support for the bill included a vote to override President Clinton's veto.

My concerns about this bill were borne out by the fact that the veto override was not successful. Proponents of tort reform allowed their view of perfection to become an enemy of good, sensible reform. Indeed, their stubbornness continues to frustrate progress to this day.

Just last year, a compromise tort reform bill negotiated by Senator ROCKEFELLER between the Clinton Administration and members of the business community was rejected by some who wanted only sweeping changes to current tort law. I am afraid that some have brought this same sentiment to the Y2K issue.

In addition to addressing the products liability reform issue in 1995, I was also approached by members of the securities industry seeking to amend litigation rules pertaining to securities law. The industry wished to combat frivolous litigation. Indeed, it was obvious that some class action suits were being filed after a precipitous drop in the value of a corporation's stock, without evidence of fraud. Such lawsuits frequently inflict substantial legal costs upon corporations, harming both the business and its shareholders. This sort of activity benefitted no one but the attorneys who brought the cases.

As a result, I supported both procedural changes and requirements that specific examples of fraud be listed in a lawsuit as embodied in the Private Securities Litigation Reform Act of 1995. Again, my support for this legislation required my vote to override a veto. This time, that override was successful. In my view, that success was due to the moderate, balanced approach of the bill.

In practice, the legislation successfully ended frivolous lawsuits in federal courts such that I worked with colleagues and the Chairman of the Securities and Exchange Commission to implement the same rules at the state level. This effort resulted in the Securities Litigation Uniform Standards Act of 1998. Again, this bill only received Presidential support after an attempt to inject overly broad provisions into the bill were defeated. Courts are now applying this standard in a manner that balances the interest we all have in ensuring consumer protection, while also deterring nonmeritorious law suits.

I think the record is clear. When Congress addresses identifiable inequalities or inefficiencies in our legal system, progress can be made. However, when legislation focuses on broader, philosophical debates, directly pitting the interests of consumers against manufactures, consensus cannot be reached. It is my hope that the Senate will keep this lesson in mind when the Y2K legislation goes to conference.

As the work of the Senate's Y2K Committee and the President's Council on the Year 2000 Conversion have shown, the millennium bug will cause disruptions. These disruptions will inflict costs on individuals and businesses. The question is: how will we adjudicate who will bear the burden of these costs?

Thus far, as demonstrated by a recent report by the Congressional Research Service, there have been only 48 Y2K related lawsuits filed. Recently, the Gartner Group, a consulting firm specializing in Y2K redress, reported that a quarter of all Y2K failures have already occurred. Given the paucity of Y2K lawsuits today, one could question whether the dire predictions of billions of dollars in Y2K litigation is overestimated. At the very least, it is certain that the current 48 suits have not provided much in the way of proof concerning the inequities in our legal system that will allow attorneys to compound and exacerbate the costs associated with the Y2K problem.

Some of these 48 lawsuits are class actions against inexpensive software manufactured several years ago. The merit of such suits is dubious, given that no harm has yet occurred and the ''reasonableness'' of a consumer's expectation that $30 software would last several years and withstand the millennium bug.

These 48 lawsuits also contain examples, however, of companies attempting to improperly profit from their own Y2K unpreparedness. For example, one software company sold a product to small business men and women for $13,000 in 1996 with implied warrantees for proper use for a decade. A year later the company sent its customers notice that the software was not Y2K compatible. The software, would, therefore, not work in two years. The company offered its customers a $25,000 ''upgrade'' which would ensure that the software would work properly for half the time it was warranted. Needless to say, a free fix was quickly offered by this software manufacturer once a class action lawsuit was filed.

The question the Senate must address in this legislation is what changes in our legal system will encourage everyone to address Y2K problems before they strike while allowing defrauded consumers continued opportunity to obtain redress. Indeed, the greatest danger would seem to be that this legislation unintentionally rewards bad faith companies that fail to address Y2K problems. Again, according to the Gartner Group, some $600 billion will be spent by the end of the year in trying to find, patch, and test computer systems at risk of fault. Bad faith companies that have not taken these responsible steps should not be rewarded.

I supported legislation put forward by Senators KERRY, ROBB, BREAUX, REID and Leader DASCHLE which encourages redress not litigation, deters frivolous lawsuits, provides good-faith actors with additional protections if they are sued, and allows individual consumers the protections they are afforded under current law. Specifically, the amendment requires that plaintiffs provide defendants with notice of a lawsuit and time for the defendant to respond with proposed redress to the problem. Additionally, plaintiffs would have to cite with specificity the material defect of their product as well as the damages incurred. Class action lawsuits are limited to those involving material harm. Current redress of Y2K problems is encouraged by the provision of the amendment which requires immediate mitigation and limits damages for those who fail in this regard. The amendment provides commercial transactions with the benefit of their express contract, while omitting consumers, who do not have the economic bargaining power or legal departments of large corporations, from the scope of the legislation. The amendment also discourages plaintiffs from simply suing the defendant with the ''deepest pockets'' by providing proportionate liability for companies that have acted responsibly in addressing Y2K problems in their products.

On balance, the Kerry/Daschle amendment is a fair method of addressing identifiable problems in our litigation system as they relate to potential Y2K litigation.

I must also acknowledge that the McCain legislation has markedly improved from its original form due in no small part to the efforts of Senator DODD. As first introduced, the bill appeared to be a wish-list for those who have attempted over the past decades, without success, to completely overhaul our litigation system. S. 96, however, continues to contain provisions that simply appear to transfer Y2K costs from defendants to plaintiffs without equitable cause. The bill provides protections to plaintiffs not afforded defendants, caps punitive damages for bad faith actors, limits joint and several liability for bad faith businesses, prohibits states like Rhode Island from awarding non-economic damages even in instances of fraud, federalizes all class action lawsuits, and fails

to distinguish between consumers and large corporations.

Perhaps just as importantly as its substantive problems, the Clinton Administration has threatened a veto of S. 96. With six months until the end of the year, we do not have two, three, or four months to negotiate compromises.

It is my hope that those of us who are truly in support of reforming the current system will prevail in softening some of S. 96's provisions to arrive at legislation that the Administration can and will support. While this will not result in legislation that organizations can use to fuel their drive to overhaul the entire tort system, it will allow us to mitigate Y2K litigation costs while protecting those who have been wronged.

## COMMENDING THE REPUBLIC OF CHINA ON TAIWAN FOR AID TO KOSOVO

Mr. INHOFE. Mr. President, I bring to the attention of this body the efforts of the Republic of China on Taiwan on behalf of the Kosovar refugees. As a member of the world community committed to protecting and promoting human rights, the Republic of China on Taiwan is deeply concerned about the plight of the Kosovars and hopes to contribute to the reconstruction of their war-torn land. To that end, President Lee Tung-hui announced on June 7, 1999 that Taiwan will grant $300 million in an aid package to the Kosovars. The aid package will consist of the following:

1. Emergency support for food, shelters, medical care and education, etc. for Kosovar refugees living in exile in neighboring countries.

2. Short-term accommodations for some of the Kosovar refugees in Taiwan with opportunities for job training to enable them to be better equipped for the restoration of their homeland upon their return.

3. Support for the restoration of Kosovo in coordination with international long-term recovery programs once a peace plan is implemented.

I commend the Republic of China on Taiwan for their commitment to humanitarian assistance for these victims of the war in Yugoslavia. Their aid will contribute to the promotion of the peace plan for Kosovo and will help the refugees return safety to their homes as soon as possible.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 15, 1999, the federal debt stood at $5,579,687,074,229.55 (Five trillion, five hundred seventy nine billion, six hundred eighty seven million, seventy four thousand, two hundred twenty-nine dollars and fifty five cents).

One year ago, June 15, 1998, the federal debt stood at $5,484,471,000,000 (Five trillion, four hundred eighty four billion, four hundred seventy-one million).

Five years ago, June 15, 1994, the federal debt stood at $4,607,232,000,000 (Four trillion, six hundred seven billion, two hundred thirty-two million).

Ten years ago, June 15, 1989, the federal debt stood at $2,782,363,000,000 (Two trillion, seven hundred eighty two billion, three hundred sixty-three million).

Fifteen years ago, June 15, 1984, the federal debt stood at $1,519,266,000,000 (One trillion, five hundred nineteen billion, two hundred sixty-six million) which reflects a debt increase of more than $4 trillion—$4,060,421,074,229.55 (Four trillion, sixty billion, four hundred twenty-one million, seventy-four thousand, two hundred twenty-nine dollars and fifty-five cents) during the past 15 years.

## MESSAGES FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 17. An act to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

H.R. 973. An act to modify authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes.

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 75. Concurrent Resolution condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1059. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second time by unanimous consent and referred as indicated:

H.R. 973. An act to modify authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on Foreign Relations.

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 75. Concurrent resolution condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations, and for other purposes; to the Committee on Foreign Relations.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3630. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened status for the plant Thelypodium howellii ssp. spectabilis (Howell's spectacular thelypody)'' (RIN1018-AE52), received June 4, 1999; to the Committee on Environment and Public Works.

EC–3631. A communication from the Director, Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Formal and Informal Adjudicatory Hearing Procedures; Clarification of Eligibility to Participate'' (RIN3150-AG27), received June 8, 1999; to the Committee on Environment and Public Works.

EC–3632. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Florida; Approval of Recodification of the Florida Administrative Code'' (FRL # 6352-9), received June 9, 1999; to the Committee on Environment and Public Works.

EC–3633. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Plans; Delware; Reasonably Available Control Technology Requirements for Nitrogen Oxides'' (FRL # 6357-7), received June 9, 1999; to the Committee on Environment and Public Works.

EC–3634. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Florida: Approval of Revisions to the Florida State Implementation Plan'' (FRL # 6352-3), received June 9, 1999; to the Committee on Environment and Public Works.

EC–3635. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Recordkeeping Requirements for Low Volume Exemption and Low Release and Exposure Exemption; Technical Correction'' (FRL # 6085-5), received June 9,