

S. 1217, COMMERCE-JUSTICE APPROPRIATIONS, 2000—
SPENDING COMPARISONS—SENATE-REPORTED BILL—
Continued

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
House-passed bill:				
Budget authority	29,460	4,150	523	34,133
Outlays	28,214	5,271	529	34,014

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

The PRESIDING OFFICER. Under the previous order, the bill will be read the third time and passed.

The bill S. 1217, as amended, was read the third time, and passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. HOLLINGS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

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

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

THE MILLENNIUM DIGITAL COMMERCE ACT

Mr. LOTT. Mr. President, I rise to address the need for prompt action on S. 761, the Millennium Digital Commerce Act. Senator ABRAHAM has crafted a solid legislative measure that will promote continued growth in electronic commerce.

The Millennium Digital Commerce Act has 11 cosponsors including Senators WYDEN, TORRICELLI, McCAIN, BURNS, FRIST, GORTON, BROWNEBACK, ALLARD, GRAMS, HAGEL, and myself.

Mr. President, on June 23, almost one month ago, the Senate Commerce Committee unanimously approved and ordered S. 761 reported with an amendment in the nature of a substitute. This substitute is widely supported by the States, industry, and the administration. In fact, on June 22, the day before the mark-up, the Commerce Department issued a formal letter of support for this bipartisan measure.

Mr. President, I ask unanimous consent to have printed in the RECORD the Administration's letter.

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

GENERAL COUNSEL OF THE
U.S. DEPARTMENT OF COMMERCE,
Washington, DC, June 22, 1999.

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

DEAR MR. CHAIRMAN: This letter conveys the views of the Department of Commerce on the substitute version of S. 761, the "Millennium Digital Signature Act," that we under-

stand will be marked-up by the Senate Commerce Committee. A copy of the substitute that serves as the basis for these views is attached to this letter.

In July 1997 the Administration issued the Framework for Global Electronic Commerce, wherein President Clinton and Vice President Gore recognized the importance of developing a predictable, minimalist legal environment in order to promote electronic commerce. President Clinton directed Secretary Daley "to work with the private sector, State and local governments, and foreign governments to support the development, both domestically and internationally, of a uniform commercial legal framework that recognizes, facilitates, and enforces electronic transactions worldwide."

Since July 1997, we have been consulting with countries to encourage their adoption of an approach to electronic authentication that will assure parties that their transactions will be recognized and enforced globally. Under this approach, countries would: (1) eliminate paper-based legal barriers to electronic transactions by implementing the relevant provisions of the 1996 UNCITRAL Model Law on Electronic Commerce; (2) reaffirm the rights of parties to determine for themselves the appropriate technological means of authenticating their transactions; (3) ensure any party the opportunity to prove in court that a particular authentication technique is sufficient to create a legally binding agreement; and (4) state that governments should treat technologies and providers of authentication services from other countries in a non-discriminatory manner.

The principles set out in section 5 of S. 761 mirror those advocated by the Administration in international fora, and we support their adoption in federal legislation. In October 1998, the OECD Ministers approved a Declaration on Authentication for Electronic Commerce affirming these principles. In addition, these principles have also been incorporated into joint statements between the United States and Japan, Australia, France, the United Kingdom and South Korea. Congressional endorsement of the principles would greatly assist in developing the full potential of electronic commerce as was envisioned by the President and Vice President Gore in The Framework for Global Electronic Commerce.

On the domestic front, the National Conference of Commissioners of Uniform State Law (NCCUSL) has been working since early 1997 to craft a uniform law for consideration by State legislatures that would adapt standards governing private commercial transactions to cyberspace. This model law is entitled the "Uniform Electronic Transactions Act" (UETA), and I understand that it will receive final consideration at the NCCUSL Annual Meeting at the end of July. In the view of the Administration, the current UETA draft adheres to the minimalist "enabling" framework advocated by the Administration, and we believe that UETA will provide an excellent domestic legal model for electronic transactions, as well as a strong model for the rest of the world.

Section 6 of the substitute ("Interstate Contract Certainty") addresses the concern that several years will elapse before the UETA is enacted by the states. It fills that gap temporarily with federal legal standards, but ultimately leaves the issue to be resolved by each state as it considers the UETA.

With regard to commercial transactions affecting interstate commerce, this section eliminates statutory rules requiring paper contracts, recognizes the validity of electronic signatures as a substitute for paper signatures, and provides that parties may decide for themselves, should they so choose, what method of electronic signature to use.

Another important aspect of the substitute is that it would provide for the termination of any federal preemption as to the law of any state that adopts the UETA (including any of the variations that the UETA may allow) and maintains it in effect. We note that this provision would impose no overarching requirement that the UETA or individual state laws be "consistent" with the specific terms of this Act; this provision, and its potential effect, will be closely monitored by the Administration as the legislation progresses. There is every reason to believe that the States will continue to move, as they consistently have moved, toward adopting and maintaining an "enabling" approach to electronic commerce consistent with the principles stated in this Act. We therefore believe that any preemption that may ultimately result from this legislation can safely be allowed to "sunset" for any state upon its adoption of the eventual uniform electronic transactions legislation developed by the states.

We also support limiting the scope of this Act to commercial transactions, which is consistent with the current approach of the draft UETA, and utilizing definitions in the Act that mirror those of the current draft UETA, which we consider appropriate in light of the expert effort that has been directed to the development of the UETA provisions under the procedures of NCCUSL.

With regard to section 7(a), the Administration requests that the Committee delete the reference to the Office of Management and Budget ("OMB"); there is no need for agencies to file duplicate reports. The report that the Secretary of Commerce is directed to prepare pursuant to section 7(b) will, of course, be coordinated with OMB.

The substitute version of S. 761 would in our view provide an excellent framework for the speedy development of uniform electronic transactions legislation in an environment of partnership between the Federal Government and the states. We look forward to working with the Committee on the bill as it proceeds through the legislative process.

The Office of Management and Budget advises that there is no objection to the transmittal of this report from the standpoint of the Administration's program.

Sincerely,

ANDREW J. PINCUS.

Mr. LOTT. Mr. President, the Millennium Digital Commerce Act provides a baseline national framework for conducting online business to business transactions. It is vital to interstate electronic commerce because it would provide legal standing for electronic signatures on contracts and other business transactions.

This common sense and timely legislation will help promote continued growth in electronic commerce. It is good for business, consumers, and the overall American economy.

While more than forty States have laws on the books concerning the use of authentication technology such as electronic signatures, the States have not yet chosen to adopt the same approach. This hodgepodge of State laws will undoubtedly have a chilling effect on e-commerce.

This Congress cannot and should not sit by and wait until the States coordinate this milieu of laws on electronic signatures. This delay would unnecessarily restrain the growth of our Nation's economic well-being.

The Millennium Digital Commerce Act is an interim step that will help facilitate interstate and international commerce. It is a necessary precursor to state-by-state adoption of the Uniform Electronic Transactions Act (UETA).

Mr. President, my colleagues on both sides of the aisle strongly agree that it is now time to move S. 761 to the floor.

It has broad support and I hope we can work together to move this bipartisan pro-technology, pro-electronic commerce legislation forward as soon as possible.

MARY MCGRORY ON JOHN F. KENNEDY, JR.

Mr. MOYNIHAN. Mr. President, it happens I was in the White House, in what was then Ralph Dungan's southwest office just down the hall from the Oval Office—where they were cleaning the carpet, the President's furniture having been moved to the outside corridor with his rocking chair atop the clutter—when word came from Dallas that the President was dead. A few moments later Hubert H. Humphrey burst in, embraced Dungan and let out: "My God, what have they done to us." By "they" of course he meant the political right wing in Texas. Later we learned that the Dallas police had arrested a man associated with Fair Play for Cuba. What indeed had been done to us, what were we doing to ourselves?

That evening a group of us who lived on Macomb Street, out Connecticut Avenue, drifted over to Mary McGrory's. We sat about, saying little. At length Mary, with the feeling only she can put into words, announced: "We'll never laugh again." "Heavens, Mary," I replied, "we'll laugh again. It's just that we will never be young again."

In this morning's Washington Post, her column "A Death in the Family" describes in poignant detail the history from then to now, now being of course the death of John F. KENNEDY, Jr., so much on our minds in those slow-paced days of mourning so many years ago, now himself gone, along with his wife Carolyn and his sister-in-law Lauren Bessette.

I ask unanimous consent that her reflections be reprinted in the RECORD in full following my statement.

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

[From the Washington Post, July 22, 1999]

A DEATH IN THE FAMILY

(By Mary McGrory)

To understand the round-the-clock coverage of John Kennedy's death, the unending talk about it, and the makeshift memorials, it helps to remember what the country felt about his parents. His father, John Fitzgerald Kennedy, handsome and dashing, came out of Boston insisting on being our first Catholic president—and was assassinated on Nov. 22, 1963.

His beautiful mother, Jacqueline Bouvier, once dismissed as a social butterfly, stepped

forward and held the country together. She arranged a funeral that was majestic and moved through it like a queen. She saw to every detail from the kilted Irish pipers to the eternal flame.

When it was over, she summoned the most famous political scribe of his time, Theodore H. White, and put a name on her husband's time in office, Camelot. The country has been emotionally involved with the Kennedy's ever since. They are numerous, good looking and always up to something. They have provided a pageant of smiles, tears and scandals.

When John Kennedy's single-engine plane, with him at the controls, fell off the radar at the Martha's Vineyard airport, the nation once again went to its post by the television to keep vigil with the Kennedys.

In the five days that followed, the dread and dismay were laced with indignation. This was not supposed to happen. This was entirely gratuitous. The crown prince had been exempt from "the curse of the Kennedys"—a phrase coined by Uncle Teddy during the Chappaquiddick crisis. Had not Jackie Kennedy sequestered her children from the turbulence at the Kennedy compound in Hyannis Port, as Bobby Kennedy's fatherless sons wrestled with various demons? She took John and Caroline over the water to Martha's Vineyard.

John had not followed in his father's footsteps. He was his mother's son. She brought him up not to be a Kennedy, but to be himself. He shared her detachment about politics. When asked a while back how, in the light of his father's posthumously revealed promiscuity, Jack Kennedy would have tolerated today's fierce press scrutiny, John Kennedy said coolly he thought his father might have chosen to go into another line of work.

John Kennedy died like his father violently and too soon. His blond wife, Carolyn Bessette, and his sister-in-law Lauren Bessette died with him. At 38, he left more unfulfilled promise than performance. He was strikingly handsome and unexpectedly nice for one of his looks and station. He was courteous to all, even the paparazzi who dogged him from the age of 3 when he broke the nation's heart by saluting his father's coffin.

The tabs called him "The Hunk" and People magazine said he was "the sexiest man alive." If the grief seems disproportionate to his life, it is easily explained. He was measured by who he was, not what he did.

His mother vetoed his first choice of a career, the theater. He went into the law, but not for long. He founded a magazine he called "George." It was to be a glossy, trendy monthly that treated politics as entertainment.

He courted publicity for "George" by sometimes doing odd things: He posed nude for an illustration to accompany a critique of his Kennedy cousins' behavior. More recently, he visited Mike Tyson, the convicted rapist, in prison; he invited pornographer Larry Flynt to the White House correspondents' dinner. Like his mother, he never explained his actions. He was a free spirit. His father, despite his private excesses, was decorous in his public life, having a politician's perpetual concern about what the neighbors will think. Jack Kennedy was witty, sometimes in the mordant Irish way; his son was whimsical. Politics does not allow for whimsy.

John's love life was of aching, international interest. He courted a string of gorgeous girls and then married one. He married willowy Carolyn Bessette at a secret wedding on an island off Georgia. He was terribly proud of his coup against the press. He released one picture. It was of him kissing his bride's hand. It was drop-dead romantic.

The country spent the last weekend soaking up every detail, watching hour after hour of Jack's funeral, Bobby's funeral, touch football, prayers at Arlington. The context was pure, incredible Kennedy. The clan had gathered at Hyannis Port to celebrate the wedding of Rory Kennedy. A huge tent had been set up on Ethel's lawn. It was the one mercy of the grim weekend. The Kennedys, who derive such solace from each other, were together. The wedding was postponed. The family mourned.

Washington talked of nothing else. Arguments broke out over "the curse of the Kennedys"—was it really the rashness of its members? "Where was God in all this?" one man demanded to know at a subdued Saturday party.

All agreed on one point: It was a shame.

CALIFORNIA'S GUN CONTROL LAWS

Mr. LEVIN. Mr. President, earlier this week, California Governor Gray Davis signed into law two of the strictest gun control measures in the country. One of these laws is the nation's most comprehensive ban on assault weapons, and the other prohibits the purchase of more than one handgun a month.

California residents support these common sense safety measures designed to take lethal, semiautomatic weapons off the streets, and reduce illegal gun trafficking. Californians feel strongly about ending the easy accessibility of guns because of their history with gun violence over this last decade. In 1989, Americans were shocked when a madman walked into a schoolyard in Stockton, CA, with a rapid-firing AK-47 and shot off 50 rounds a minute for 2 minutes, killing 5 children and wounding 30. Californians were again struck by tragedy in a 1993 massacre at a San Francisco law firm in which 8 people died and 6 were wounded, and again in 1997, when a high profile armed bank robbery spilled out on to the streets of North Hollywood.

As always, NRA lobbyists were working to undermine the effort of the California state legislature. But because gun violence has held such a prominent and tragic place in the minds and hearts of Californians, the legislature was able to defy the NRA and pass these responsible gun control measures. So many families in California have been torn apart by gun violence, and so many people have been affected by the weak gun control laws in this nation, that the NRA failed in the California state legislature.

I hope that other states will follow the lead of the California state legislature and pass responsible gun control measures. I pray that they learn from the tragedies in California, rather than wait for a decade of tragedies to occur in their own states, before passing responsible safety measures. I also make an appeal to my Congressional colleagues to pass sensible gun control legislation now. Although in this case, the debate on gun violence has moved to the state legislature, Congress has not been absolved of its responsibility.