agency, or authority to act in an enforcement capacity with respect to any Federal or State statute or regulation governing the disclosure or non-disclosure of information.

Subsection 6(b). Contracts and Other Claims. The Act does not alter any right under contract or tariff. In an action brought by a consumer, the Act does not apply to a year 2000 statement made in the course of a solicitation. The Act does not apply to a year 2000 statement about a year 2000 remediation product or service made in a solicitation unless the maker provides notice that the year 2000 statement is subject to the Act and that the Act may reduce the purchaser's legal rights.

Subsection 6(b)(1) reiterates that a basic premise of this Act is to leave any contractual relationships (public or private), and any enforcement of rights under those relationships, unaffected. Where the terms or effect of a contract are in conflict with the provisions of this Act, the contract or agreement will control. Conversely, nothing in the Act affects the enforceability of provisions that limit the liability of contracting parties. Moreover, Congress does not intend that plaintiffs use this provision to evade the protections provided by this Act by restating as contract claims causes of action that actually sound in tort.

One example of the appropriate use of this provision would be where a contract provided one party with the explicit contractual right to receive from another party an accurate year 2000 statement or a year 2000 statement which is the product of the exercise of ''reasonable efforts'' by the other party. In that situation, subsection 4(b)—which provides a different standard of performance—would not apply. Similarly, where a contract provides for delivery of notice by means other than an Internet website, this Act would not treat notice delivered via an Internet website as adequate. In addition, the evidentiary exclusion of subsection 4(a) would not apply in a situation where a party provides a year 2000 readiness disclosure pursuant to a contractual obligation to provide year 2000 readiness information.

Subsection 6(b)(2)(A) provide that the Act does not apply in actions by consumers against persons or entities that make year 2000 statements directly to them in solicitations (including advertisements) or offers to sell consumer products—in other words, activities that are entirely ancillary to requests for purchases.

Subsection 6(b)(2)(B) provides that sellers, manufacturers, or providers of year 2000 remediation products or services, in soliciting remediation business or offering to furnish their remediation product or service, must provide additional notice to obtain the benefits of the Act. Such notice is specified in the Act and is intended primarily to alert unsophisticated clients of such remediators that, in any litigation, this Act may affect the buyer's ability to use the remediators' statements in court. This provision does not require or imply that every written or oral statement be accompanied by the specified notice. Rather, it is intended to require that once, during the solicitation or offering of service, the remediation provider must provide the specified notice to the prospective purchaser or client, consistent with the procedures set out in Subsection 4(d).

Subsection 6(b)(3) provides that the Act does not preclude a claim to the extent it is not based on a year 2000 statement. For example, if a lawsuit advanced causes of action both for negligent misrepresentation based on the alleged inaccuracy of a year 2000 statement and for product defect (based on a year 2000-related product failure), the first cause of action would likely be precluded by the Act, but the second would not.

Subsection 6(c). Duty or Standard of Care. The Act does not impose any more stringent standard of care on the maker of a year 2000 statement. The Act does not preclude any disclosure additional to a year 2000 statement or disclosure. The Act does not alter the standard or duty of care owed by a fiduciary.

An essential purpose of the Act is to reduce liability concerns about release of year 2000 processing information. Consistent with that purpose, Subsection 6(c)(1) provides that nothing in this Act should be interpreted as imposing liability where none would exist absent the Act. Specifically, it is the intent of Congress that a maker not be liable for the adequacy or sufficiency of a year 2000 readiness disclosure regarding the maker's products or services, where notice of the maker's year 2000 readiness is not otherwise required by law or contract, unless section 4(b) standards are not met.

Also, Subsection 6(c)(3) is intended to clarify that Congress did not intend the Act—except to the limited extent specified in Subsection 4(b), regarding false, misleading or inaccurate year 2000 statements, and in Subsection 4(c), regarding defamatory or disparaging year 2000 statements—to preempt, alter, or affect in any way existing State law regarding any duty or standard of care owed by a fiduciary. For instance, the duty of loyalty owed by a fiduciary is not affected by this Act.

Intellectual Property Rights. The Act does not affect any party's intellectual property rights of any kind whatsoever.

Injunctive Relief. The Act does not preclude injunctive relief. Thus, for instance, while a claim for damages resulting from a false, inaccurate, or misleading year 2000 statement is governed by subsection 4(b), that subsection has no impact on the right of a claimant to receive injunctive relief preventing further communication of false or misleading information contained in a year 2000 statement.

Section 7. Applicability.—

Effective Date. The Act is effective on the date of its enactment. It applies to lawsuits brought after July 14, 1998 that deal with (a) year 2000 statements made between July 14, 1998 and July 14, 2001 (inclusive); (b) year 2000 readiness disclosures made between the date of enactment of the Act and July 14, 2001 (inclusive); and (c) year 2000 statements designated as year 2000 readiness disclosures (as described below).

Previously Made Readiness Disclosure. A year 2000 statement made between January 1, 1996 and the date of enactment of the Act (inclusive) may be designated a year 2000 readiness disclosure if it complied with the requirements of a year 2000 readiness disclosure (other than being designated a ''year 2000 readiness disclosure'') at the time it was made and if, within 45 days of the enactment of the Act, the maker gives individual notice of the designation to prior recipients or posts such notice on its year 2000 website and gives such notice by the same method the year 2000 statement was previously made. Designation of a year 2000 statement as a year 2000 readiness disclosure shall not have effect against any person or entity who proves by clear and convincing evidence that it would be prejudiced by the designation and who timely objects to the designation.

Section 8. Year 2000 Council Working Groups. The President's year 2000 Conversion Council (see Exec. Order 13,073, 63 Fed. Reg. 6,467 (1998)) may establish working groups who will engage outside organizations to address year 2000 problems. The Council shall maintain public information on the working groups and their members. The Council shall seek balance among the working groups. The Council shall maintain and publish information on attendance and participation at meetings. Meetings shall be announced in advance and held publicly, to the extent consistent with the Act's purposes. The Federal Advisory Committee Act shall not apply to working groups.

This section replaces the Federal Advisory Committee Act requirements which otherwise might have been applicable to some of the work of the Council. Though the Act gives the Council no new powers, working groups may be established by the Council to advise it, discuss year 2000 problems in various sectors of the nation's economy, share information, and otherwise promote the purposes of this Act. Congress expects that the Council will disband, rendering this section inoperative, reasonably promptly after the turn of the century.

Section 9. National Information Clearinghouse and Website. In cooperation with other Federal agencies and with the private sector, the General Services Administration (''GSA'') shall establish and maintain until July 14, 2002 a national year 2000 website, designed to assist consumers, small businesses, and local governments in obtaining various year 2000 information. GSA shall consult with a variety of federal entities. GSA shall report to Congress 60 days after the enactment of the Act on compliance with this section.

REGARDING A BILL REQUESTING THE SECRETARY OF THE TREASURY TO PREPARE A REPORT ON THE FINANCIAL STATUS OF THE COMMONWEALTH OF PUERTO RICO

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I am introducing a bill that would require the Secretary of the Treasury to prepare a report on the current Federal program costs, and Federal revenues, attributable to the Commonwealth of Puerto Rico and on other matters relating to the taxation of residents of the Commonwealth of Puerto Rico.

Regardless of when or how Congress determines the ultimate political status of Puerto Rico, there are urgent issues of Federal fiscal policy relating to the present commonwealth system in Puerto Rico that will not wait. Congress must address issues of fiscal equity and responsibility for the 3.8 million U.S. citizens of Puerto Rico, without being held hostage to the on-going political status debate.

At current levels of Federal spending in Puerto Rico, now approximately $10 billion annually, U.S. taxpayer dollars will be used to subsidize the current commonwealth system in Puerto Rico at a cost in excess of $100 billion over the next ten years. Yet, there are no plans or even proposals that Congress can consider with respect to introduction of Federal income tax and other Federal taxes from which Puerto Rico was temporarily exempted earlier in this century.

Congress never intended to make Puerto Rico a permanent haven from Federal taxation. If the commonwealth system of local government under Federal powers is to continue, even the current spending levels require Congress to consider imposition of some part or all of those Federal taxes that currently are not collected in Puerto Rico.

In simple fairness to the taxpayers of the nation as a whole, continued subsidization of the current commonwealth relationship will require Congress to consider issues of fiscal equity and responsibility for Puerto Rico. Ultimately, subsidization must end one way or the other, and phasing in Federal taxes should lead to a lower overall tax rate for the U.S. citizens of Puerto Rico as full integration into the national economic and fiscal system are achieved and currently very high local taxes are reduced.

For now, the purpose of this measure is simply to ensure that Congress will be prepared to address these issues in an informed manner. We need to begin planning now rather than waiting until the urgent need for a plan arises. This provision will require the Secretary of Treasury to provide Congress with a recommended course of action in the event that introduction of Federal taxes not currently collected by the IRS is determined by Congress to be in the best interests of Puerto Rico and the nation as a whole.

HONORING THE DISTINGUISHED CAREER OF JAMES ''BOOTS'' DONNELLY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GORDON. Mr. Speaker, I rise today to congratulate James ''Boots'' Donnelly on a successful career as head coach of the Middle Tennessee State University football team.

Boots' 22-year career record as a collegiate head coach stands at 151–92–1. He recently announced he will be stepping down at the end of the 1998 season, after a 20 year career as head football coach at MTSU, his alma mater.

Boots' record and awards are impressive: the eighth winningest coach in Division 1–AA history, 1997 Tennessee Sports Hall of Fame inductee, recorded 12 straight winning seasons between 1981 and 1992, four Ohio Valley Conference championships, 10 national top 25 finishes and five Coach of the Year awards. Fourteen of Boots' players have gone on to play in the National Football League.

MTSU has Boots to thank for the opportunity to begin Division 1–A play in 1999.

The hallmark of Boots' success has been his interaction with his players. When recruiting players, he not only assessed their athletic ability, but also their character, integrity and intelligence. Once a recruit joined the Blue Raiders, Boots taught him the importance of team spirit and discipline, traits that would remain with the player throughout his life. He has always had the respect and admiration of his players and assistant coaches.

Boots is a keen judge of character. He knows to stay away from people with ''big hats and no cattle'' and those who can ''find a bone in ice cream.''

His teams were always well-prepared and disciplined. When game time came, they ''stepped up to the licking block, stayed in the buggy when the horse rared up and never spit on the bit.''

Although Boots always desired to win, and usually did, he took loses with his usual good humor. He understood that ''sometimes you get the chicken, and sometimes you get the feathers.''

Again, Boots, congratulations on 22 years as a winning collegiate head football coach. Thank you for the contributions you have made to your players, fans and the MTSU community.

CONGRATULATING FAYETTE COUNTY 4–H AWARD RECIPIENTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PAUL. Mr. Speaker, I would like to offer congratulations to several fine young men and women from my district who have distinguished themselves in the Fayette County 4–H. As my colleagues know, 4–H is one of the finest youth-oriented organizations in our nation, developing character in our future leaders.

Fayette County 4–H will be recognizing with special awards the following young people on Saturday night, October 9, and I know my colleagues join me in congratulating them and wishing them the best for the future.

Receiving the Gold Star award are Michelle Cernoch, Ashley Dittert, and Vickie Sanders.

Receiving the Silver Star award are Bradley Klesel and Billie Jo Murphy.

Receiving the ''I Dare You'' award are Heather Woelfel and Shayne Markwardt.

Receiving the ''Outstanding Jr.'' award are Jenifer Klesel, Melanie Cernoch and Kelly Orsak.

And receiving the ''Outstanding Sub Jr.'' award are Adam Mayer, Jodie Kristynick, and Brandon Otto.

A TRIBUTE TO LUCAS COUNTY MENTAL HEALTH BOARD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the Lucas County Mental Health Board in Northwest Ohio. The year 1998 marks the 30th anniversary of the Lucas County Mental Health Board, and the agency is celebrating a commemorative event on September 9, 1998 to recognize the achievement.

The Lucas County Mental Health Board ably and effectively has served thousands of our most vulnerable citizens through three decades which have seen monumental change and a complete overhaul in the treatment of mental basis. Through it all, the Lucas County Mental Health Board has adapted, growing to meet the changing needs of its clients and their families. The agency administers sites throughout the county which handle the unique needs of children with mental illness, people with milder forms of illness, those who are most severely disabled, families, and people needing short term help to get them through the rough spots of their lives. Always, the people of the Lucas County Mental Health Board strive to provide these services remembering the dignity of those they counsel, providing both caring treatment and advocacy.

I am pleased to take this opportunity to salute the men and women, past and present, of the Lucas County Mental Health Board whose careers have been dedicated to lifting the stigma and the suffering of mental illness from so many. Their efforts and their victories large and small are commendable, and are truly making our community and the lives of its residents a better place. For their unsung efforts, we offer a grateful thank you.

IN HONOR OF GREGORY A STRATTON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Greg Stratton, the man who was elected to the Simi Valley City Council in the same election as I, and who succeeded me as Mayor of the city I still call home. Greg's guidance as mayor for the past 12 years has kept Simi Valley a most extraordinary place to live, even as it has matured and endured its share of arrows and hardships.

Greg was elected to the Simi Valley City Council in 1979, but his involvement in the community began long before that. Soon after he moved to Simi Valley, Greg began making a difference through his involvement in the Simi Valley Jaycees and his role in helping to found the Boys & Girls Club of Simi Valley. He served on the City Incorporation Study Committee and chaired a Neighborhood Council.

In 1986, he was elected Mayor of Simi Valley. Under his leadership, Simi Valley has consistently been recognized as one of the safest cities of its size in the country. For the past 18 years, the city has also been recognized for the quality of its Financial Reporting program by the Government Finance Officers Association, a testament to Greg's reputation as a fiscal conservative, or—as some would say—tightwad.

During his tenure as councilman and mayor, Greg was vital in preserving the community's hillsides and controlling residential development through the City's Hillside Performance Standards and City Council-initiated Growth Control Ordinance. Those balanced measures still allowed for residential and business growth in an orderly fashion.

Greg also deserves credit for the construction of several new city facilities, including the City Hall in 1984, the Senior Citizens Center at about the same time, and a Transit Maintenance Facility for the city's bus fleet in 1989/90. A new, 53,000-square-foot, state-of-the-art Police facility opened adjacent to City Hall this month.

Greg was also instrumental in bringing other government services to Simi Valley and centrally locating them at the Civic Center. Among them are construction of a state Department of Motor Vehicles office in 1989 and construction of a County courthouse in 1990.

Also under his direction, the City's Sanitation Treatment Plant was expanded and was recognized by the State of California as ''Plant of the Year.''

Being Mayor, however, does not mean just providing government facilities. A brand new facility for the Boys & Girls Club opened in 1996 under his guidance. The Community