

Whereas Galesburg and Chicago were joined by rail in 1854; as a result of this union, the Northern Cross Railroad joined the Central Military Tract Railroad at Galesburg;

Whereas in 1886 Galesburg secured the Atchison, Topeka, and Santa Fe Railway and became one of the few places in the world to possess 2 mega-powers of the railroad industry;

Whereas the National Railroad Hall of Fame, Inc. has been established in Galesburg and has reserved the name "National Railroad Hall of Fame" with the Secretary of the State of Illinois;

Whereas the National Railroad Hall of Fame, Inc. is organized and incorporated as a not-for-profit organization under the laws of Illinois;

Whereas the National Railroad Hall of Fame, Inc. filed a service mark registration with the Commissioner of Patents and Trademarks of the United States, covering the name and logo of the organization;

Whereas the National Railroad Hall of Fame, Inc. has applied for a charter under the State of Illinois;

Whereas the objectives of the National Railroad Hall of Fame, Inc. include—

(1) perpetuating the memory of leaders and innovators in the railroad industry;

(2) fostering, promoting, and encouraging a better understanding of the origins and growth of railroads, especially in the United States; and

(3) establishing and maintaining a library and collection of documents, reports, and other items of value to contribute to the education of future railroad students; and

Whereas the National Railroad Hall of Fame, Inc. has resolved to erect a monument known as the National Railroad Hall of Fame to honor men and women who actively participated in the founding and development of the railroad industry in the United States: Now, therefore, be it

*Resolved*, That the Senate supports the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

Mr. DURBIN. Mr. President, I rise today on behalf of myself and my colleague, Senator PETER FITZGERALD, to submit a resolution in support of the establishment of the National Railroad Hall of Fame in Galesburg, Illinois.

The state of Illinois has played a pioneering role in the growth of the railroad industry. In 1849, the Peoria and Oquawka Railroad was organized. The city of Galesburg joined Chicago by rail six years later in 1854. In addition, the Carl Sandburg College of Galesburg was one of the first colleges to establish an educational curriculum in railroading.

This privately-funded museum will help promote and encourage a better understanding of the origins and growth of the railroad industry. It will also highlight the efforts of men and women whose hard work and resourcefulness helped build one of the nation's best modes of transportation.

Already, the Illinois General Assembly, with the unqualified support of our state's new governor, George Ryan, has passed a resolution similar to the one I am introducing today. This resolution is also supported by major railways,

railroad organizations, and rail employee organizations. Nineteen members of the House of Representatives have cosponsored an identical measure in the House. Approval by the Senate will be one more step toward establishing this museum.

Mr. President, I urge the Senate to pass this resolution in a timely fashion so that we can properly honor the railroad industry and its many pioneers.

#### SENATE RESOLUTION 87—TO COMMEMORATE THE 60TH ANNIVERSARY OF THE INTERNATIONAL VISITORS PROGRAM

By Mr. DURBIN (for himself, Mr. BOND, and Mr. MOYNIHAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

##### S. RES. 87

Whereas the year 2000 marks the 60th Anniversary of the International Visitors Program.

Whereas the International Visitors Program is the public diplomacy initiative of the United States Department of State that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961.

Whereas the purposes of the International Visitors Program include—

(1) increasing mutual understanding and strengthening bilateral relations between the United States and other nations;

(2) developing the web of human connections essential for successful economic and commercial relations, security arrangements, and diplomatic agreements with other nations; and

(3) building cooperation among nations to solve global problems and to achieve a more peaceful world;

Whereas during 6 decades more than 122,000 emerging leaders and specialists from around the world have experienced American democratic institutions, cultural diversity, and core values firsthand as participants in the International Visitors Program;

Whereas thousands of participants in the International Visitors Program rise to influential leadership positions in their countries each year;

Whereas among the International Visitors Program alumni are 185 current and former Chiefs-of-State or Heads of Government, and more than 600 alumni have served as cabinet level ministers;

Whereas prominent alumni of the International Visitors Program include Margaret Thatcher, Anwar Sadat, F.W. de Klerk, Indira Gandhi, and Tony Blair;

Whereas a new configuration of domestic forces has emerged which is shaping global policy and empowering private citizens to an unprecedented degree;

Whereas each year more than 80,000 volunteers affiliated with 97 community-based member organizations and 7 program agency members of the National Council for International Visitors across the United States are actively serving as "citizen diplomats" organizing programs and welcoming International Visitors Program participants into their homes, schools, and workplaces;

Whereas all of the funds appropriated for the International Visitors Program are spent

in the United States, and such spending leverages private contributions at a ratio of 1 to 12;

Whereas the International Visitors Program corrects distorted images of the United States, effectively countering misperceptions, underscoring common human aspirations, advancing United States democratic values, and building a foundation for national and economic security;

Whereas the International Visitors Program provides valuable educational opportunities for United States citizens through special "Back to School With International Visitor" programs and events that increase the knowledge of Americans about foreign societies and cultures, and bring attention to international issues crucial to interests of the United States;

Whereas the International Visitors Program offers emerging foreign leaders a unique view of America, highlighting its vibrant private sector, including both businesses and non-profit organizations, through farm stays, home hospitality, and meetings with their professional counterparts; and

Whereas the International Visitors Program introduces foreign leaders, specialists, and scholars to the American tradition of volunteerism through exposure to the daily work of thousands of "citizen diplomats" who share the best of America with those foreign leaders, specialists, and scholars: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 60th Anniversary of the International Visitors Program and the remarkable public-private sector partnership that sustains it; and

(2) commends the achievements of the thousands of volunteers who are part of the National Council for International Visitors "citizen diplomats" who for 6 decades have daily worked to share the best of America with foreign leaders, specialists, and scholars.

Mr. DURBIN. Mr. President, today, Senator BOND and I are joining together in submitting a resolution commemorating the 60th anniversary of the International Visitors Program next year. The International Visitors Program is the State Department's public diplomacy initiative that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961.

The International Visitor Program has been wonderfully successful in meeting its public diplomacy mission. Thousands of rising leaders from other countries in government, business, labor, academia, and the arts have come to this country and met with their counterparts and with everyday Americans from all walks of life. They have learned about our democratic values and institutions, our entrepreneurial skills, and our culture.

Future foreign leaders have learned much about this country that has helped them shape their own, or that simply helped them understand this country's point of view. I wonder how many people in this country know the story of F.W. de Klerk's visit to the United States under the International Visitor Program, and how influential

that visit was in his realization that apartheid in South Africa had to end. Perhaps more well known, at least in my part of the country, were the visits of Polish Solidarity Labor leaders who played a pivotal role in transforming Poland to the democratic country it is today. I am sure there are many more stories—most not so dramatic—but with tangible results all over the world. We will never know how many problems have been prevented because rising leaders had a better understanding of democracy, of our policies, and our culture.

Many up-and-coming political leaders come to visit Members of Congress and Senators while they're here. These meetings take a few minutes of my time, and I learn as much from my visitor as I hope he or she does from me. Volunteers always tell me that they, too, have learned much from their visitors, and we should not underestimate the value of this program as a two-way street that helps educate the volunteers, their children, and other people in their communities.

But I want to commend and thank those thousands of Americans who have opened their homes, their businesses, and their hearts to international visitors with such a tremendous impact on furthering international understanding. I deeply appreciate it that international visitors do not just come to Washington, but that the program takes them into our country's heartland so they can get a real education about our country, outside the Beltway, as they say. That means that volunteers from all over the country are critical for the success of the program.

I know in my own State of Illinois, there are six such volunteer groups in Chicago, Freeport, Geneseo, Paris, Sterling, and Springfield. I have heard first-hand the deep commitment many Illinoisans have to this program, because I know many enthusiastic volunteers. Because of the commitment of Illinois volunteers, our State is among the most active in the Nation in hosting international visitors, along with the much larger States of California and Texas.

But when we commemorate this anniversary I want to be sure that we're celebrating the contribution and commitment of the thousands of volunteers that make the program meaningful and successful.

AMENDMENTS SUBMITTED

Y2K ACT

McCAIN (AND OTHERS)  
AMENDMENT NO. 267

Mr. McCAIN (for himself, Mr. WYDEN, Mr. GORTON, Mr. ABRAHAM, Mr. LOTT,

Mr. FRIST, and Mr. BURNS) proposed an amendment to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date; as follows:

Strike all after the word "section" and insert the following:

**1. SHORT TITLE; TABLE OF SECTIONS.**

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

- Sec. 1. Short title; table of sections.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Application of Act.
- Sec. 5. Punitive damages limitations.
- Sec. 6. Proportionate liability.
- Sec. 7. Pre-litigation notice.
- Sec. 8. Pleading requirements.
- Sec. 9. Duty to mitigate.
- Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
- Sec. 11. Damages limitation by contract.
- Sec. 12. Damages in tort claims.
- Sec. 13. State of mind; bystander liability; control.
- Sec. 14. Liability of officers, directors, and employees.
- Sec. 15. Appointment of special masters or magistrates for Y2K actions.
- Sec. 16. Y2K actions as class actions.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

- (i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.
- (ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.
- (iii) It would strain the Nation's legal system, causing particular problems for the

small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

**SEC. 3. DEFINITIONS.**

In this Act:  
(1) Y2K ACTION.—The term "Y2K action"—