

Are there legitimate causes for court actions? Yes. I don't have the extensive practice background that the distinguished Senator from South Carolina has, but I practiced a little law and I did some corporate work and some public defender work, and I filed some lawsuits because I thought they were necessary. I can remember a medical malpractice case that I thought was justified. Yes, there are cases, but they should be only after other avenues have been pursued where there is fraud or intentional misconduct.

This bill protects governmental entities, including municipalities, schools, fire, water sanitation districts from punitive damages. Should there be some general protection for the school districts from being sued? Sure.

The bill eliminates punitive damage limits for egregious conduct while providing some protection against runaway punitive damage awards. Do we need some protection here? You see lawsuits out here in some States for \$40 million, and it is totally inexplicable and, in my opinion, indefensible.

It provides protection for those not directly involved in a Y2K failure. And it is a temporary measure. We are not trying to have product liability reform on this bill or tort reform—although we ought to have both, in my opinion, and the sooner the better. I can't wait until we can get it done. But this is a temporary measure to deal with a temporary, one-time problem. It sunsets January 1, 2002.

I want to emphasize that it does not deny the right of anyone to redress their legitimate grievances in court.

What is at stake here? What is going on here? Some people don't want this bill at all, pure and simple. To the credit of the Senator from South Carolina, I don't think he has denied that. His goal is to defeat this bill. For every name of people out here in the hall on the business side, I can assure you there is somebody on the other side. But the idea that we are going to resort to the courts to solve all of the problems in America, and the insinuation that this bill is some sinister plot to block legitimate legal action, I just find that wrong.

I think it is a good effort. I hope we get it done. But I am willing to stand on this line right here. Those who just voted against cloture can live with it, as far as I am concerned, and they can explain it to their constituents—big businesses, small businesses, farmers, people who are going to get sued if we don't do this, when it is not even necessary.

So if this bill dies on this line, it is OK with me, because I think the blame is clear. But I am not going to be a part of shenanigans here, to have an agenda dumped on this bill that would result in killing it. We are not going to keep spinning our wheels. We are going to come up with a legitimate com-

promise solution, and we are going to vote and move or not—either way. If anybody in this Chamber thinks the solution to the Y2K problem is more lawsuits, I don't believe they have talked to the people in America.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

(The remarks of Mr. KYL, Mrs. HUTCHISON, and Mr. HOLLINGS pertaining to the introduction of S. 912 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HOLLINGS. Mr. President, let me thank the distinguished Senator from Texas. She is right on target. We have graduated over 2,000 agents from the finest school down there for Border Patrol agents. Two who trained there have already been killed.

I have visited from time to time. The matter of pay is the issue. We advertise and we solicit in the local area over the entire State—and nationally—and it is a pay problem.

I hope we can confront it.

Mr. President, I will say a word about the majority leader's rejoinder relative to this legislation.

He points out specifically that without litigation, we have time; it gives an avenue, gives 90 days in time, to fix the problem.

Mr. President, this Senator knows, rather than fixing the problem, they are trying to fix the defendants and see if, on a cost-benefit basis, they can move the problem out to India or some other supplier that is indigent or bankrupt or otherwise; that is what they do during the 90 days.

We do not need in law a 90-day waiting period before you can file. Nobody is filing immediately. Nobody wants to get to court. These businesspeople don't run down and get a lawyer. They do as the doctor did in his testimony before the Commerce Committee: He called and called, and he wasn't called back; then he wrote the letter; he spent \$16,000 for a computer, and in a year's time he had to pay \$25,000 just to be Y2K compliant.

We live in the real world. Why is this gimmick on all legal proceedings all of a sudden given a 90-day extension for fixing the problem? For an individual running a little corner grocery store with a computer that goes down, if they call the company and don't have the money to make it Y2K compliant, in 90 days they are out of business. They are still waiting around while they are maneuvering with their lawyers.

These manufacturers who are sued have lawyers on retainer sitting up on the 32nd floor wondering when they can get off to play another golf game or when they can get another continuance. They think about how to stay out of the courtroom and how to get the clock running. It is a bad provision.

Let me agree with the distinguished majority leader and say I agree that no bill is needed. We find out after all of the debate, here comes the Washington Post that says, wait a minute, the market is fixing it now. On January 1, if there is a real problem that the States can't handle, there are courts in all the States, and if they can't handle it, we have a national problem, fine. But don't use Y2K as an instrument to distort the tort system and get through what they haven't been able to get through for the past 20 years.

I yield the floor.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

The PRESIDING OFFICER (Mr. BUNNING). The Senate will now resume consideration of S. 557, which the clerk will report.

The bill clerk read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as part of the budget process.

The Senate resumed consideration of the bill.

Pending:

Lott (for Abraham) amendment No. 254, to preserve and protect the surpluses of the social security trust funds by reaffirming the exclusion of receipts and disbursement from the budget, by setting a limit on the debt held by the public, and by amending the Congressional Budget Act of 1974 to provide a process to reduce the limit on the debt held by the public.

Abraham amendment No. 255 (to Amendment No. 254), in the nature of a substitute.

Lott motion to recommit the bill to the Committee on Governmental Affairs, with instructions and report back forthwith.

Lott amendment No. 296 (to the instructions of the Lott motion to recommit), to provide for Social Security surplus preservation and debt reduction.

Lott amendment No. 297 (to amendment No. 296), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business not to exceed 15 minutes.

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

(The remarks of Ms. COLLINS pertaining to the introduction of S. 913 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. I thank the Chair.

(The remarks of Mr. SMITH of New Hampshire, pertaining to the introduction of S. 914 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent for an additional 5 minutes.

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

TED GUY, AN AMERICAN HERO

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to an American hero. We could use some heroes today, of all days, considering the last few days we have had in America. But I rise today to pay tribute to retired Col. Theodore Wilson Guy, United States Air Force, from Missouri. Ted Guy, nicknamed the "Hawk" by those who knew him best, was a genuine American hero. He was best known for having sacrificed his freedom for his country as a U.S. POW during the Vietnam war. But aside from being a hero, perhaps more importantly, Ted would say he was a husband, a father, a brother, and a friend to many, including myself. Last Friday, April 23, 1999, Ted passed away only 6 months after discovering symptoms associated with leukemia.

I will always remember Ted Guy for the encouraging faxes and e-mails he used to send to my office, especially during the investigation conducted by the Senate Select Committee on POW/MIA Affairs, which I cochaired in the early 1990s. I gained a lot of strength from those inspiring messages from this hero. Ted will never know, but I want his family to know how much those messages meant to me.

Ted felt strongly that our Government needed to do more to account for his missing comrades from the Vietnam war. He traveled at his own expense to Washington, DC, to the Halls of Congress, to make this point.

Ted was right to be concerned about our Government's handling of the issue of POWs and MIAs, and with his support, and the support of his fellow veterans and family members of POWs and MIAs, we have made significant progress in opening the books, declassifying the records, and pressing foreign governments for answers over the last decade.

However, as Ted continued to maintain up until his last days with us, there is still much work to be done with our accounting effort, and I, for one, am committed to seeing this issue through, in part because of people like Ted.

I commit to you, Ted, we will keep working. We owe it to you.

I say to the youth of America, if you want a role model to aspire to and to inspire you, they do not come any better than men like Ted Guy. When looking for a hero, oftentimes young people look to professional athletes or others. You want to remember that a hero is not only somebody you care for, but if they are a real hero, that person will care about you, too.

Ted joined the Air Force in 1947. He served his country as an Air Force fighter pilot for the next 26 years. He

served in both the Korean and Vietnam wars flying the F-84 in the Korean theater and the F-4 in the Vietnam theater. On March 22, 1968, while attacking an automatic weapons position near the Vietnamese-Laotian border during the battle of Khe Sanh, Ted's plane was shot down and he was captured by the Communist forces.

Ted Guy was subsequently marched up the Ho Chi Minh Trail and then held in several POW camps in the Hanoi area, to include the infamous Hanoi Hilton. He was brutally tortured by the North Vietnamese to the point where he would pass out from severe beatings. He also was forced to spend nearly 4 years in solitary confinement.

He was one tough guy—Ted Guy. He did not talk about it much, though. You could not get him to talk about it. He was not looking for sympathy.

When he was finally removed from solitary confinement, he was put in a prison with more than 100 other U.S. military and civilian prisoners. He became the senior officer among them and was responsible for maintaining order, the chain of command, and the code of conduct among his fellow POWs.

His leadership and guidance helped his fellow POWs survive their ordeal. Many have said just that. Many referred to themselves as "Hawks' Heroes" in honor of Ted Guy.

To the code of conduct, Ted added his own personal code that consisted of two points. The first point was to resist until unable to resist any longer before doing anything to embarrass his family or his country. The second point was to accept death before losing his honor.

Ted once said:

Honor is something that once you lose it, you become like an insect in the jungle. You prey upon others and others prey upon you until there is nothing left. Once you lose your honor, all the gold in the world is useless in your attempt to regain it.

Mr. President, Ted Guy never, never lost his honor. What an inspiration he was to all Americans. I wish more Americans could have known him personally. I wish more Americans knew more about Ted Guy. He leaves behind his wife Linda of 26 years, four sons and two stepdaughters. He touched a lot of people—so many people.

However, his unselfish and patriotic sacrifices for America and his heartfelt concerns about efforts to account for his missing comrades from the Vietnam war who never made it home were huge accomplishments. I was proud to call him a friend, and I already miss him.

As with other POWs, Ted used a tap code in Hanoi to communicate through the walls with other POWs. It was an alphabet matrix—five lines across, five lines down. Ted used to end his messages by tapping the code "GBU," or "God bless you," and "CUL" for "See you later."

I end my tribute with the same message to Ted: "GBU CUL, Ted."

Mr. President, I ask unanimous consent that the tributes to Ted Guy from his son, his POW-MIA supporters, and his dear friend and fellow POW, "Swede" Larson, and also a copy of the tapping code, as Ted Guy used it, be printed in the RECORD.

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

A TRIBUTE TO TED GUY, SR. FROM HIS SON, TED GUY, JR.

On Friday, April 23rd, my dad passed away. Col. Ted Guy was a man of tremendous conviction, determination and patriotism. As his son, I would like to share with you a picture of my Dad you might not have been aware of. Please read this as a tribute from a son to his Dad.

It was a little over six months ago that Linda alerted me to the fact that Dad was not feeling well and he would be undergoing some tests. The test showed the seriousness of Dad's illness. I knew Dad would do everything he could to fight the cancer, as his five year experience in POW camp had provided a glimpse of his determination. However, my concern became that he would finish well. To finish well would be to be right with God. To be right with God would be to understand and accept God's word, the Bible. To accept God's word would be to receive Jesus Christ as one's Saviour.

When I visited with Dad shortly after Christmas, I gave him a copy of the book "Mere Christianity" by C.S. Lewis. On the cover of the book I had written, "Dad, I desire more than anything in life that you would spend eternity with me in heaven. I ask you to read this book with an open mind as it is written by a 'wannabe' fighter jock, C.S. Lewis."

Prior to giving this book to Dad, we had had discussions about Jesus Christ, but Dad felt he was pretty much a self made man and could make it on his own. But when your Dad is dying, you tend to again go the extra mile as my greatest concern was where would he spend eternity.

I am so pleased to report that Dad read the book. As he was fighting the cancer, his loving wife, Linda, would read from "Mere Christianity" to Dad every night before he went to bed. In addition, I gave Dad an audio cassette about the "proof of Christ." About two months ago, Dad called me and said he had listened to the tape and "it made a lot of sense." He also told me not to worry as he and God were going to be O.K.

Throughout these past four months, I have had the great privilege of seeing Dad do everything he could to beat the cancer. I believe he received outstanding care. I also believe the love and care shown Dad by Linda in helping him fight the cancer is a real example of loving and serving at its very best.

I have also seen Dad's heart towards God change. This change was reflected not only in what he said to people about the things of God, but this change was also reflected in the warmth and love he expressed to so many in his last days. He understood the love of Christ and the beauty of Christ's gift on the cross. But more than understanding, he accepted the gift of God through his Son Jesus Christ.

My wife, Rita, and my sons, David and Jeremy, will miss Dad. David and Jeremy will miss fishing with Granddad as well as being the only two people on the planet that could