

minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, it is time for this House to schedule a vote on gun safety legislation, legislation to keep guns out of the hands of children.

Often children are their very worst enemy, especially when a gun is involved. Yet, only 16 States have child access prevention laws. In fact, in most States, there are no laws requiring proper firearm storage.

Unlocked guns present an irresistible temptation to young adults and curious children. That is why we must pass legislation like the Children's Violence Prevention Act, to reduce children's access to guns, impose criminal penalties on adults who do not keep firearms out of the reach of children, and require manufacturers to make safe and child-proof guns.

Gun safety legislation alone will not solve the problem of juvenile violence or make our schools islands of safety overnight, because our children's safety must be protected on many fronts. But our children and their schools will be much safer when guns are not available.

#### CHILDREN'S VIOLENCE PREVENTION ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is violence all around us; and I think it is important that we address the question head-on as the Members of the United States Congress and the legislating body that the American people look to.

Guns do kill. And even if there are those who argue against the fact that people kill, guns do not, people use guns to kill. And our children have used guns to kill, so that 13 children die every day by the use of guns.

It is time now to pass the Children's Violence Prevention Act, the simple and direct way of showing the American people that we mean business in saving our children.

I call upon the Speaker to have a debate. I call upon him to review the gun laws across this Nation and find out, where States have enforced gun safety laws, and how children's deaths have come down.

And then, Mr. Speaker, I refer you to the conflict that is going on, in Kosovo, although I support our troops, and I have been to the refugee camps, and I want to see the refugees go home. I think it is now time to have a pause in the bombing and for the allies to seek a negotiated settlement to end the Kosovo conflict and to make sure that the refugees go home sooner rather than later. The longer we wait the more delayed will be the refugees return with a secured place to their homeland. It is time now to seek peace in the Kosovo conflict, that will only begin if we stop the bombing for a pe-

riod of time to allow the peace process to begin.

#### DEBATE ON GUN SAFETY LEGISLATION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, before Mother's Day, I joined with congressional women House Members to call on the gentleman from Illinois (Mr. DENNIS HASTERT) to schedule a debate on gun safety legislation by June 20th, Father's Day.

What I am hearing from mothers and fathers in my district is, "It is the guns, stupid." The tragedy in Littleton is just another grim reminder that gun violence is rampant, that our children are in danger, and that no community is immune from senseless violence.

In my suburban community of Evanston, Illinois, alone I have been to three funerals in the last 2 years of children killed by guns in the hands of our children.

For the sake of the millions of parents who see their children off to school every day, Congress must act. And there are sensible bills that we can act on. It is time to strengthen our laws to keep firearms out of the hands of children and to break the cycle of juvenile violence.

I feel that I owe it to my granddaughter, Isabelle, and to all the children in the United States and urge Americans everywhere to send a message to the Speaker: Let us debate this issue.

#### FUNDING FOR 2000 CENSUS

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I rise today to discuss funding for the 2000 census, a constitutionally mandated activity that will be the largest peacetime mobilization ever undertaken by this country.

Mr. Speaker, funding for the Census Bureau will cease on June 15 unless Congress acts to change current law. Let me say that I welcome the Republican leadership's recognition of the need to eliminate that funding deadline and agree with it entirely.

Republicans and Democrats disagree on the best way to conduct the 2000 census, but I think we can all agree on one thing, we should not shut down the government in little more than 4 weeks over this disagreement.

The Republican leadership has hinted that it may be interested in a truce on the census. Let us start by doing something we all agree on. Elimination of the June 15 deadline can easily be inserted in the supplemental appropriation measure this House will consider shortly.

I urge all Members of this body, both Republican and Democratic, to support such a measure.

#### COPS PROGRAM

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, there are lots of reasons, and the good news is, of course, that the crime rate has been dropping across the country. And there are lots of reasons.

There are two reasons I think I would like to talk about briefly today. The first is the COPS program that this Congress passed several years ago, putting 100,000 new police officers on the street, hundreds of them in West Virginia; and I believe that that has made a very powerful difference.

But there is another reason, too. Regardless of how that police officer puts on the uniform, whether the COPS program or whatever way they are funded, the important thing is the police officer themselves, the men and women who wear the uniform.

What we need to recognize in this Congress is still, while the crime rate is dropping, the danger that they face is still there, whether they are walking up on a deserted car on a highway, whether they are answering a call in a rural area, whether they are in the city. We need to remember their needs fundamentally and, most importantly, to say "thank you."

#### PROVIDING FOR CONSIDERATION OF H.R. 775, YEAR 2000 READI- NESS AND RESPONSIBILITY ACT

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 166 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 166

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only

in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the first time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follow another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. EWING). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my terrific colleague, the gentleman from South Boston (Mr. MOAKLEY) pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded will be for debate purposes only.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the pending resolution provides for the consideration of H.R. 775, the Year 2000 Readiness and Responsibility Act, under a structured rule with 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary.

The rule makes in order as an original bill for the purpose of amendment the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill, modified by the amendments printed in part 1 of the Committee on Rules report. The rule also makes in order only those amendments printed in part 2 of that report.

Mr. Speaker, the rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, Mr. Speaker, the rule provides one motion to recommit, with or without instructions.

This is a fair rule that provides for full and meaningful debate on all of the key issues relating to this very important legislation. There were 17 amendments submitted to the Committee on Rules. Of them, seven were made in order. Five of those seven amendments were authored by Democrats, including an amendment in the nature of a substitute, which as I recall was the first request made of me by the distinguished ranking member the gentleman from Massachusetts. It is the substitute offered by the gentleman from Michigan (Mr. CONYERS), the ranking Democrat on the full committee, and the gentleman from Virginia (Mr. BOUCHER) and the gentleman from California (Ms. LOFGREN), two other very able members of the committee.

Then I see my friend the gentleman from Texas (Ms. JACKSON-LEE) here. We were very pleased that we were able to make an amendment of hers in order. We have made amendments in order from the gentleman from Virginia (Mr. MORAN), who is an original cosponsor of the legislation, and the gentleman from Virginia (Mr. SCOTT) and the gentleman from New York (Mr. NADLER) as well. I believe that this rule is worthy of strong bipartisan support just as the bill itself is.

Mr. Speaker, uncertainty is the first word in any serious discussion of the year 2000, Y2K computer problem. The reality is no one, no one is certain what will happen in our digitally interconnected world if some computers and electronic machinery fail to deal with the year 2000 issue. Now, I pride myself on not being an alarmist, and I hope very much that we will not suffer any problems at all. But that does not mean that we can sit back and ignore this issue. As we move forward, we need to realize that the Y2K problem is not a partisan issue at all. In fact, I underscore, this is a very, very bipartisan issue. We all share the same priority.

I am in fact with the people, I will say. We want to solve potential problems that affect all the people before they occur. We need to do everything that we can to ensure that Americans can deal worry-free with such mundane tasks as making telephone calls or getting a car repaired or having a package delivered on time. I am very confident that we can all agree on that overall goal, to make sure that those things are able to work out.

There is absolutely no question that in today's digital economy, many private sector business operations involve multiple companies and numerous hardware and software systems. Therefore, being sure that systems will oper-

ate in the year 2000 demands teamwork. Companies need to work together in a positive way.

Mr. Speaker, I believe that the American private sector, the most energetic, creative and powerful force for positive change in the world, is up to the challenge of tackling these problems. In particular, our computer and software companies are the world's best and brightest. We should get this done, but we cannot have hurdles thrown up along the way. The reality today is that unbridled Y2K litigation is jeopardizing coordination and teamwork. This adversarial mentality hampers private sector efforts to solve Y2K problems. Adding another whole layer of uncertainty, and there is that word again, uncertainty, to Y2K planning is the wrong thing to do. It is discouraging cooperation at the very time that we desperately need as much teamwork as possible. While we need to do everything we can to solve Y2K problems before they happen, we also need to head off the temptation to scapegoat our vibrant high tech industries in the event of some failures.

This technology problem was set in place decades ago, many years ago. It is absolutely appropriate to expect high tech companies to marshal their abilities to solve Y2K problems, but we all lose if they are bankrupted by lawsuits.

Mr. Speaker, the bipartisan Year 2000 Readiness and Responsibility Act will replace the adversarial blame game with the kind of private sector cooperation needed to get Y2K problems solved. It is critical for everyone to understand just how broad the coalition supporting this legislation is. It goes far beyond high tech companies that produce computers and software. Instead, it includes a myriad of industries, big businesses, small businesses. They are the ones who use those products and see themselves as potential plaintiffs as well as potential defendants. Let me repeat. Most of them see themselves both as potential plaintiffs and potential defendants. That is why this legislation does not eliminate anyone's right to their day in court.

Mr. Speaker, at the end of the day, there is a basic difference of opinion dividing people on this bill. Some people claim that the fear of lawsuits is a good thing, that this threat drives companies to solve their Y2K problems. I totally disagree with that. I believe that line of reasoning represents a fundamental misunderstanding of our great private sector economy. It misses the point behind why our economy is the strongest in the world. Our system works because private sector businesses, entrepreneurs, want to succeed. They want to provide goods and services that consumers want. That same incentive is working to solve the Y2K problem. Remarkably, American businesspeople want to be in business in the year 2000. There is no greater incentive for business to find Y2K solutions than next year's bottom line.

Legal uncertainty is a hurdle standing in the way of teamwork and problem solving. This bill lowers that hurdle.

Mr. Speaker, I urge my colleagues to support this rule in a bipartisan way, and I urge them to support the bill. We look forward anxiously to a full and very vigorous debate on some of the changes that my colleagues are offering.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, my dear friend, my chairman for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I oppose this rule, and I oppose this bill in its current form. A number of responsible and well-crafted amendments were submitted to the Committee on Rules but are not allowed under this rule. Mr. Speaker, in 7 months the year 2000 will be upon us, and we will find out just how bad the Y2K problem really is. This seemingly small technical problem could have very serious effects on our everyday life. But hopefully it will not. High tech companies all over the country are doing what they can to prepare for it. They are making corrections in their programs, and they are preparing for the possibilities that their technical glitches could threaten medical care, food expiration dates and environmental safety. But, Mr. Speaker, this bill may change all that. I am not saying we should not prepare for the lawsuits related to the Y2K problem. The high tech community wants some legislative solutions. They want narrow legislative goals, and we should pass them. But we are not. My Republican colleagues are using Y2K fears and exaggerated predictions of lawsuits to bring this bill to the floor today, which can be summed up in one word, Mr. Speaker: Overkill. My Republican colleagues are using millennium fears to bring up the most far reaching tort reform legislation ever to come to the floor.

Mr. Speaker, again this is nothing but the widest, most severe tort reform legislation ever to come before us. What they are really doing is swatting a fly with a sledgehammer. This tort reform bill discourages corporate responsibility, it robs consumers of their ability to seek relief, it poses a disadvantage to small businesses, and it is hiding behind the skirts of the Y2K fears because it could not pass on its own.

If my Republican colleagues want tort reform so badly, they should bring a separate bill to the floor of the House and label it accordingly.

Mr. Speaker, the high tech companies did not ask for a broad tort reform bill, they did not ask for an overhaul of the American legal system, but that is exactly what we are giving them today. Although my Republican colleagues feel strongly about States rights, this bill would supersede most State law.

Mr. Speaker, this bill will not resolve Y2K problems. In fact, it may even

make companies less likely to correct the problems that they have. Under this bill, companies really have no incentive to fix things. Why repair the problem today if they are protected from any significant legal action tomorrow?

Both the Justice Department and the administration oppose this bill, as do consumer groups, environmental groups, and many doctors. As this April 26 New York Times editorial stated graphically: This legislation is misguided and potentially unfair. It could even lessen the incentive for corrective action. A potential crisis is no time to abrogate legal rights. Those are not my words. Those come right from the April 26 New York Times editorial page.

Mr. Speaker, I include that editorial in the RECORD at this point.

[From the New York Times, Apr. 26, 1999]

#### LIABILITY FOR THE MILLENNIUM BUG

With 249 days to go until the year 2000, many experts are alarmed and others are only mildly concerned about the danger of computer chaos posed by the so-called millennium bug. One prediction seems safe, however. Whatever the damage, there will be lots of lawsuits. In anticipation, some in Congress, mainly Republicans, want legislation to limit the right of people and businesses to sue in the event of a Y2K disaster. Their reasoning is that the important thing is to get people to fix their computer problems now rather than wait and sue. But the legislation is misguided and potentially unfair. It could even lessen the incentive for corrective action.

As most people know by now, the millennium bug arises from the fact that chips and software have been coded to mark the years with only two digits, so that when the date on computers moves over to the year 2000, the computers may go haywire when they register 1900 instead. A recent survey by a Senate Special Committee on the Year 2000 found that while many Government agencies and larger companies have taken action to correct the bug, 50 percent of the country's small- and medium-size businesses have not. The failure is especially worrisome in the health sector, with many hospitals and 90 percent of doctors' offices unprepared.

If hospitals, supermarkets, utilities and small businesses are forced to shut down because of computer problems, lawsuits against computer and software manufacturers will certainly result. Some experts estimate that liabilities could reach \$1 trillion. Legislation to protect potential defendants, sponsored by Senator John McCain of Arizona, is expected to be voted on in the Senate this week. The bill would impose caps on punitive damages and tighter standards of proof of liability, and provide for a 90-day waiting period in which the sued company would be allowed to cure the problem. The bills would also suspend "joint and several liability," under which wealthy defendants, like chip or software companies, could have to pay the full cost of damages if other parties could not be sued because they were overseas or unable to pay.

These provisions would curtail or even suspend a basic protection, the right to sue, that consumers and businesses have long enjoyed. The White House and the Congressional Democratic leadership are right to view such a step as unnecessary. Existing liability laws offer plenty of protections for businesses that might be sued. Proponents of the legislation argue, for example, that companies that make good-faith efforts to alert

customers of Y2K problems should not be punished if the customers ignore the warning, or if the companies bear only a small portion of the responsibility. But state liability laws already allow for these defenses. The larger worry is that the prospect of immunity could dissuade equipment and software makers from making the effort to correct the millennium-bug problem.

It might make sense to have a 90-day "cooling off" period for affected businesses to get help to fix as many problems as possible without being able to file lawsuits. But it would be catastrophic if stores, small businesses and vital organizations like hospitals and utilities were shut down for 90 days. They should have the same recourse to relief from the parties that supplied them with faulty goods that any other customer has.

Government can certainly help by providing loans, subsidies and expertise to computer users and, perhaps, by setting up special courts to adjudicate claims. Congress can also clarify the liability of companies once it becomes clear how widespread the problem really is. But before the new year, the Government should not use the millennium bug to overturn longstanding liability practices. A potential crisis is no time to abrogate legal rights.

Mr. Speaker, I urge my colleagues to support the Lofgren/Conyers/Boucher substitute which will make companies more likely to fix the millennium bug, weed out frivolous Y2K claims and encourage alternatives to lawsuits. I also urge my colleagues to oppose this very restrictive rule and this bill. It is just tort reform under another name. It will hurt ordinary citizens and small businesses who may find themselves facing some very, very serious problems in the millennium.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that we have just begun the battle of the Times.

□ 1100

The New York Times, which is in a great part of the country, very nice part of the country, it is a State that is well represented by my colleague from upstate, has come out with an editorial which is criticizing this bill. I am very proud that this morning's Los Angeles Times, which is actually the place where most of the work is going to be done that will solve the Y2K problem for the American people, has editorialized strongly in support. So when it comes to picking the New York Times versus the Los Angeles Times it is a no-brainer for me.

This L.A. Times editorial says it believes that protections against frivolous lawsuits are vital to dissemination of the honest information about Y2K readiness that the Nation needs. It goes on, in particular, the Congress must set limits on damages, encourage or mandate mediation as an alternative, and set grace periods giving companies time to fix Y2K problems, and there must be penalties in place for those who institute spurious lawsuits. All of these provisions are intact in the Y2K Readiness Act that we are going to be considering today.

So, Mr. Speaker, comes between those two newspapers, it is an easy call for me.

Mr. Speaker, I insert the LA Times editorial for the RECORD:

[From the Los Angeles Times, May 12, 1999]

THE BUG'S LEGAL BITE

What figures to be the most costly aspect of the so-called year 2000 bug? Well, it could be an onslaught of Y2K-related lawsuits, many of which might use the Y2K hook to seek damages for frivolous or unrelated problems. That, should it come, could well surpass the costs of real Y2K problems. Clearly, temporary liability protections should be in place.

The computer glitch involves short-sighted programming in which two digits were used to denote a year. What will happen when the 99 that designates the current year rolls over to 00? If computers think it's 1900, not 2000, serious problems could arise, and many of them would surely find their way into the courts.

Congress is awash in bills intended to protect businesses against Y2K-related lawsuits. This is serious stuff. A rash of suits by aggrieved customers and suppliers could damage the economy. The bills in Congress set forth a number of protections, from caps on punitive damage awards and required mediation to grace periods to allow defendants the time to fix the problem—anything from disrupted supply to computer crashes. The California Legislature too is looking for legal solutions.

Unfortunately, the strongest congressional bills, which were by no means perfect to begin with, have been greatly watered down or will be. Generally, the legislation is opposed by public-interest groups and trial lawyers and others who fear it as a back-alley path to permanent limitations on the right to sue. They worry that legitimate lawsuits could be crippled.

The Times believes that protections against frivolous lawsuits are vital to dissemination of the honest information about Y2K readiness that the nation needs. President Clinton and Congress pushed through legislation designed to encourage large businesses to own up to their Y2K problems, but its success has been mixed at best. As of February, the Securities and Exchange Commission reported, companies had filed only limited information on their Y2K readiness.

Every business relies on others. True Y2K readiness extends to a company's suppliers and vendors. Currently, when businesses ask associated companies whether they are prepared for the year 2000 glitch, they are too often greeted with foot-shuffling silence.

For obvious reasons, many companies are unwilling to talk. If a supplier is inclined to acknowledge that it is not or might not be ready, it is deterred because its vendors surely will look for another source. If a supplier claims it is Y2K-ready and it turns out that it wasn't, the supplier figures it will be sued. Unless strong protections against frivolous lawsuits are in place, this stalemate will continue and companies will lack the confidence they need to work with those that are not fully prepared.

The Congress must set limits on damages, encourage or mandate mediation as an alternative and set grace periods giving companies time to fix Y2K problems. And there must be penalties in place for those who institute spurious lawsuits. The Congress has enough options before it to fashion comprehensive and fair legislation.

These bills should not represent a long-term abrogation of legal rights. Y2K liability protection is a necessary short-term fix for a once-in-a-modern-civilization problem, and

new laws must have a strict time limit. Proper legislation can and should prevent billions of dollars in unnecessary lawsuits.

Mr. DREIER. Mr. Speaker, with that, I yield such time as he may consume to the gentleman from Buffalo, New York (Mr. REYNOLDS), my friend and very able member of the Committee on Rules who is going to tout the arguments of the Los Angeles Times.

Mr. REYNOLDS. Mr. Speaker, to my colleagues, the gentleman from California (Mr. DREIER) and the gentleman from Massachusetts (Mr. MOAKLEY), I must say that editorials are supposed to be thought-provoking, and while I am a daily reader of the New York Times and their editorial pages have given me great opportunities to reflect on their comments and some of my views, it is true that the gentleman from California (Mr. DREIER) has pointed out the bug's legal bite which appeared in today's in Los Angeles Times has also given me thought-provoking aspects of a message that I think the gentleman has outlined. But I think the first paragraph really sets the tenor for my cosponsorship and support of this legislation, what figures to be the most costly aspect of the so-called Year 2000 bug.

Mr. Speaker, it could be an onslaught of Y2K-related lawsuits, many of which might use the Y2K hook to seek damages for frivolous or unrelated problems. That, should it come, could well surpass the cost of real Y2K problems. Clearly, temporary liability protections should be in place.

It is clear to me that uncertainty must be the first word in Y2K discussions. No one is certain what will happen in our digitally-interconnected world should some computers and electronic machinery fail to deal with the year 2000. The threat of Y2K legislation, replacing coordination and teamwork with the threat of adversarial litigation is hampering the private-sector effort to solve the Y2K problems by adding another whole layer of uncertainty to Y2K planning and discouraging cooperation.

H.R. 775 is focused on replacing the adversarial blame game with the kind of private-sector cooperation needed to get Y2K problems solved. The bill enjoys bipartisan support and is backed by a very broad coalition of private sector groups, the private sector coalition, far beyond high-tech companies that produce computers and software. Instead, it includes industries, big businesses and small that use these products and see themselves as potential plaintiffs as well as potential defendants.

Finally, the threat of lawsuits is not driving companies to solve their Y2K problems. Instead, business simply wants to be in business in the year 2000. There is no greater incentive for business to find Y2K solutions than next year's bottom line. Legal uncertainty is a hurdle that stands in the way.

In summary, Mr. Speaker, this legislation reduces excessive litigation; it

encourages mediation and for businesses to solve its problems; and, finally, it protects everyone's right to a day in court.

Mr. Speaker, the rule that is before us is fair, it is bipartisan, it gives a clear opportunity for debate today. I urge passage of the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding this time to me.

Mr. Speaker, as we debate this particular legislation, the House Committee on Science meets today and announces that the Y2K will not affect our satellite system. That is good news. But we also recognize that the Y2K is a viable concern for most Americans. In fact, throughout our districts we are holding Y2K hearings and meetings to inform our constituents of the impact of Y2K.

So, I am appreciative of the fact that we are debating this question, and might I say to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules and my friend, I am certainly appreciative of the wisdom of the Committee on Rules and his generosity in making one of my amendments in order. I believe, however, that we have a serious problem with this legislation.

As a member of the Committee on Science, I heard hearings in that committee and, as well, in the House Committee on the Judiciary, and much of the testimony opposed this bill. Although some of you have disagreed with the New York Times editorial, which opposes this bill also, I think one sentence is really relevant to this legislation. It states that this legislation or these provisions in this legislation "would curtail or even suspend a basic protection, the right to sue that consumers, that businesses have long enjoyed."

The N.Y. Times opinion is not saying that it prevents litigants from being litigious and frivolous. It says that they will be denied the basic protection of the right to sue; and, frankly, Mr. Speaker, that is what is wrong with this legislation. We are not talking about one big business versus another. We are actually talking about hospitals and supermarkets, utilities and small businesses which are forced or may be forced to shut down if they need to sue over their Y2K problem and this bill tip the scales of justice against them. They are going to be less able to pursue their problems in terms of litigation.

I am concerned about this rule. I wish it was an open rule because two of my amendments were denied. One of those amendments was an important one that I drafted, which would have sunsetted the provisions of the bill after 2 years in line with the statute of

limitations in most States, including my home State of Texas. If this bill is designed to bring certainty to our legal system, then the best thing we can do is to make certain that its provisions will be stricken from the books after a predetermined amount of time. We should not allow its provisions to be borrowed or referenced by new statutes passed by this House several years down the line. This is not automatic tort reform. This is especially true of some of the more extreme provisions in this bill that affect class action status, put caps on punitive damages and eliminate joint and several liability.

Let me refer my colleagues to the remarks by Mr. Thomas Donohue that this is, in fact, a special case bill, meaning that it is based on a unique problem posed by the Y2K bug. Because of that, it is reasonable that it should be sunsetted. The President and CEO of the United States Chamber of Commerce as I mentioned, the main proponents of the bill, have testified that this bill is different from others simply because of its magnitude. When questioned by a Congresswoman at our science hearing earlier this year, he stated that "this bill is different because everybody is in the same boat at a very, very challenging time. It is choppy waters. We look for a way not to upset the very fine balance in our economy. I think that needs special consideration."

So, Mr. Speaker, the emphasis on special consideration I think argues for the point that a sunset provision is a viable provision, it is a fair provision. It says we have a problem dealing with Y2K, the year 2000, but this bill is narrowly focused on that and does not then characterize the whole legal justice system, and should not have extended life.

We should take Mr. Donohue's testimony at its face value. This problem is a temporary and special one, and therefore we should ensure that none of the dangerous pro-defendant provisions in this bill that unbalances the scale of justice outlives the Y2K bug.

A second amendment that I would have liked to have offered was an attempt to bring equity back to the table in this difficult and contentious time. During the Committee on the Judiciary's sole hearing on this bill just a few weeks ago, I noted there was a series of provisions that heavily tipped the delicate balance of justice to defendants. Many of these provisions are procedural in nature.

My amendment would remove one of the procedural obstacles that remains for plaintiffs in the current version of this bill, the provision that deals with the ability to collect punitive damages. Under section 304 a plaintiff must prove by clear and convincing evidence that the conduct of the defendant was reckless, indifferent to the rights of others and that the defendant's behavior was the proximate cause of the plaintiff loss.

Mr. Speaker, my amendment does not change the two prongs that the

plaintiff must prove to gain access to punitive damages. It does change the procedural standard that must be met in order for them to win their case. The change is from the heightened standard of clear and convincing evidence to the common standard used in other cases, preponderance of the evidence.

Mr. Speaker, I started out by saying this is a special case piece of legislation. In addition, it deals with the everyday citizen, the supermarket owner, the hospital worker, the small business owner. Why are we putting an onerous burden of clear and convincing evidence on the guy that just needs his supermarket cash register to work.

Like one of the witnesses said: "My grocery store shut down when I had a Y2K problem." Are we going to put the burden of clear and convincing evidence on this small business person who is simply trying to make a living?

Mr. Speaker, I wish the rule was an open rule. I thank the chairman of the Committee on Rules for his generosity in allowing one of my amendments in. However, I oppose the rule because this is an important issue that should be addressed more deliberatively and should not be as imbalanced against the consumer as H.R. 775 is.

Mr. Speaker, I rise to speak in opposition to this rule, which sets the debate for H.R. 775, the Year 2000 Readiness and Responsibility Act of 1999.

This is an important bill that will help us transition into the Year 2000. It is a dangerous bill because its provisions are far reaching, perhaps far-more-reaching than is demanded by this problem. Perhaps because this bill is not the result of an honest attempt to remedy the Y2K problem, but rather an attempt to gain the favor of the high tech industry. What is important to note, however, is that this bill does much more than what the high-tech community needs, and far more than what they have asked for. If we are to tackle the Y2K bug in earnest—and pass a meaningful Y2K bill, we need a full and robust debate under an open rule. Therefore, I would like to urge my colleagues to reject this rule.

I also oppose the recommended rule because a great number of solid and deserved amendments were not made in order. One of those amendments was an important one that I drafted which would have sunsetted the provisions of this bill after two years—in line with the statutes of limitations in most states, including my home State of Texas.

If this bill is being designed to bring certainty to our legal system, then the best thing we can do is make certain that its provisions will be stricken from the books after a predetermined amount of time. We should not allow its provisions to be borrowed or referenced by new statutes, passed by this House several years down the line. This is especially true of some of the more extreme provisions in this bill that affect class action status, put caps on punitive damages, and eliminate joint and several liability.

Additionally, by adding a sunset provision to this bill, we could have encouraged further remediation as we transition into the year 2002. Defendants who, up until December of 2001, had still not fixed an existing Y2K defect, would have known that they must act quickly

to remediate the problem before they could no longer invoke the protections of this bill.

This is supposed to be a "special case" bill, meaning that it is based on the unique problem posed by the Y2K bug. Even Mr. Thomas Donohue, the President and CEO of the United States Chamber of Commerce, whom are the main proponents of the bill, has testified that this problem is different from others simply because of its magnitude. When questioned by Congresswoman RIVERS at a Science hearing earlier this year, he stated that this bill is different because "everybody is in the same boat at a very, very challenging time. It is choppy water. We ought to look for [a] way not to upset the very fine balance in our economy. I think that needs your special consideration."

We should take this testimony at its face value—this problem is a temporary and special one, and therefore, we should ensure that none of the dangerous pro-defendant provisions in this bill outlive the Y2K bug. We should send this rule back to the Rules Committee so that we can have a meaningful debate on a sunset provision.

A second amendment that I would have like to have offered was an attempt to bring equity back to the table in this difficult and contentious time.

During the Judiciary Committee's sole hearing on this bill just a few weeks ago, I noted that there were a series of provisions that heavily tipped the delicate balance of justice to defendants. Many of those provisions are procedural in nature—requiring that the plaintiff overcome huge obstacles in order to win a case against an entrenched defendant.

My amendment would remove one of the most significant procedural obstacles that remains for plaintiffs in the current version of this bill—the provision that deals with the ability to collect punitive damages. Under Section 304, a plaintiff must prove by "clear and convincing evidence" that the conduct of the defendant was recklessly indifferent to the rights of others, and that the defendant's behavior was the proximate cause of the plaintiff's loss.

While my amendment does not change the two prongs that the plaintiff must prove to gain access to punitive damages, it does change the procedural standard that must be met in order for them to win their case. The change is from the heightened standard of "clear and convincing evidence" to the common standard used in other cases—"preponderance of the evidence".

We must remember, damages that are punitive are dealt as punishment for behavior that is reprehensible. I believe that most, if not all of you would agree, that in the cases of the Produce Palace and Medical Manager, both of which were the subject of significant discussion during the Judiciary Committee's deliberations, punitive damages should have been awarded had a judgment been rendered. In both cases, vendors of computer systems were sued for selling non-Y2K compliant systems even after questioning on that issue by the plaintiffs. And in both cases, the defendants were incredibly delinquent in their responsiveness to their customer's needs, ignoring hundreds of phone calls, and in the Medical Manager case, holding back a simple "patch" solution that would have cleared all of the plaintiff's misery in minutes—just so that they could extort more money out of the plaintiffs.

If we are to provide a deterrent for this type of behavior, then we ought to make sure that

punitive damages are realistically achievable. This bill, as currently written, does not provide that. And under this rule, we will not have a chance to fix it.

The Y2K bug is a formidable foe for us to grapple with, I agree, but that does not mean we ought to trammel upon the rights of business-owners and individuals all over the country to defeat it. Furthermore, we should not abdicate Y2K solution providers of responsibility for their own actions, especially when they engage in egregious behavior, no matter how noble the cause.

This bill is a step in the wrong direction, and we should have every opportunity to improve it. I urge you all to reject this rule, and give this House the opportunity to show their support for each of the amendments that were offered at the Rules Committee.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Texas wishes it were an open rule but thanks me for my generosity. I will take that one.

Let me say that we have just gotten a news flash, and that is the fact that the Fairfax Journal has now joined the Los Angeles Times in editorializing in strong support of this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Fairfax, Virginia (Mr. DAVIS), my friend and the prime sponsor of the measure who has been our leader on this and done a terrific job.

Mr. DAVIS of Virginia. Mr. Speaker, let me also thank the gentleman for making the amendment offered by the gentlewoman from Texas in order. He can see the gratitude he gets, the vote on the rule, but we have tried to try to streamline this and make this an appropriately structured rule where both sides to this argument get their substitutes, they get their amendments in, and we can have an honest debate here on the House floor over exactly how to best remedy this Y2K situation.

Let me make a couple of comments going in:

First of all, the fastest growing part of the American economy today is our technology sector. They are leading the way in the stock market, in terms of job production, in terms of producing tax revenues, and we are threatening this area with Y2K lawsuits over something that, in many cases, these companies are doing everything they can to rectify, and sometimes it is beyond their means to control.

For example, one can have their system perfectly cleaned up, they can have tested it, it can work, and then somehow someone who they never interacted with because of the interconnectivity of this ends up connecting with them, communicating with them, and it brings their system down. And under this legislation, even though they really had nothing to do with the problem except having a computer modem where someone could talk to them, could communicate with them, they could be held liable for all of the damages that may ensue, plus punitive damages of an unlimited amount.

That is not fair. But not only is it not fair, it threatens the fastest-growing part of the American economy. In a time when our technology sector is leading the way in a world economy, we threaten to burden it down, so instead of investing their profits in new products where we can remain competitive, these products, the products would not be invested in, and, in fact, money would have to be tied up in litigation, in lawsuits, in settlements, in attorney fees.

Mr. Speaker, what that does to America on the world marketplace is it moves us down, makes us less competitive, costs Americans' jobs and will have long-term effects on the American economy. And, of course, the administration that opposes this legislation and others would find it will not be here at the time when we see what results are ensuing.

Now we have talked a little bit about these are extreme provisions I heard from the other side that we have in this provision. Some of these extreme provisions have been voted out of this House by pretty substantial margins in other legislation before by both Republicans and Democrats, but let me talk about one of the extreme provisions.

We talk in class actions. If an attorney comes forward and makes me part of a class, maybe he bought a set of toasters that malfunctions because the microchip in there was not Y2K compliant and purports to represent me. All we require is for that attorney who purports to represent me, who can settle on my behalf, cut off my access to legal system, be required to notify me so that I can have an opportunity to opt out or get my attorney if I want. That is one of the extreme provisions that they discuss from the other side because it revises existing law in some States.

It does deal in some cases a little bit differently with the Uniform Commercial Code, but we have to remember we are in an information age, and a lot of the old rules are going to fall by the wayside if we are indeed going to remain competitive.

Joint and several liability is an issue that even the administration has been willing to address. Their concern has been that if we go to proportional liability we may not have the real culprits and be able to hold them in line and the consumer may not be able to get their full damages. Under our legislation, if one causes only part of the problem, they are only held to part of the damages in this case, and I think that is fair. If one has a company and they try to come in and fix an information technology system and during that time they make it better but it is still not corrected and someone is damaged, they can be punished for trying to fix that.

□ 1115

That is having an effect today on companies coming forward and being willing to fix some of these systems be-

cause they know that just by touching a system if something should go wrong downstream they can be held under the doctrine of joint and several liability, liable for all of the damages.

As a result of that, companies who come in and try to fix problems are really putting down some very burdensome rules and regulations in terms of the systems they are trying to fix on the people who are trying to get the systems fixed and that hurts hospitals, it hurts small businesses, it hurts grocery manufacturers, and other groups like that.

That is why the National Federation of Independent Businesses support this legislation. That is why the Chamber of Commerce and any number of business organizations who are potential plaintiffs as well as defendants support this legislation, because under this legislation, if someone is damaged by a Y2K problem they get their full damages. In fact, they can get three times their damages in punitive of the actual economic harm. They can get three times that in punitive damages, or \$250,000, whichever is least.

So they can move ahead and get it, but what we take away are these long-term, high end, without-cap punitive damages that some jury in some jurisdiction can bring down some of the fastest growing and productive companies that we have in this country. That is what we are trying to fix. It is a one-time problem.

The Y2K problem applies to the year 2000. We will not see this problem again for another 1,000 years, at best. That is why this does not go to the heart of tort reform and we have constructed this legislation in a way that we are not trying to rewrite tort law for any and all claims, for any and all instances. We even exempt bodily harm and death and disability and those kind of issues that pertain to this.

For product liability and the like, if someone causes the problem they ought to pay, but we should not jeopardize the fastest growing part of the American economy.

Mr. Speaker, I support the rule on this. I think it has been fair to all sides. I would be happy to support it and would urge my colleagues to do likewise.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, for yielding me this time.

Mr. Speaker, I rise today in opposition to the rule on our debate of H.R. 775, the Year 2000 Readiness and Responsibility Act. I do this, I think, probably to the surprise of many Members on both sides of the aisle because I have the privilege of representing what I think is one of the most distinguished congressional districts in the country, the home of high technology in Silicon Valley. This is an issue that



certainly worries them and can have an overall impact and effect on them.

The Y2K liability problem certainly is a serious one. We here in the Congress have the responsibility to shape something that is both reasonable and effective, that will really touch on all of the bases that the companies and many of their customers are concerned about.

I oppose 775 for the following reasons: I believe it is overreaching and so I think that we need to pull in in several areas to make it a more effective bill that will not be vetoed by the White House; nor a response that is simply going to fail on the floor to secure the right amount of support on both sides of the aisle.

So in order to reach, I think, the ultimate bipartisan compromise on this issue, we need to look to proportionate liability, the punitive damages areas and the attorneys fees that are in the bill.

As I said, I think the bill goes too far. It would set up a rigid system of proportionate liability. The plaintiff would have to institute a separate lawsuit against every possible wrongdoer.

Now to those that look to me for some kind of leadership on these issues, I know something about proportionate liability. I shaped a bill that ultimately was supported with bipartisan broad support. I shaped something in private securities litigation reform where companies were joint and severally liable only in certain situations. Even then, it created a more proportionate way of determining the share of liability.

The cap on punitive damages in H.R. 775 is also troubling.

Thirdly, the reasonable efforts defense contained in the bill that is going to be debated is opposed strongly by the Department of Justice because it sets up a new standard for businesses to avoid lawsuits.

I applaud anyone that wants to come forward to help speak to the problem that our country faces with Y2K and the liabilities that might ensue as a result of it. I do not believe, in my best judgment, my fair judgment, that H.R. 775 answers that. I believe the other body is moving toward consensus, especially in the areas that I just outlined.

I will work with Members from both sides of the aisle. I do not think that we should advance something that we clearly know the White House is going to veto. Nor do I think simply bringing something to the floor, where we know it is going to fail here on the floor, is the answer. We really need something that is reasonable and effective and I stand ready to do that. For the reasons that I outlined, and others that I did not, I will not only oppose the rule but I oppose 775.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I said, just to quote the New York Times editorial, April 26 of this year, this legislation is misguided and potentially unfair. It could

even lessen the incentive for corrective action. A political crisis is no time to abrogate legal rights.

Mr. Speaker, I think that says it all. Also, the Attorney General of the United States is going to recommend to the President of the United States to veto this bill if it is passed in its present form.

Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is very important legislation. We have gone through, over the past several years, securities litigation reform which was very, very critical, but I happen to believe that dealing with this Y2K issue is something that not a lot of people are focused on but quite frankly needs to be addressed, because the ramifications are overwhelming.

We have our colleagues here in the House, the gentleman from California (Mr. HORN) and the gentlewoman from Maryland (Mrs. MORELLA), who are working on the governmental involvement with Y2K. This is a measure that we are going to be addressing here today that impacts the private sector primarily, but obviously it has an impact that will be very, very far-reaching.

Now, as we have listened to this debate, some are trying to argue that this is special interest legislation, special interest legislation which is designed to simply help those who created some sort of problem.

Nothing could be further from the truth. We have to recognize that this legislation is being supported by those who will be both plaintiff, potentially plaintiff, and defendant.

If we look at the organizations that have come out in support of this measure, they are not organizations that are simply in the business of trying to find a solution. They are the organizations which are potentially impacted by it, groups like the National Federation of Independent Business; the Chamber of Commerce; the National Association of Manufacturers; one of the largest organizations, which we all want to address, the League of Cities, they potentially could be imposing lawsuits on this thing.

We have the National Retail Federation, the National Restaurant Association, and actually we have over here the list. My eyes glazed over when I started to look at it, because we have energy companies all over this Nation, we have organizations that are supportive of this measure.

So if there is, in fact, a special interest it is the interest that is opposed to this measure.

My brother-in-law is a trial lawyer in Chicago, Illinois. I will say that we often have interesting family discussions because while I have been supportive, and I want to make sure that everyone has a right to their day in court and there is nothing in this legislation that denies their day in court,

but the colleagues of my brother-in-law from around the country are unfortunately in the process of developing what is really a cottage industry, a cottage industry getting ready to strike.

Our goal here is very simple. We want to mitigate rather than litigate. We want to take care of this problem before it takes place. There is so much common sense to that.

This is a one-time effort. We are not changing this in perpetuity. It is a one-time effort so that we can deal with this Y2K problem, so that the everyday lives of people can continue; so that they can make telephone calls, they can make sure that the flow of their electricity continues. We want to do it as early as possible, and that is why this is a bipartisan measure.

I know some people have tried to describe it as partisan. Upstairs in the press gallery, my colleagues, the gentleman from Virginia (Mr. DAVIS) and the gentleman from California (Mr. COX) joined me on the Republican side, and on the Democrat side we have the gentleman from Virginia (Mr. MORAN), my fellow Californian, the gentleman from California (Mr. DOOLEY), the gentleman from Alabama (Mr. CRAMER), three Republicans and three Democrats moving ahead with this.

We have had consistent opposition from the administration until we received the news this morning that they are willing to work with us on it.

So it is a very important measure. I am proud of the rule. As I said, we have made in order amendments from the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, and he is joined by the gentleman from Virginia (Mr. BOUCHER), and my fellow Californian, the gentlewoman from California (Ms. LOFGREN).

We have also been able to make in order amendments that were proposed by the gentleman from New York (Mr. NADLER), and by our friend, the gentlewoman from Texas (Ms. JACKSON-LEE). So of the 7 amendments we made in order of the 17 that were filed, 5 of them have been offered by Democrats.

This stresses the fact that we want to have a full debate, allowing for consideration of amendments from both sides of the aisle, but when it gets to the end I hope that we will pass very positive legislation which will ensure that we can keep the lives of the American people going on track just as smoothly as possible.

I urge support of the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EWING). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 188, not voting 9, as follows:

[Roll No 123]

YEAS—236

Aderholt	Gilcrest	Packard
Archer	Gillmor	Paul
Army	Gilman	Pease
Bachus	Goode	Peterson (MN)
Baker	Goodlatte	Petri
Ballenger	Goodling	Pickering
Barr	Goss	Pitts
Barrett (NE)	Graham	Pombo
Bartlett	Granger	Porter
Bass	Green (WI)	Portman
Bateman	Greenwood	Pryce (OH)
Bereuter	Gutknecht	Quinn
Biggert	Hall (TX)	Radanovich
Bilbray	Hansen	Ramstad
Bilirakis	Hastings (WA)	Regula
Bliley	Hayes	Reynolds
Blunt	Hayworth	Riley
Boehlert	Hefley	Roemer
Boehner	Herger	Rogan
Bonilla	Hill (MT)	Rogers
Bono	Hilleary	Rohrabacher
Boucher	Hobson	Ros-Lehtinen
Boyd	Hoekstra	Roukema
Brady (TX)	Holden	Royce
Bryant	Holt	Ryan (WI)
Burr	Horn	Ryun (KS)
Burton	Hostettler	Salmon
Buyer	Houghton	Sanford
Callahan	Hulshof	Saxton
Calvert	Hunter	Schaffer
Camp	Hutchinson	Sensenbrenner
Campbell	Hyde	Sessions
Canady	Isakson	Shadegg
Cannon	Istook	Shaw
Castle	Jenkins	Shays
Chabot	Johnson (CT)	Sherwood
Chambliss	Johnson, Sam	Shinkus
Chenoweth	Jones (NC)	Shuster
Coble	Kasich	Simpson
Coburn	Kelly	Sisisky
Collins	King (NY)	Skeen
Combest	Kingston	Smith (MI)
Condit	Knollenberg	Smith (NJ)
Cook	Kolbe	Smith (TX)
Cooksey	Kuykendall	Souder
Cox	LaHood	Spence
Cramer	Largent	Stearns
Crane	Latham	Stenholm
Cubin	LaTourette	Stump
Cunningham	Lazio	Sununu
Davis (VA)	Leach	Sweeney
Deal	Lewis (CA)	Talent
DeLay	Lewis (KY)	Tancredo
DeMint	Linder	Tauscher
Diaz-Balart	LoBiondo	Tauzin
Dickey	Lucas (KY)	Taylor (MS)
Dooley	Lucas (OK)	Taylor (NC)
Doolittle	Manzullo	Terry
Dreier	McCarthy (NY)	Thomas
Duncan	McCollum	Thune
Dunn	McCrery	Tiahrt
Ehlers	McHugh	Toomey
Ehrlich	McInnis	Trafigant
Emerson	McKeon	Upton
English	Metcalf	Walden
Everett	Mica	Walsh
Ewing	Miller (FL)	Wamp
Fletcher	Miller, Gary	Watkins
Foley	Moran (KS)	Watts (OK)
Forbes	Moran (VA)	Weldon (FL)
Ford	Morella	Weldon (PA)
Fossella	Myrick	Weller
Fowler	Nethercutt	Whitfield
Franks (NJ)	Ney	Wicker
Frelinghuysen	Northup	Wilson
Galleghy	Norwood	Wolf
Ganske	Nussle	Young (AK)
Gekas	Ose	Young (FL)
Gibbons	Oxley	

NAYS—188

Abercrombie	Andrews	Baldwin
Ackerman	Baird	Barcia
Allen	Baldacci	Barrett (WI)

Becerra	Hoeffel	Ortiz
Bentsen	Hooley	Owens
Berkley	Hoyer	Pallone
Berman	Inslee	Pascrell
Berry	Jackson (IL)	Pastor
Bishop	Jackson-Lee	Payne
Blagojevich	(TX)	Pelosi
Blumenauer	Jefferson	Phelps
Bonior	John	Pickett
Borski	Johnson, E. B.	Pomeroy
Boswell	Jones (OH)	Price (NC)
Brady (PA)	Kanjorski	Rahall
Brown (FL)	Kaptur	Rangel
Brown (OH)	Kennedy	Reyes
Capps	Kildee	Rivers
Capuano	Kilpatrick	Rodriguez
Cardin	Kind (WI)	Rothman
Carson	Klecza	Roybal-Allard
Clay	Klink	Rush
Clayton	Kucinich	Sabo
Clement	LaFalce	Sanchez
Clyburn	Lampson	Sanders
Conyers	Lantos	Sandlin
Costello	Larson	Sawyer
Coyne	Lee	Schakowsky
Crowley	Levin	Scott
Cummings	Lewis (GA)	Serrano
Danner	Lipinski	Sherman
Davis (FL)	Lofgren	Shows
Davis (IL)	Lowe	Skelton
DeFazio	Luther	Smith (WA)
DeGette	Maloney (CT)	Snyder
Delahunt	Maloney (NY)	Spratt
DeLauro	Markey	Stabenow
Deutsch	Martinez	Stark
Dicks	Mascara	Strickland
Dingell	Matsui	Stupak
Dixon	McCarthy (MO)	Tanner
Doggett	McDermott	Thompson (CA)
Doyle	McGovern	Thompson (MS)
Edwards	McIntyre	Thurman
Eshoo	McKinney	Tierney
Etheridge	McNulty	Towns
Evans	Meehan	Turner
Farr	Meek (FL)	Udall (CO)
Fattah	Meeks (NY)	Udall (NM)
Filner	Menendez	Velazquez
Frank (MA)	Millender-McDonald	Vento
Frost	Miller, George	Visclosky
Gejdenson	Minge	Waters
Gephardt	Mink	Watt (NC)
Gonzalez	Moakley	Waxman
Gordon	Mollohan	Weiner
Green (TX)	Moore	Wexler
Gutierrez	Murtha	Weygand
Hall (OH)	Nadler	Wise
Hastings (FL)	Neal	Woolsey
Hill (IN)	Oberstar	Wu
Hilliard	Obey	Wynn
Hinchev	Olver	
Hinojosa		

NOT VOTING—9

□ 1147

Mr. MALONEY of Connecticut changed his vote from "yea" to "nay."

Mr. FORD changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 775.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### YEAR 2000 READINESS AND RESPONSIBILITY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 166 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 775.

□ 1152

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from California (Ms. LOFGREN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

As we all know, the end of the millennium is rapidly approaching, and rather than looking ahead to the promise and possibility of the 21st century, Americans are approaching it with concern.

They are fearful because January 1, 2000, will bring with it the Y2K computer bug, a result of the decision made in the 1960s by computer programmers to design software that recognized only the last two digits rather than the full four digits of dates in order to conserve precious computer memory.

When the clock turns from December 31, 1999, to January 1, 2000, some computers will interpret "00" to mean that the date is 1900 rather than 2000. With dates being critical to almost every layer of our economy and across vast numbers of industries, systems that are noncompliant will disrupt the free flow of information that forms the underpinnings of our Nation's economy.

Many Y2K computer failures could occur weeks and months before January 1, 2000, and the barrage of Y2K lawsuits has already begun. CNETnews.com has reported over 80 Y2K lawsuits already filed, with 790 demand letters for new Y2K suits issued.

These legal obstacles are preventing good-faith efforts toward fixing Y2K computer problems. We are fighting the clock; we should not also be fighting an unnecessarily hostile legal environment.

It has been estimated that Y2K litigation could cost \$2 to \$3 for every dollar spent on actually fixing the problem. Y2K litigation cost predictions range from \$300 billion to \$1 trillion,