

Under this bill, as I understand it, if they do not accept this Boxer amendment, which clearly they are not, and if it is not adopted, which it probably will not be, as I understand it, all the company has to do is write back and say: We got your notification; we will stay in touch with you.

Mr. HOLLINGS. Exactly.

Mrs. BOXER. Right? Now they qualify for the special protections under this law. They do not have to fix it. They certainly do not have to fix it for free.

Mr. HOLLINGS. Exactly.

Mrs. BOXER. If they fix it, they can charge more than what the computer costs. My friend has proof of that; does he not?

Mr. HOLLINGS. That is exactly right. That came out at the hearings. Witnesses have attested to it.

Mrs. BOXER. The bottom line is, if we do not adopt this Boxer amendment, then what is in this bill to encourage fixing the problem? This is ironic, because the idea is to stop the litigation, fix the problem, have a cooling off period where we remediate the problem.

DAVID DREIER and CHRIS COX in 1998 understood it. They put it in their bill. My friends on the other side, having indicated they would be inclined to take this amendment with some changes, I agreed to those changes. Yet, we were still unable to reach an agreement.

I am perplexed, I say to my friend. What are we doing here anyway? What is this about? Is this about protecting the consumer? Is this about getting things fixed? Is this about standing proud of the good computer companies that are making the fix?

Mr. HOLLINGS. The last thing a computer purchaser, a user wants to get involved with is law. That is the last thing. That is what they are saying in the bill. The intent of the McCain measure provides you do not get into racing to the courthouse.

The answer to the Senator's question is, that is exactly what is required; namely, I am a computer purchaser and user and it goes on the blink. I am trying to get in touch with them, and they know the laws. I never heard of the law. They will not hear of it, whatever it is. I have written a letter, and I keep calling, and like the doctor from New Jersey who testified before the Commerce Committee said, he called at 2 weeks, 3 weeks and nothing happened. They like that, because the computer operator and purchaser do not know anything about these special laws and provisions of the McCain measure.

What happens is, it puts them into a bunch of legal loopholes. It actually engages a consumer in a bunch of laws that are unique only to him, and he never has heard of and he is going to have to learn the hard way about putting a letter in, certain days to cool off, then do this, and all these other measures.

Heaven's above, it is so clearly brought out in Senator BOXER's amend-

ment that all we want to do is get the blooming thing fixed and get away. Out with the lawyers and in with the fix. That is what the Senator is saying, but they do not even accept it.

Mrs. BOXER. I know, and I am just completely astounded. I have to believe the people who vote against this amendment may not want to be around here on January 3, or whenever it is we get back. People are going to be calling. They are going to say: We heard all about this Y2K bill; didn't you fix our problem?

Mr. HOLLINGS. No, we created a problem.

Mrs. BOXER. Right. They are going to call up their Senator; Senator so and so, you were proud to stand here for that Y2K bill. What did it do?

I view it as an insult to the good people in the Silicon Valley, to the good people in San Diego, to the good people in Los Angeles who work at this night and day, who knew the century was going to end and took steps to prepare for this day, who are making fixes.

Now what happens? The people who were irresponsible are getting a loud message from this Senate, particularly when they vote down this Boxer amendment: Oh, boy, we did the right thing by not fixing anybody's computer. We did the right thing just to sit back and see what happens. We have been protected by the most deliberative body in the world; they protected us from not doing the right thing.

I just do not get it around here. Sometimes I wonder for whom we are here. I do not get it, because to not have this amendment accepted, the only people you are helping are the people who do not want to make the fix. It is outrageous to me. This amendment is probusiness, it is pro the good businesspeople, the good corporate citizens. I just do not get it. It would reward those who have not done the fixes.

I have run out of arguments. I have a hunch that minds are made up. I don't know how I get that feeling. But I have a feeling that minds are made up on this, that this is going to be tabled. We will have a bill, then, that has not one thing in it for the consumers of this country. I have news for the people who are not going to vote for this: Every single American is a consumer, bottom line. I hope they rethink their position. I was willing to compromise and get a good amendment through, but, unfortunately, the other side could not agree to that. Let's get on with the vote. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it constantly amazes me, whether the subject is education or business regulation or computer software, that Members in this Chamber know much more about the subject than do those who are in the business. It is the very companies the Senator from California so praises is doing things right that have felt, in order to concentrate on fixing Y2K

problems, rather than having run the gauntlet set for them by trial lawyers, that this legislation is necessary.

It is simply because they prefer to fix the problem in the real world than to face endless litigation that we are here today. That same group of highly responsible organizations thinks this amendment will actually create more litigation, that it ought to be entitled "The Free Computer Act of 1999," because really the only way to make sure you are not sued will be to replace the computer lock, stock, and barrel, even if it is three generations out of date, even if it is in the attic.

So the reasons to oppose this amendment are quite easy to determine. They are that we want the problem fixed, we want the problem fixed in the real world, not for years and years thereafter, after expensive litigation, punitive damages, consequential damages, everything that afflicts our legal system today.

I had hoped we would complete the debate and begin the vote at this point. We have, however, taken too much time. There is now a markup of the Senate Appropriations Committee that involves both me and two of the three other Senators on the floor at the present time. In order to not disrupt that markup, I announce that a motion to table will be made immediately after that Appropriations Committee markup has been concluded.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

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

Mr. WELLSTONE. I thank the Chair.

THE SETTLEMENT IN KOSOVO

Mr. WELLSTONE. Mr. President, I want to very briefly speak about the settlement in Kosovo. I speak with a sense of relief that we now have moved toward a diplomatic settlement. At the very beginning, I think it was a very difficult vote for all of us as to whether or not to authorize airstrikes. We had pretty close to an equal division of opinion. I voted to do so.

I had hoped that we would be able to stop the slaughter. I thought that it was a certainty that Milosevic would move into Kosovo and people would be slaughtered. We were not able to really do that with airstrikes, not in any way that I had hoped we would be able to, but I do think—and I want to give some credit where credit is due—there are two things that have happened that are very important for the world.

One of them is that Milosevic has been indicted as a war criminal. That is a huge step forward for human rights in the world.

The second thing that has happened is our actions have made it clear that a Milosevic or someone like a Milosevic should not be able to murder people with impunity.

There are many challenges ahead, but I want to just say that as a Senator from Minnesota, I am very pleased that we did put such a focus on trying to reach a diplomatic solution. I would like to especially thank Strobe Talbott for his work. I think it is extremely important now that we meet a number of really tough challenges.

I am not the expert in the Balkans; I do not pretend to be, but I do know this: It is very important that we continue to keep our focus on the humanitarian crisis and make sure the Kosovars can, indeed, go home, the sooner the better.

I think an all-out effort ought to be made to make sure they can go back to their homes. If we are going to do the weatherizing and all the things in the infrastructure for people to have a home to live in, then it is better to do it back in their own country. I hope we can do so. I hope we can move as quickly and as expeditiously as possible.

Second, I think it is going to be real important that all parties to this settlement live up to their word. I think that includes the KLA. There will be an understanding, kind of determination on the part of Kosovars and the KLA for vengeance. Who can blame them? But I do think we have to make sure that we do put an end to this conflict and that the Serbs who live in Kosovo will also be protected and that somehow we will be able to make sure there is some peace in this region.

Finally, I want to say, as a Senator who supported airstrikes but who worried about some of the focus of our airstrikes, in particular, I thought there was too much of a focus on the civilian infrastructure. I thought and still believe there were opportunities to move forward with diplomacy at an earlier point in time. I always believe that is the first option, always the first option, with military conflict being the last option. I do want to say that I think the President and the administration should be proud of the fact that they have now been able to effect a diplomatic solution and that this solution, indeed, will mean that the Kosovars will be able to go home.

It will mean there will be an international force. It will be a militarized force. There will be a chain of command that makes sense. It is a huge challenge ahead for us. My guess is that we are going to be committed to the Balkans for quite some period of time. I think we should be very realistic about that. I think that we owe that to the Kosovars. We owe it to these people. I think that is part of what our country is about. It looks as if the European countries are going to

take up most of the challenge of the economic aid for reconstruction, and I think that is as it should be. I think our part of this international militarized force would be somewhere at 14, 15 percent. But certainly it won't be the United States carrying this alone.

I worry about the landmines. I worry about our military and, for that matter, the men and women from other countries who are trying to do the right thing now, being in harm's way. But to now no longer be involved in airstrikes, to see the Serbs leaving, the slaughter being stopped, the Kosovars now having a chance to go back to their homes and to be protected, I think we are at a much better place than we were. Now I hope and I pray that our country will be able to make a very positive difference in the lives of the Kosovars.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Mr. President, I just was trying my best to give colleagues a summary of State action on Y2K problems. This is pretty well up to date. Seven States have passed Y2K government immunity legislation; that is, Florida, Georgia, Hawaii, Nevada, Virginia, Oklahoma and Wyoming. Twelve States have killed Y2K government immunity problems: Colorado, Idaho, Illinois, Indiana, Louisiana, Kansas, Mississippi, Montana, New Hampshire, New Mexico, Utah, Washington, and West Virginia. One State has passed the Y2K business immunity bill; that is Texas. Whereas 10 States have killed Y2K business immunity bills: Arizona, Colorado, Connecticut, Florida, Indiana, Iowa, Kansas, Oklahoma, West Virginia and Washington. Two States have killed the bankers immunity bill, originally the year 2000 computer problem: Arizona and Indiana. Two States have killed the Computer Vendors Immunity Bill; that is California and Georgia. One State has killed the bill to limit class action suits; that is Illinois, the distinguished Presiding Officer's State. And 38 States have miscellaneous pending Y2K bills at this time.

I think the distinguished Senator from California wanted to point out an interesting provision in the State of Arizona.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend for yielding. I thank his staff for doing just a tremendous job of ferreting out all these various laws.

I have something to tell the Senate that I hope will sway them in favor of the Boxer amendment. In the research that was done by Senator HOLLINGS' staff, we find out that the law in Arizona, which was signed on April 26, Senate bill 1294, includes in it stronger language than the Boxer amendment. I repeat: The Senator from Arizona, whose bill we are debating, cannot agree to the Boxer amendment which simply says if you have a way to fix the problem for the consumer, be they individual or business, then do it. He can't accept that. But in his own State, the law says if you want to take advantage of a particular new set of laws that they have passed to protect these businesses, here is what you have to do. You have to unconditionally offer at no additional cost to the buyer either a repair or remedial measures. If you do not do that, you cannot take advantage of these new laws that will protect business.

Let me put that in a more direct fashion. In the State of Arizona, the State of Senator MCCAIN, who has the underlying bill, a company cannot take advantage of the new Y2K laws, which will help them, unless they have offered to fix the problem. They have to prove that they unconditionally offered at no additional cost to the buyer a repair or other remedial measures.

I want to engage my friend from South Carolina in a little discussion here, ask him a question. Does it not astound the Senator that we have an amendment before us that will not be accepted by the Senator whose own State has a tougher provision than the Boxer provision, that we can't go even halfway toward the State of Arizona law which says in order to take advantage of the new legal system you have to unconditionally offer to fix the problem?

I ask my friend, who is very knowledgeable in this, if this doesn't strike him as being very strange?

Mr. HOLLINGS. This is astounding, because in getting this information up and looking at the glossary of State action, we all say: After all, don't you remember in 1994, the Contract with America, we got the tenth amendment, the best government is that government closest to the people, let us respect the States on down the line. They had all these particular provisions. Here comes an assault with respect to actually killing all the State action and everything else, when they probably had a more deliberate debate than we have had at the local level, and they have all acted.

Here you put in a provision which responds, generally speaking, to the action taken by all the States, and yet they say, no, we know better than the States now and that we are not going to have a fix.

It is astounding to this particular Senator the course this bill has taken. Here I am trying to get a vote. I know my distinguished chairman, Senator MCCAIN, worked like a dog here in the