

which certain defendants are "judgment-proof." In cases where a plaintiff cannot recover from certain defendants, the other defendants in the case would each liable for an additional portion of the damages. However, in no case could a defendant be forced to pay more than 150 percent of its level of fault. The Conference Committee increased that cap to 200 percent, making it even easier for plaintiffs to recover the fullest possible extent of their damages.

The Conference Committee also inserted provisions in the bill, at the request of the White House, that will allow any individual consumer to recover jointly and severally against defendants for any share of damages that are uncollectible from other, judgment-proof defendants.

And for Y2K class action suits, the bill requires that a majority of plaintiffs have suffered some minimal injury, in order to avoid cases in which thousands of unknowing plaintiffs are lumped together in an attempt to force a quick settlement.

The bill moves many Y2K class actions into federal court for purposes of uniformity, but at the request of the White House the Conference Committee increased the threshold to get to federal court from the one million dollar level found in the Senate bill to ten million now. Furthermore, the number of required plaintiffs required to move a class action to federal court has been doubled from fifty to one hundred.

And the punitive damages section, which has been severely curtailed since early versions of the bill, now caps punitive damages for small businesses only—to \$250,000 or three times compensatory damages, whichever is lesser.

Another change made to the bill in Conference exempts most intentional torts from the limits on recovery for economic loss.

Finally, the conference report provides that state laws on unconscionability will not apply to cases in which individual terms within a contract should not be enforced—a move further protecting the plaintiff's right to recover.

Each of the changes made before and during the Conference Committee negotiations has narrowed the focus and effect of the bill, while still maintaining the bill's clear intent to allow companies to prevent, solve and remediate Y2K problems without undue delay stemming from frivolous lawsuits and meritless claims.

The "one trillion dollar litigation headache" is rapidly approaching, and this Congress can provide some preventative medicine and some anticipatory pain relief in the form of the reasoned, fair, and thoughtful compromise before us.

The bill sets forth clear rules to be followed in all Y2K cases, and the bill levels the playing field for all parties who will be involved in Y2K suits—plaintiffs and defendants.

Companies and individuals alike will know the rules, and will know what they have to do. And most importantly, the stability that will come from this bill will allow companies to prevent Y2K problems when possible, fix Y2K defects when necessary, and proceed to remediation of damages in an orderly and fair manner.

This bill has been through a tortuous legislative drafting process, with criticisms, suggestions and changes made from every side and by every sector of our society.

So let us pass this conference report today, let us send it to the President, and let us show this nation that the Y2K crisis will not cripple our courts, will not disrupt our economy, and will not put a halt to the technology engine driving our progress towards the twenty-first century.

Mr. LOTT. Mr. President, as the Senate prepares to vote on the Conference Report on H.R. 775, the Y2K Act, I want to praise the bipartisan efforts of so many Senate and House Members who have worked diligently to construct an effective, fair bill that will address the important issue of liability as it relates to the possible Year 2000—or Y2K—computer problems. This has been a group effort, teaming members on both sides of the aisle with the private sector. The coalition of high technology businesses, large businesses, small businesses, and others provided the initiative and momentum that pushed this bill across the finish line.

This bill is constructive, positive legislation. It allows companies in the information technology industry to focus their limited resources on solving Y2K related problems in computer software by preventing frivolous litigation. Litigation which would divert those limited resources away from solving Y2K programming deficiencies.

Mr. President, so many Senators and their staffs have worked to insure the success of this legislation, even when faced with difficult hurdles and odds. The efforts of Senator MCCAIN, Senator WYDEN, Senator GORTON, Senator BENNETT, Senator DODD, Senator HATCH, Senator FEINSTEIN and others, along with the efforts of the House sponsors and conferees, have brought us to this point.

Mr. President, I am pleased that the House has passed this important bill today by a vote of 404-24. With only 183 days left until the globe turns the page on the calendar to a new century and a new millennium, I urge my colleagues to vote for this important bill. I am confident that this Conference Report will pass the Senate by a wide margin, just as in the House, and I urge the President to sign this bill into law when he receives it.

Mr. HOLLINGS. Mr. President, we have some demands on this side of the aisle and some obligations.

I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I congratulate the Senator from South Carolina for his spirited and impassioned defense of his position. It is a great privilege to do combat with him, both in the committee and on the floor. I appreciate his eloquence as always. Since this time I believe we have the votes, I yield back the remainder of my time.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 196 Leg]

YEAS—81

Abraham	Dorgan	Lincoln
Allard	Enzi	Lott
Ashcroft	Feinstein	Lugar
Baucus	Fitzgerald	Mack
Bayh	Frist	McCain
Bennett	Gorton	McConnell
Bingaman	Graham	Mikulski
Bond	Gramm	Moynihan
Boxer	Grams	Murray
Brownback	Grassley	Nickles
Bryan	Gregg	Reed
Bunning	Hagel	Robb
Burns	Harkin	Roberts
Byrd	Hatch	Roth
Campbell	Helms	Santorum
Chafee	Hutchinson	Schumer
Cleland	Hutchison	Sessions
Cochran	Inhofe	Smith (NH)
Collins	Inouye	Smith (OR)
Conrad	Jeffords	Snowe
Coverdell	Kennedy	Stevens
Craig	Kerrey	Thomas
Crapo	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Kyl	Voivovich
Dodd	Lautenberg	Warner
Domenici	Lieberman	Wyden

NAYS—18

Akaka	Hollings	Rockefeller
Biden	Johnson	Sarbanes
Breaux	Landrieu	Shelby
Durbin	Leahy	Specter
Edwards	Levin	Torricelli
Feingold	Reid	Wellstone

NOT VOTING—1

Murkowski

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDER OF BUSINESS

Mr. LOTT. Mr. President, I think it is important now we give Members some indication of what the schedule looks like. Senator DASCHLE and I have been talking about how we can move forward.

I believe we have two amendments that have to be dealt with, with the possibility of votes, at least two votes at 7:30, in order to finish the Treasury-Postal Service appropriations bill. I think there will probably just be one amendment vote and final passage, although there is another amendment that has to be disposed of in that time.

At that point, our plan is to go to the District of Columbia appropriations bill. Work is being done on that now. Senator DASCHLE and I are ready to announce right now that if we can get that done tonight at a reasonable hour, we will not have any votes on Friday. If we have difficulty, if we can't get it done tonight, then we will be in with votes tomorrow. We probably are going to have to be in tomorrow anyway. Senator DASCHLE and I had already planned on being here. We want company. We are still working on nominations tonight, and we might have some we will try to get cleared tomorrow.

Basically, I am saying that if we could get this D.C. appropriations bill completed, then we would not have recorded votes tomorrow. It behooves us all. We are in a good mode now. We are making progress. I urge those who are involved in the D.C. appropriations bill to work aggressively so we can complete this at a reasonable hour tonight. Otherwise, we will see you in the morning at 9:30.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. LOTT. I am delighted to yield.

Mr. BYRD. I hope you will have a session tomorrow without votes. There are many of us who like to make some speeches from time to time. We don't get the opportunity to do that. I would like to give a speech concerning Independence Day, for example, and there are others.

Mr. LOTT. Mr. President, as I indicated, I thought we might have to have a session tomorrow anyway because of some wrapup business we may need to do. If we have Senators who would like to speak as to the Fourth of July, that is all the more reason. The key question for all other Senators is, will there be votes tomorrow morning or not. That will depend on finishing up the District of Columbia appropriations bill.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. LOTT. I yield the floor, Mr. President. I believe we have a D.C. unanimous consent request that is ready now.

UNANIMOUS CONSENT REQUEST—S. 1283

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that we take up and consider the District of Columbia appropriations bill with the following parameters: 40 minutes equally divided on the Coverdell needle exchange amendment, with a second-degree amendment by Senator DURBIN; 30 minutes for Senator DURBIN's tuition assistance program amendment, and 10 minutes for the opposition; 15 minutes for Senator DURBIN's sense-of-the-Sen-

ate amendment; the Hutchison managers' amendment, and a final vote.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I have not seen the needle exchange amendment or Senator DURBIN's second degree, if he has one. I cannot agree to this at this time, until I see the amendment, because it affects a lot of people and it could mean the spread of disease. I need to see the amendment.

The PRESIDING OFFICER. Objection is heard.

Mrs. HUTCHISON. We will work with the Senator from California and let her see the amendment. I will ask Mr. COVERDELL to make the amendment available.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota, Senator WELLSTONE, is to be recognized.

Mr. WELLSTONE. Mr. President, I think I follow Senator DEWINE.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 1200

(Purpose: To prohibit the use of funds to pay for an abortion or to pay for the administrative expenses in connection with certain health plans that provide coverage for abortions)

Mr. DEWINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], Mr. ABRAHAM, Mr. BROWNBAC, Mr. SANTORUM, Mr. HELMS, Mr. ASHCROFT, Mr. MCCAIN, Mr. NICKLES, and Mr. HAGEL, proposes an amendment numbered 1200.

The amendment is as follows:

At the end of title VI, add the following:

SEC. . No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. . The provision of section shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

Mr. DEWINE. Mr. President, I rise to offer this amendment on behalf of myself and Senators ABRAHAM, BROWNBAC, SANTORUM, HELMS, ASHCROFT, MCCAIN, NICKLES, and HAGEL.

This amendment would maintain in force the current law restricting Federal funding for abortions only to cases of rape, incest, or life of the mother. Specifically, my amendment would maintain the status quo that limits Federal employee health plans to cover abortions only in the case of rape, incest, and threat to life of the mother.

This is the same amendment that was accepted during the debate for fis-

cal year 1999 Treasury-Postal appropriations, the same amendment agreed to by this body during the debate for fiscal years 1996 and 1997. In fact, this is the same language that has been consistently supported by a bipartisan group of Senators and Representatives from 1983 to 1999, with the exception of only 2 years.

I mention all of this to make it very clear to the Members of the Senate that this amendment stakes out no new ground. This amendment maintains the status quo. This amendment has been voted on time and time again by this body, and time and time again this body has accepted it.

The principle is a very simple one—one that goes beyond the conventional pro-choice/pro-life debates that we hear on this Senate floor. I think my colleagues know I am pro-life and, therefore, I wish to promote the values protecting innocent human life. However, I point out that the vast majority of Americans on both sides of the abortion issue strongly agree that they should not pay for someone else's abortion. That really is what this debate is about.

Fairly stated, this amendment is not about the morality of abortion or the right of a woman to choose abortion. Rather, this is a very narrowly focused amendment that answers a key question: Should taxpayers pay for these abortions?

This Senate, this Congress, has consistently answered no. Congress has consistently agreed that we should not ask taxpayers to promote a policy, in essence, of paying for abortion on demand by a Federal employee. My amendment would maintain the status quo that limits Federal employee health plans to cover abortions only in the case of rape, incest, and threat to the life of the mother.

The vast majority of Americans oppose subsidizing abortions. Employers, as a general principle, determine the health benefits employees receive. Taxpayers are the employers of Federal employees, and a large majority of taxpayers simply do not want their tax dollars to go to pay for abortions. Taxpayers provide a majority share of the funds to purchase health insurance for the Federal civilian workforce. This provision addresses the same core issue and simply says that the Federal Government, as the employer, is not in the business of funding abortions. Abortion is certainly a contentious issue, and we should not ask the taxpayers to pay for it.

In conclusion, this issue has been debated time and time again on the Senate floor. Current law limits abortion availability in Federal employee health care plans to cases of rape, incest, and to save the life of the mother. That has been the position of the Senate, that has been the position of the House, and that was approved last year and the year before as well. We should not involuntarily take the money of Americans—many of whom find abortion abhorrent—to pay for abortions.