

<sup>6</sup>“Clinton Says Social Security is Y2K Ready,” Los Angeles Times, December 29, 1998, p. A1. See “Government Agencies Behind the Curve on Y2K Issue,” Business Wire, January 28, 1999 (stating that Computer Week on November 26, 1998 reported only a 34% Y2K compliance level for the Department of Health and Human Services).

<sup>7</sup>“Health Care Not Y2K-Ready—Survey Says Companies Underestimate Need For Planning; Big Players Join Forces,” Information Week, January 11, 1999.

<sup>8</sup>GartnerGroup, Kenneth A. Kleinberg, “Healthcare Worldwide Year 2000 Status,” July 1998 Conference Presentation, p. 2 (hereinafter, GartnerGroup).

<sup>9</sup>*Id.* at p. 8.

<sup>10</sup>*Id.*

<sup>11</sup>*Id.* at p. 10.

<sup>12</sup>*Id.* at p. 13.

<sup>13</sup>*Id.*

Mr. HOLLINGS. I do not want to mislead. As I understand, as of this morning my staff contacted Mr. Emery. And they said that the AMA is not openly opposing the legislation, but if there is going to be legislation, they want to be taken care of. They want all the tort things to take care of them, too.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak for 3 minutes just to briefly respond to several of the points made by the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Thank you, Mr. President. I will be very brief.

I specifically want to talk on this matter with respect to the evidence which would be considered in these suits. The sponsors of the substitute have made it very clear in the Senate that we will strike the clear and convincing evidence standard. It is an important point that the Senator from South Carolina has made.

What we have indicated is that we think it is in the public interest to essentially use the standard the Senate adopted in the Year 2000 Information and Readiness Disclosure Act which passed overwhelmingly in the Senate. So we have something already with a strong level of bipartisan support, and it is an indication again that the sponsors of the substitute want to be sympathetic and address the points being made by the Senator from South Carolina.

But at the end of the day, this is not legislation about trial lawyers or campaign finance. And I have not mentioned either of those subjects on the floor of the Senate. But this is about whether or not the Senate is going to act now, when we have a chance to address this, in a deliberative way, and produce good Government—something which will make sense for consumers and plaintiffs who are wronged and at the same time ensure that we do not have tumult in the marketplace early next year.

I am very hopeful we can go forward with this legislation.

I thank the Presiding Officer for the opportunity to respond. I yield the floor.

Mr. HOLLINGS. Mr. President, I ask unanimous consent I may address the Senate for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I am reading page 30. The language there—the last 3 lines; 23, 24, and 25—“The defendant is not liable unless the plaintiff establishes that element of the claim in accordance with the evidentiary standard required,” which is the greater weight by the preponderance of the evidence. That is lined out. And written—and I understand in Chairman MCCAIN’s handwriting—here, “by clear and convincing evidence.”

Again on page 31 of the particular bill under consideration, on lines 19 and 20, “in accordance with the evidentiary standard required” is lined out; and inserted in lieu thereof “by clear and convincing evidence.”

That is why I addressed it that way. That is what we have before us.

I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:43 p.m., the Senate recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

IN REMEMBRANCE OF THE TRAGEDY IN LITTLETON, COLORADO

The PRESIDING OFFICER. Pursuant to a unanimous-consent request, the Chaplain is recognized for a special prayer.

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray together.

O Gracious God, our hearts break over what breaks Your heart, and we join our hearts with the broken hearts of the families and friends of the teenagers and the teacher who were killed in the tragic shooting by two students at the Columbine High School in Littleton, CO.

We have been shocked by this senseless expression of rage and hatred in the twisted and tormented minds of these young men. Comfort the parents who lost their children, both as victims and perpetrators. Help us all to deal with the deeper issues of the need for moral renewal in our culture.

O God, bless the children of our land. May we communicate to them Your love and Your righteousness so that they have a rudder for the turbulent waters of our time and are able to

present them with the charts to make it through these difficult waters.

O Gracious God, help us to communicate Your commandments and help them to know the joy of living in faithfulness with You. In our quest to separate church and State, there are times when we have divided God from our culture. Now when there is nowhere else to turn, we return to You.

O dear God, heal our land. In Your holy name. Amen.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I understand the leadership accommodated Senator CAMPBELL’s and my request to observe a moment of silence out of respect for the victims of the tragic shooting at Columbine High School in Littleton, CO.

I also understand that later today the Senate will consider a resolution expressing sorrow and offering condolences to the families and friends and students, all of Littleton, CO. I will address the Senate in greater detail at that time.

In the meantime, I yield the floor to my senior colleague in order for him to request a moment of silence.

Mr. CAMPBELL. Mr. President, I thank my colleague. I, too, thank the leadership for affording the Senate an opportunity to express our profound sorrow and to offer condolences to the families and friends of the fallen people of Littleton, CO.

I understand that a resolution addressing this issue will arrive from the House of Representatives at about 4:30 today. I expect that many Members may want to make comments at that time.

The tragic truth is that the angels are now carrying the souls of 13 innocent people to the everlasting glory of heaven. A resolution alone would never express the degree of sorrow we feel. Certainly all of America has much to do to heal our Nation and to rid ourselves of hate and vengeance.

Until that resolution is pending, and in order to observe, acknowledge, and honor a moment of silence called for throughout the State of Colorado, I now ask that the Senate observe a moment of silent prayer for 2 minutes.

The PRESIDING OFFICER. The Senate will now observe a moment of silence.

[Period of silence.]

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I know that a number of Senators do wish to express their concern, sympathy, and great regret with regard to the incident for which we are all so very sorry, and suffering. As Senators ALLARD and CAMPBELL said, I think we can save that until we have the resolution up later this afternoon when Senators will have the opportunity to speak on this

matter. I will be speaking with Senator DASCHLE and we will be talking about an appropriate way for the Senate to consider this matter for a reasonable period of time.

Mr. President, 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. LOTT. 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. LOTT. Mr. President, I ask unanimous consent that all remaining amendments in order to S. 96 be relevant to the pending MCCAIN amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. Objection is heard.

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I regret having to file a cloture motion. I hoped we would not have to do that, that we could get an agreement on how to proceed, and that the amendments would be relevant. But since we have not been able to, with the objection just heard, I have no alternative. Therefore, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment to Calendar No. 34, S.96, the Y2K legislation:

Senators Trent Lott, John McCain, Rick Santorum, Spence Abraham, Judd Gregg, Pat Roberts, Wayne Allard, Rod Grams, Jon Kyl, Larry Craig, Bob Smith, Craig Thomas, Paul Coverdell, Pete Domenici, Don Nickles, and Phil Gramm.

Mr. LOTT. Mr. President, I know there is a sincere effort underway on both sides of the aisle to work out an agreement on this Y2K legislation. I know that will continue. But we need to make progress, or have the opportunity for a cloture vote in the meantime, or, in case that doesn't work out, you always have the option, if we get everything worked out, to vitiate the cloture vote, or we could move to a conclusion earlier. If we can get an agreement worked out and conclusion on Wednesday, that would be ideal.

But, barring that, a cloture vote will occur on Thursday. As soon as the time

for the vote has been determined, after consultation with the Democratic leader, all Senators will be notified.

#### CALL OF THE ROLL

In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### AMENDMENT NO. 268 TO AMENDMENT NO. 267

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from the year 2000 problem, related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. LOTT. I send a first-degree amendment to the pending amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 268 to amendment No. 267.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, 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.

#### AMENDMENT NO. 269 TO AMENDMENT NO. 268

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from the year 2000 problem, related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. LOTT. Mr. President, I send a second-degree amendment to the pending first-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 269 to amendment No. 268.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

#### AMENDMENT NO. 270 TO AMENDMENT NO. 267

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from the year 2000 problem, related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. LOTT. Mr. President, I send a first-degree amendment to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 270 to amendment No. 267.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, 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.

#### AMENDMENT NO. 271 TO AMENDMENT NO. 270

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from the year 2000 problem, related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. LOTT. I send a second-degree amendment to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 271 to Amendment No. 270.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, if I could make a couple of observations with regard to the schedule, I know Members are interested in a variety of very important issues they wish to be heard on. I have to be sympathetic to those requests. We don't have it worked out yet.

But I am discussing with Senator DASCHLE the possibility of having some measure on the floor of the Senate later on this week which would be an opportunity for further discussion and perhaps votes with regard to the Kosovo matter. We wish it to be a bipartisan resolution that allows Senators to state their position and to allow the Senate to take a vote on exactly how they wish to proceed at this point with regard to Kosovo. We will have to work through that. Hopefully, we can take it up Thursday and complete it Thursday night, or Friday, or later, if the Senators so desire.

On another matter, I know there are Senators who have a real desire to say something and have a policy discussion about what has happened in Colorado. I ask my colleagues, let's give this a moment. Let's allow a period of mourning