

he is getting it past these roadblocks. He has another one. Because what he does not know is that the Senate has overridden the 50 State legislatures. We have said to the legislators: Boy, you guys are dumb. The men and women in these State legislatures are not as smart as we are. So we are just going to throw your laws out and we will just pass our laws and override you. Because the bill would override State contract law and could even preempt existing implied warranties under State law.

For the small business owner, the bill's Federal preemption contract clauses may override the State common law claims of breach of implied warranties. Again, here he is at another roadblock, another dead end leading back to bankruptcy.

Then, say he somehow got through all of these roadblocks and dead ends that we put in, basically to make it impossible for a small business owner; everything that we have done to put roadblocks and dead ends in. Let's say he gets through all of them. He still has more limits on his legal rights at the jury verdict point. There are severe limits on recovery. In fact, if it is a small business, then \$250,000 is the ceiling for any punitive damages award. If he can prove they intentionally defrauded him, then there is an exemption from these punitive damage caps. This bill is saying: If you can prove intention to defraud, we might give you a chance.

This is a meaningless exception in the real world. Nobody is going to be able to meet this exception, proving the injury was specifically intended. How in the world is our small business owner, who is just trying to keep the place alive at this point, going to prove the cash register company intentionally tried to injure him by selling him a Y2K defective cash register system? Let's get real here. It is not going to happen. Again, the best thing for him is bankruptcy. The big company can breathe a sigh of relief and they are out.

And on and on. Severe joint liability limits; for directors and officers, partial immunity; severe caps on recovery—all of these things end up protecting the companies, overriding State laws, and saying to the small business owner we are not going to do anything for you.

You know, directors and officers are already protected by the business judgment rule adopted by each of the 50 States. But we put a special legal protection for them in this bill. I think that sends the wrong message to the business community. We want to encourage decision makers to be over-seeing aggressive year 2000 compliance measures. Instead, we say: Don't worry, be happy.

I want those corporate officers motivated to fix their company's Y2K prob-

lems now. After their corporation is Y2K compliant and they have worked with their suppliers and customers and business partners and we have avoided Y2K problems is the time to be happy.

A few of these detours, roadblocks and dead ends may be justified to prevent frivolous Y2K litigation. But certainly not all of them.

This bill makes seeking justice for the harm caused by a Y2K computer problem into a game of chutes and ladders—but there are only chutes for plaintiffs and no ladders. The defendant wins every time under the rigged rules of this game.

Unfortunately, this bill overreaches again and again. It is not close to being balanced.

In addition, this bill preempts all 50 state consumer protection laws and makes ordinary consumers face the bill's legal detours, road blocks and dead ends on the road to justice. That is not fair.

Today, I filed a consumer protection amendment to exclude ordinary consumers from the legal restrictions in the bill. I hope the majority will permit amendments to be brought up on this legislation soon.

I remain open to continuing to work with interested members of the Senate on bipartisan, consensus legislation that would deter frivolous Y2K lawsuits and encourage responsible Y2K compliance. Those of us in Congress who have been active on technology-related issues have struggled mightily, and successfully, to act in a bipartisan way. It would be unfortunate, and it would be harmful to the technology industry, technology users and to all consumers, if that pattern is broken over this bill.

I hope Members will look at what we are doing here. Here is the system we have today for Y2K. Here is the system we are suggesting with all these dead ends, all these roadblocks: Roadblock, roadblock, roadblock, roadblock, all leading to small businesses going bankrupt and all because we stand up here and say to 50 State legislatures: You are not smart enough. You are not as smart as we are. We are going to override you.

I think that is wrong. I think we ought to go back to the drawing boards. I think we ought to do what we did last year when we passed good Y2K legislation because we did it in a bipartisan fashion where we had businesses, Members of Congress, lawyers, those in the high-tech field—we came together and passed legislation that worked and the President signed it into law.

This maze, this unnecessary trampling of State legislatures, will not be signed into law by the President of the United States.

The PRESIDING OFFICER. The Senator from Alabama.

#### VIOLENCE IN COLORADO

Mr. SESSIONS. Mr. President, I know you, the Senator from Arkansas, are familiar with tragedies in high schools involving our young people who create havoc and take the lives of fellow students and others. The event in Colorado is the most glaring and stunning example of the kind of violence that we are apparently capable of as a nation today. As chairman the Senate Judiciary Committee Subcommittee on Youth Violence, I have given an awful lot of thought to it. But I am perplexed. A few things occur to me. There is what appears to me a pattern here that would suggest how we have gotten to this point.

It strikes me that an extremely small number of young people today have gotten on a very destructive path. They have headed down the road of anger and violence. They have not been acculturated with the kind of gentlemanliness and gentleness, not inculcated with religious faith and discipline, maybe a lack of values or whatever—somehow it did not take. Maybe their parents tried. Maybe they did not.

But, in addition to that, they are alienated and angry. They are able to hook into the Internet and play video games that are extraordinarily violent, that cause the blood pressure to rise and the adrenalin level to go up, games that cause people to be killed and the players to die themselves. It is a very intense experience. They are able to get into Internet chatrooms and, if there are no nuts or people of the same mentality in their hometown, hook up with people around the country. They are able to rent from the video store—not just go down and see "Natural Born Killers" or "The Basketball Diaries"—but they are able to bring it home and watch it repeatedly. In this case even maybe make their own violent film. Many have said this murder was very much akin to "The Basketball Diaries," in which a student goes in and shoots others in the classroom. I have seen a video of that, and many others may have.

In music, there is Marilyn Manson, an individual who chooses the name of a mass murderer as part of his name. The lyrics of his music are consistent with his choice of name. They are violent and nihilistic and there are groups all over the world who do this, some German groups and others.

I guess what I am saying is, a person already troubled in this modern high-tech world can be in their car and hear the music, they can be in their room and see the video, they can go into the chatrooms and act out these video games and even take it to real life. Something there is very much of a problem.

All of us have to look for the signs of children who may be moving deeper and deeper into death, violence, nihilism, and other bad trends. We ought to

say and we ought to encourage our teachers and our school administrators and our parents to intervene and to assert that life is better than death, that peace is better than violence, and honesty is better than falsehood; that respect for your brothers and tolerance and patience, even in the face of adverse actions by somebody toward you, is essential in a civilized society. I am concerned about that.

What I really want to mention today, because I have been through this for a number of years, is the question of what we do about firearms in America. I was at a church event, not too many months ago, and the preacher prayed against guns. I thought that was odd for him to pray against an inanimate object that does what the holder tells it to do. But I think we would do well to focus on what it is that is eating at the soul of too many people in America today, No. 1.

What about this problem with guns? I was a Federal prosecutor for 15 years, 12 as U.S. attorney under Presidents Reagan and Bush. They created a program called Project Triggerlock. In that program, this Congress passed legislation that said if you are convicted of carrying a firearm during a crime, a felony, it is 5 years without parole consecutive for the underlying offense. If you are a felon and you possess a firearm and you are guilty of a felony, you can get 2 or 3 more years in jail.

Those are bread-and-butter gun laws focusing on people who commit crimes with firearms. There are a lot of others: having a firearm without a serial number, having a sawed-off shotgun, a fully automatic weapon, and now assault weapons. There are literally hundreds of gun laws.

The directive came down from the President of the United States that he wanted these people prosecuted for violating those gun laws. I took the directive. I was one of the lieutenants in the war, and we went to work. I created a newsletter and sent it to every sheriff. I said: If you have the kind of criminal that needs prosecuting under Federal gun laws, you bring those cases to me and we will prosecute them.

Our numbers went up tremendously, and the word began to get out. The word got out in the streets: If you have a gun, they will take you to Federal court.

By the way, most people do not realize that some good laws have been passed for Federal court. Ask your sheriffs and police chiefs which has the fastest justice system, which has the most severe punishment and the most certainty of punishment, which one is the felon least likely to get out of jail on parole, and every one of them will tell you the Federal system is tougher than any State. Whatever State you are in, the Federal justice system is tougher: We have a 70-day speedy trial act; whatever the sentence is, you have to serve at least 85 percent of it.

The Federal Sentencing Guidelines mandate tough sentences. The judges have to impose them. If not, the prosecutor can appeal, and they go to jail. They do not want to go to Federal court for a gun violation. I am telling you, the word gets out, in my professional opinion, having been a prosecutor, as I said, for 15 years in the Federal system and two as Attorney General. I actually believe there was a deterrence in the number of people carrying guns in criminal activities. That is where people get killed.

When I was elected to the Senate in 1996 after I left as a Federal prosecutor in 1992, I began to look at the Department of Justice statistics on the kinds of cases they are prosecuting, because I served 15 years in the Department of Justice, and I know how to read those numbers.

I want to show you what we discovered. What we found is in 1992, when President Bush's U.S. attorneys left office, they were prosecuting 7,048 gun cases each year in 1992. They prosecuted over 7,000. Notice this chart shows the decline in those cases. It was 3,800 in 1998, a 40-percent decline.

This is particularly shocking to me because this President is always talking about guns and how we need to have more laws and we need to prosecute more people for guns, and they are not doing it. His own Attorney General, Janet Reno, has overseen a 40-percent decline.

This is not a secret. Since I have been here, for 2 years, when the Attorney General has come before our committee, the Deputy Attorney General, Eric Holder, the Chief of the Criminal Division for confirmation and other hearings, I have pulled out this very chart. I have gone over these numbers with them and have asked them why they are not prosecuting these cases. I have not yet received a good answer, other than they are just not putting the message out to the U.S. attorneys that they expect them to enforce these laws.

But what we have is a President who wants to call press conferences, as he did yesterday, to announce more laws; that we need to pass more laws. The bread-and-butter laws are already on the books, and we have added scores of other laws, which I support and I willingly prosecuted aggressively.

It concerns me that people say, "Oh, you just don't believe in gun laws, JEFF. You are just NRA bought and paid for and you don't want to do this." They believe in the second amendment right to bear arms, and so do I. If you want to change it, let's talk about changing it, but there is a constitutional right to bear arms. There also is a right for the Government to place reasonable restrictions on the right to bear arms.

I have spent a big part, a major part of my professional career actively en-

gaged with people who violate those reasonable restrictions. Machine guns, fully automatic weapons have been outlawed since the thirties, the Al Capone days. Sawed-off shotguns have been outlawed for many years. Bombs are outlawed today and have been for many years.

First of all, it concerns me, and I think it is hypocritical and really dishonest for the President to suggest that the way to deal with violations of gun laws is to pass more laws, if you are not prosecuting the ones we have. But, oh, that is the big deal: Are you for coming a little further to that second amendment core principle that protects the right to bear arms? Let's see how far we can go and make people vote against it because they have a concern for the Constitution and a general belief that the Government has gone too far and then say they don't care about guns, all the time presiding over an administration that is showing this dramatic decrease, a 40-percent decrease in the prosecutions. That is not an imaginary number. I have raised it with the Attorney General, and we pulled it out of their statistics.

In addition to that, we have in the last several years, at the behest of gun control advocates, passed a number of bills, some of which are good, some of which are marginal, but we passed them. We were told that these were critical to prevent violence in America. And we need these gun laws.

I want to show you this chart. We pulled it out of the Department of Justice statistics. And I questioned them about it in hearings before this tragedy, because this isn't a recent deal, this is something that has been going on for several years, and it is well known.

One of the best things, I suppose, is, the possession of firearms on school grounds is a Federal crime. The First Lady, who sometimes it had been suggested was a de facto Attorney General at the beginning of this administration, yesterday was speaking about gun laws. And that is all right. But she has not had the experience I have had in prosecuting these cases. And she talks about, we need more of them. And this is one of them they highlighted.

But look at this. In 1997, the Clinton administration nationwide prosecuted five. In 1998, they prosecuted eight.

"But we're committed, JEFF." But they said—the First Lady did in her speech yesterday—that there were 6,000 incidents last year in schools of weapons being brought to school. So how come her prosecutors are prosecuting so few of them? Let me ask you. I think it is a good question.

Unlawful transfer of firearms to juveniles. I support that. And right now it is unlawful for a firearms dealer to transfer a pistol to a juvenile, a person under 21.

Look at this. In 1997, they prosecuted five. In 1998, they prosecuted six. What

difference does it make if we pass laws if nobody is being prosecuted for them?

Possession or transfer of semiautomatic weapons. Those are the assault weapons. The assault weapon is a weapon that looks like one of these fully automatic military weapons; it has the handles on it, but it is really a semiautomatic weapon that fires one time when you pull the trigger. Traditionally, a lot of rifles are semiautomatic. But in that configuration it was made illegal.

Remember all the debate about that? We had tremendous debate over the first time a semiautomatic rifle had been made illegal. But the administration's position was, it just had to have the law. They just had to have it. And it is an unpleasant weapon, I assure you. I do not think you have to have it to go hunting. But at any rate, in 1997, four of those cases were prosecuted in the entire United States; in 1998, four.

I say all that to say this: I believe we have to quit doing symbolic things. We need to quit doing things for headlines. We need to sit down and figure out how to reduce crime in America.

With regard to this very odd group of people we have seen in five States going on rampages in high schools, that is a unique and special group. And if they are determined to build a bomb, and can build one by looking it up on the Internet, whether or not they have to go down to the store to buy a weapon and give their name or whatever is not going to make much difference. That is real. And if they are seeing this on television, in videos, whether or not there is a law about it, as clever as these kids are, it is not likely to make much difference.

But I just say that that is a crucial matter for us. I would think, as one who has been at this for a long time, we need to maintain our discipline now. And if something good can come out of this tragedy in Colorado, I pray that it will.

When that young girl affirmed her faith with a gun at her head, subjecting herself to summary execution by a laughing, diabolical shooter, I think we ought to take time to pause a minute and think about that, because this is really serious. It is deeper than whether or not you prosecute with 4 or 20 gun laws in the United States. It is deeper than that. That is what I am saying. But it does not mean that effective prosecutions of gun laws can't reduce crime.

Let me tell you this story.

Within the last month I, as chairman of the Judiciary Subcommittee on Juvenile Crime, called a hearing. We were going to discuss a program known as Project Exile in Richmond which the leader of it called "Trigger Lock with Steroids." Not only did they prosecute every gun violation they could find in Richmond, they ran ads on television saying: "We will prosecute you." They

put up signs saying how long you would serve in the Federal slammer if you carried a gun during a crime or illegality.

Their prosecutions went sky-high. But there were questions in the Department of Justice. The program was not supported because it was not the trend with this Department of Justice. But they kept doing it. And just last year they found they had over a 40-percent reduction in violent crime in Richmond. And the U.S. attorney, appointed by the President of the United States, President Clinton, testified and others involved with it—the chief of police in Richmond—testified that they were convinced that aggressive criminal prosecutions in a trigger-lock-type fashion of violent criminals, and other criminals who carried guns, helped drive down the murder rate.

I thought we ought to have a hearing about it. I wanted to highlight that and encourage it. What I want to say to you is funny, almost; and maybe something good came from that hearing. The hearing was set for Monday in our little, lowly committee, the Senate Judiciary Committee Subcommittee on Juvenile Crime. On Saturday, before that hearing, the President went on his national radio show and said he wanted to adopt the Richmond project and promote and expand it.

So I hope maybe our hearing had something to do with getting the attention of the Department of Justice. But I have not seen any numbers to indicate that. It is easy to say words. But what we most often heard is that, we want new laws—which are not being prosecuted—and if we can pass a law, then we can say we did something.

I have been in this body just 2 years. I think there is a real problem here. Whenever there is a national matter of intense interest, what happens? We up and pass a law and say we did something. "Hey, give me a medal. I passed a law. I am against assault weapons. I am fighting crime." If you have been in the pit and dealt with criminals professionally for a long time, you know it takes more than that. It takes a sustained effort.

If you do it consistently and aggressively, and you crack down on gun violations, you can in fact reduce the crime rate. Ask the U.S. Attorney and the chief of police in Richmond if it is not so.

I do hope the statement that the President made in his radio show really indicates a commitment to get these numbers up, because this is not acceptable for any administration, but particularly one which claims that the prosecuting of criminals and violations of Federal gun laws is a high priority of theirs. Obviously it is not. We have a 40-percent reduction.

So, maybe somebody says, "JEFF, that is just political." It is not political with me. It is something I have

lived with. I prosecuted these kinds of cases. I believe it reduces murders. I believe it saves the lives of innocent people. And I would like to see an effective program conducted by this administration. And it has in fact been demolished, as these numbers show. It undermines the effectiveness of that effort.

There are innocent people, I will assure you, today who have been shot and wounded—some people who have been killed—who would not have been had the Triggerlock Project continued.

So it is something that I have been raising since I first got to this Senate—at virtually every Judiciary Committee hearing I have had. I hope this tragedy will do one thing: It will get the attention of the President and the Attorney General and the Chief of the Criminal Division and the Associate Attorney General and Deputy Attorney General, and they will start sending the word out to their prosecutors. And they have more of them now than they had in 1992 when I was there. They ought to be putting more of these people in jail. If we do, they will make some difference. But I really don't think even those prosecutions are likely to have any significant impact on the bizarre few people who are willing to go to a school and slaughter their own classmates, commit suicide, worship Adolf Hitler, and think of Marilyn Manson as something cool. That is a different matter with which we have to deal.

I hope as a nation we will confront it honestly and directly and begin to bring back in every school system, because some parents apparently are not doing it, a program that teaches character and good values like we are used to in America. There are those who say, well, you cannot do that, that is violating civil liberties, you cannot express a concern about right and wrong in a classroom because that is a value judgment.

Well, we are suffering today from 30 or 40 years of liberalism, relativism, that anything goes. Well, some will say that is just old-fashioned talk.

No, it is not. No nation, in my view, can remain strong in which there are no values which we can affirm. If we can't affirm that Adolf Hitler is bad, what are we? If we can't affirm that Charles Manson is not a fit person to emulate, then what are we as a nation? If we can't say that telling the truth is more important than telling a lie, that reality is better than spin, then we are in trouble.

I hope we have not reached that. I think the American people are good. I hope this tragedy has some ability to cause us to confront that and, if so, our Nation would be better for it.

Mr. President, I thank the Chair for allowing me to address this body on this important issue. I have shared with the Senate some thoughts and

concerns of mine that have been a part of me for a long time. I believe it is something our Nation has to consider, and I hope and pray we will.

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

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

#### MEASURE PLACED ON CALENDAR—S.J. RES. 22

Mr. MCCAIN. Mr. President, I understand there is a joint resolution at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read.

The legislative assistant read as follows:

A joint resolution (S.J. Res. 22) to reauthorize, and modify the conditions for, the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact.

Mr. MCCAIN. Mr. President, I object to further proceedings on this matter at this time.

#### KOSOVO

Mr. MCCAIN. Mr. President, first I will discuss an issue that is going to come before the Senate either late this week or next week. I am not sure. That is the issue of Kosovo. I believe it is important we address the issue. I believe it is important we address the issue as we have previous foreign policy issues.

In the case of our resolution supporting United States involvement in Bosnia, we had a Dole resolution and we had a couple of others that were voted on. In the case of the Persian Gulf resolution, we had a resolution that was proposed by then-Senator Dole, who was then the minority leader, and one that was proposed by Senator Mitchell. I hope we will proceed in a fashion where more than one resolution is considered and voted on at the time. That is our responsibility, and I hope we intend to do it.

I strongly urge the majority leader to accept a vote on a resolution that I have already introduced.

#### THE Y2K ACT

Mr. MCCAIN. Mr. President, let me say we are ready to move forward on the bill. We have a couple of amendments that can be accepted by both sides. I would like to move forward with that and hope that both supporters and opponents of the bill will come to the floor.

Today I see a Statement of Administration Policy:

The Administration strongly opposes S. 96 as reported by the Commerce Committee, as well as the amendment intended to be proposed by Senators McCain and Wyden as a substitute. If S. 96 were presented to the President, either as reported or in the form of the proposed McCain-Wyden amendment, the Attorney General would recommend a veto.

Let me say, I am glad to see the administration's position on this. I think it makes it very clear as to whose side they are on. I hope all the manufacturers, the small businesses, the medium size businesses and the large businesses in America will take careful note of the administration's absolute opposition to an effort that would solve this very, very serious issue.

Of course, they support amendments that are proposed by the trial lawyers which would gut this legislation. I have no doubt that if we accepted the amendments that are going to be proposed, it would gut it. But let us come to the floor and debate these amendments and move forward.

We have been on this bill now for 3 days. We still haven't had a single amendment. I say to the opponents of this legislation and the substitute that Senator WYDEN and I proposed, come to the floor. Let us debate your amendments and let us move forward. There is a cloture petition that will be voted on tomorrow. We may have to move forward in that fashion.

In USA Today, Mr. President, there is an interesting column under Technology by Kevin Maney: "Lawyers Find Slim Pickings at Y2K Lawsuit Buffet."

Y2K lawyers must be getting desperate, in much the way an overpopulation of squirrels gets desperate when there aren't enough nuts to go around.

So far, there's been a beguiling absence of breakdowns and mishaps because of the Y2K computer problem. The ever-multiplying number of lawyers chasing Y2K lawsuits apparently have had to scrounge for something to do. At least that's the picture Sen. John McCain [R-Ariz.] painted on the Senate floor Tuesday.

McCain, who is sponsoring legislation to limit Y2K lawsuits, told the story of Tom Johnson. It seems that Johnson has filed a class action against retailers, including Circuit City, Office Depot and Good Guys. The suit charges that salespeople at the stores have not warned consumers about products that might have Y2K problems.

For one thing, that's like suing a Chrysler dealership because the sales guy didn't tell you a minivan might break down when you're 500 miles from home on a family vacation. Or suing a TV network for failing to announce that its shows might stink.

Beyond that, Johnson doesn't claim in the suit that he has been harmed. He's just doing it for the good of humanity—and "relief in the amount of all the defendants' profits from 1995 to date from selling these products."

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Think Johnson's case is an anomaly? We haven't even hit seersucker season, and the

lawsuits focusing on Jan. 1 are flying. More than 80 have been filed so far. If you sift through the individual suits, a few seem understandable. The rest seem like Rocco Chilelli v. Intuit.

Chilelli's suit says older versions of Intuit's Quicken checkbook software are not Y2K ready and alleges that Intuit refuses to provide free upgrades. Filed in New York, the suit is a class action on behalf of "thousands of customers (who) will be forced to spend even more money to acquire the latest Quicken version and may be required to spend time acquainting themselves with the updated program and possibly re-inputting financial information."

After much legal wrangling, the Supreme Court of the State of New York, County of Nassau, found that—duh!—no damage had yet happened, as the calendar hasn't yet flipped to 2000. The case was dismissed.

Mr. President, the column goes on to talk about the frivolous suits that have been filed already. We need to act.

I note the presence of the Senator from South Carolina. I ask if he is ready to consider two Murkowski amendments at this time, which have been agreed to by both sides.

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. 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.

Mr. HOLLINGS. Mr. President, my distinguished chairman continues to say let's talk, let's vote, let's move along. He thinks it is a procedural question. I guess, in a way, it is when it comes to joint and several.

Mr. President, there is an old story told about the days when they used to block minorities from voting down in Mississippi. A gentlemen presented himself at the poll and the poll watcher showed him a Chinese newspaper. These were the days of the literacy tests in order to be able to vote. He presented him with a Chinese newspaper and he said, "Read that." The poor voter takes it and turns it around different ways and says, "I reads it." The poll watcher said, "What does it say?" The poor minority says, "It says: Ain't no minority going to vote in Mississippi today."

Now, Mr. President, in a similar vein, when you have been in this 20 years, like Victor Schwartz down there at the NAM, when you have been in speaking panels before the manufacturers groups, when you have seen every trick of the trade that they have had to repeal the 10th amendment and take away from the States the administration of the tort system, and you know that there are the strong States righters but they are willing to do this, and when you know there is a non-problem—I emphasize "nonproblem"—in the sense that there have only been