

people want to get their problems solved and want to get them solved quickly. The fact is, under our legislation, if the consumer, if the plaintiff, is not treated fairly, if the consumers do not believe they get a fair shake, they can go out and file suit on the very first day—the very first day—and be in a position to have their issue aired immediately.

Some of the other proposals that have been offered would offer no protection for small business from punitive damages. Without some protection, a small business could be facing an avalanche of lawsuits. Putting a small business out of business is, in my view, an odd way to try to fix the Y2K problem. But what Senator DODD did, with the valuable additions that he made, was the kind of approach that I think really does protect the small business and deal with the issue of small businesses and punitive damages responsibly. Unlimited joint liability, and we have heard some who have advocated that, would declare open season on anybody in the wholesale or in the retail chain. You do that, and there is absolutely no protection for the small business mainstream retailer.

Now, what has been interesting is that some who have opposed the efforts that our bipartisan group has made on the Y2K issue have said that we are against small business and that small business does not get a fair shake under our legislation.

The fact of the matter is that hundreds of small business organizations have endorsed the bipartisan legislation that is before the Senate. I think the idea of having unlimited joint liability really would be inequitable to the small business. Certainly, we ought to make sure those small businesses that are most vulnerable get a fair shake.

Other approaches just do not offer the incentives to business that we

think are necessary to help fix the Y2K problem. They just force the consumer into the courtroom, really give businesses no reason to help mitigate the Y2K situation.

This isn't a partisan issue. It affects every computer system that uses date information. Every piece of hardware, every piece of an operating support system, and every software program that uses date-related information may be affected. It is not a design flaw.

There has somehow been spread across the country the notion that all of this stems from design flaws in our computer systems. It was an engineering trade-off. To get more space on a disk and in memory, the precision of century indicators was abandoned. It is hard for all of us to believe today that disk and memory space used to be at a premium, but it was. In the early 1960s, for example, computer memory cost as much as \$1 million for what today can be purchased for less than \$100. No computer programmer thought that the programs written then would still be running in the year 2000, but they are.

The trade-off became the industry standard, and computers cannot work at all without industry standards. Those standards are the means by which programs and systems exchange information.

I guess you could try to solve the Y2K problem by just dumping all the old layers of computer code that have been accumulated in the last few decades, but that is not a realistic way to proceed. Everybody involved, from CEOs to all of the people doing basic programming, need to continue the painstaking process of making sure that all systems are Y2K compliant. Our goal ought to be to bring every information technology system into Y2K compliance as soon as possible. That ought to be our principal focus and, at the same time, we ought to make sure,

as our legislation does, that there is a good safety net in place.

I am very hopeful that the Senate will pass this legislation. We all know that the economic good times that we have seen recently are being driven by technology. I have said repeatedly that if there is a veto of a bipartisan, responsible Y2K bill, that really would be like throwing a monkey wrench into the technology engine that is driving our Nation's prosperity. There is no other way to put it. We have to get a good bipartisan Y2K reform bill on the President's desk. We need to do it now.

I am hopeful that the White House will work with us constructively in the days ahead. I think the changes that have been made since this legislation originally came out of the Senate Commerce Committee do the job. I can tell you, having heard from Senator MCCAIN and Senator HATCH and Senator DODD and Senator FEINSTEIN, we are open to other ideas and suggestions as well. But we have to get this legislation moving. We have to get it signed. It is too important.

I hope our colleagues get a little bit of R&R over the weekend. This has been a long week with the juvenile justice legislation. That bill and Y2K and other subjects are coming up next week, which will be hectic as well. I am very hopeful our colleagues will support the bipartisan Y2K bill that we will have before us Tuesday at 9:45.

Mr. President, I yield the floor.

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RECESS UNTIL MONDAY, MAY 17,  
1999

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until Monday, May 17, 1999.

Thereupon, the Senate, at 3:29 p.m., recessed until Monday, May 17, 1999, at 12 noon.