

law firms are already preparing seminars on how to handle the flood of litigation that is coming. It has been estimated that the legal costs of Y2K lawsuits could exceed that of asbestos, breast implants and tobacco all combined.

How could this be? Well, there are computer systems in every town in America. Every small town has them, and certainly the bigger towns have even bigger systems. If those systems cause a store to mess up, their stock inventory to mess up, or the phone system not to work, and those sorts of things, then we have a real problem. Somebody could file a lawsuit.

Now, we have a problem with filing lots of lawsuits. Let me share this story with you. A number of years ago, asbestos companies continued to sell asbestos after they had a reasonable basis to know that breathing asbestos by workers could make them ill. They should not have done that. They should have been held liable for that. Lawsuits were filed. To date, 200,000 asbestos lawsuits have been concluded, 200,000 more of them are pending, and it is estimated that maybe another 200,000 asbestos cases will be filed.

But the real tragedy—and as a lawyer who loves the law, I have to say this is a very real tragedy—was that only 40 percent of the money paid out by the asbestos companies actually got to the victims. Costs ate up 60 percent of that. These cases took years to conclude. Individuals who had been victimized died before they ever got a dime. Sometimes even their wives died before their heirs received any benefits. It was not a good day for litigation in America.

One more thing: Seventy-percent of the asbestos companies are in bankruptcy today.

Don't tell me that if we unleash a flood of lawsuits in every county in America against the greatest, most innovative, creative industry this Nation has perhaps ever created, we can't damage that industry; indeed, we have the capacity to bankrupt. It is a threat to our national economic vitality, in my opinion, and we need to do something about it.

Senator MCCAIN and Senator HATCH have been working on this legislation. They have done everything they can to develop a bill with which both the Democrats and the Republicans can live. It will require that a computer company be given notice of the problem and have a chance to fix it before a lawsuit can be filed. Just give them a chance to fix it. They have to fix it.

Arbitration: If there is a disagreement, there will be compensation for damages, but it limits punitive damages to three times the actual lost, or \$250,000, whichever is greater.

That is the general framework of what the bill contains—a reasonable attempt to get compensation and to

focus on fixing the problem so that this country's commercial activities can continue in a very efficient way to put our money on fixing the problem and not on lawyers and lawsuits. If we fail in this, if we allow this to happen, somebody is going to bear the responsibility for it. Members who vote against this bill, who are not giving it a chance to work and are not willing to face up to this are going to have to bear a heavy responsibility.

We have to have real reform, too. If it is not going to go halfway, we might as well not try it.

By the way, 80 lawsuits have already been filed. We had testimony in the Judiciary Committee. The Senator from Missouri, who is presiding now, is a member of that committee. The witness liked the lawsuits. He won a couple of million dollars. I asked him how long it took. He said 2 years. I don't know how he won before he ever had a Y2K problem. But he won. I am thinking, there were just a few lawsuits filed at that time. It took him 2 years. What if you have hundreds of thousands of lawsuits clogging the courts? How can anybody get any legitimate compensation? It is going to be jackpot justice. One jury is going to give somebody \$10 million, one is going to get zero, and that is not a way to handle it.

This bill for this one Y2K problem will provide a national framework, because this is clearly interstate commerce, in settling these matters and trying to give the computer industry a chance to fix the problem and to get our industries' computer systems working.

I am really concerned about the vote tomorrow. It is a critical vote for the American economy. Those who fail to realize that could damage our country.

The vote will be coming up in the morning and everybody should be aware of it.

VOTE ON AMENDMENT NO. 344

Mr. BYRD. Mr. President, I would like to briefly explain my reasons for voting in favor of amendment No. 344, offered by Senators HATCH and CRAIG, to S. 254, the juvenile justice bill. I am extremely disappointed that the amendment does not close the loophole permitting sales of firearms at gun shows without background checks. I supported, and continue to support, the amendment offered by Senator LAUTENBERG, that would close the gun show loophole once and for all. I regret that the Hatch amendment does not go as far as that of my colleague from New Jersey.

Nonetheless, I recognize that there are not yet the votes in the Senate to pass the Lautenberg amendment and I do not wish to overlook the positive crime-fighting proposals that the Hatch amendment makes. These include establishment of the CUFF

("Criminal Use of Firearms by Felons") program, which will provide \$50 million for tougher enforcement of existing gun laws, and expansion of the Youth Crime Gun Interdiction Initiative, to facilitate the identification and prosecution of gun traffickers. The Hatch amendment also sets tough penalties for gun offenses involving juveniles and seeks to facilitate background checks for gun purchases. These are important, worthy provisions, and they are the reason for my voting in favor of the Hatch amendment.

KOSOVO

Mr. WELLSTONE. Mr. President, I have come to the floor of the Senate several times in the last 2 weeks to talk about Kosovo. When the majority leader was talking about our crowded schedule, I couldn't help but thinking to myself that we need to find the time on the floor of the Senate to have a thorough discussion and debate about Kosovo and what is happening there.

This weekend in Korisa, as a result of airstrikes, somewhere in the neighborhood of about, I think, 70 or 80 innocent people were killed. Now, it is quite unclear whether or not we made the mistake, or whether or not the Serbs somehow brought people back to this town and used them as human shields—and they have done that.

But I come to the floor of the Senate to make two points. One, about 2 weeks ago, I said I thought we should have a pause in the bombing. I did not make it open-ended. I made it crystal clear that we would communicate to Milosevic that if he used this 48-hour period of time to repair radar systems, to resupply military, and if he did not stop the slaughter and if he did not remove troops, we would immediately begin to bomb again. But I felt it was critically important to do that because of the momentum of the G-8 countries going to the United Nations and a possible diplomatic solution.

I wish we had done that because then there was the bombing of the Chinese Embassy and all that has happened since. I just want to make the following point: I then came to the floor again last week and called for a temporary pause in the bombing, and I do so again this week. I do not want to engage in moral equivalency. I did not want this century to end this way. I did not want Milosevic to be able to get away with what he has been able to get away with, which has been the murder of innocent people, noncombatant civilians.

But, by the same token, it troubles me when I read reports that we don't use Apache helicopters for fear that we would be flying too low and we could see some of our Americans shot down and killed. I have that same concern.

When I first voted for airstrikes, I assumed we would be prosecuting the war