

We are grateful that you have taken the lead in sponsoring this necessary medical liability reform amendment that promises protections for both patients and physicians. Not only does it assure injured parties full compensation for medical expenses and lost wages, but it also promotes a speedy resolution of claims and directs monetary awards to the patient.

Surgeons, in particular, have been targeted by skyrocketing medical liability premiums, with some increasing by as much as 300 percent. Many surgeons are being forced to retire earlier, stop providing high-risk procedures, or move to states where strong medical liability reforms are in place.

While we are offering our support for this amendment, we do have some concerns with the subrogation language. We hope this issue can be resolved as we work with you to move medical liability reform legislation closer to becoming law.

We appreciate your effort to advance medical liability reform through the United States Senate. If we can be of assistance, please do not hesitate to contact us.

Sincerely,

THOMAS R. RUSSELL, MD, FACS,  
*Executive Director.*

AMERICAN OSTEOPATHIC ASSOCIATION,  
*Washington, DC, February 27, 2004.*

Hon. JOHN W. WARNER,  
*U.S. Senate, Russell Senate Office Building,  
Washington, DC.*

DEAR SENATOR WARNER: As President of the American Osteopathic Association (AOA), I write to thank you for introducing the "Protecting the Practice of Medicine Act" (S. Amdt. 2624). The AOA, which represents the nation's 52,000 osteopathic physicians, support the provisions contained in your amendment and applaud your continued efforts to reform the nation's medical liability system.

The nation's health care delivery system and patient access to quality and timely health care are damaged greatly by the out-of-control medical liability system. As a result of this crisis, patients in Virginia and numerous other states, face the stark reality that their physician may not be available to them at their time of need.

Osteopathic physicians are dedicated to providing quality care to their patients. However, many of our members find it difficult to secure professional liability insurance. Those fortunate enough to secure a policy face premiums that are largely unaffordable. As a result, our members are forced to limit the services they offer their patients, move their practices to states with meaningful medical liability reforms, or simply retire from the practice of medicine. Regardless of the decision made, patients are the ones who suffer. They lose access to physician services, they lose access to trauma centers, they lose access to hospitals—plain and simple, patients lose.

It is our opinion that the medical liability crisis is the greatest danger facing the health care delivery system. For this reason, professional liability insurance reform remains the top legislative priority for the AOA. Beyond access problems, the liability crisis is a leading contributor to the escalating costs of health care in this country.

The AOA and the American public support the enactment of meaningful and comprehensive medical liability reforms in the United States Senate. Please do not hesitate to call upon the AOA and our members for assistance in your efforts on this issue.

Sincerely,

DARRYL A. BEEHLER, D.O.,  
*President.*

AMERICAN MEDICAL ASSOCIATION,  
*February 27, 2004.*

Hon. JOHN W. WARNER,  
*U.S. Senate, Russell Senate Office Building,  
Washington, DC.*

DEAR SENATOR WARNER: On behalf of the physicians and medical students of the American Medical Association (AMA), I am writing to support your proposed medical liability reform amendment to S. 1805, the "Protection of Lawful Commerce in Arms Act."

We are particularly pleased to see that your amendment would establish a \$250,000 Federal cap of non-economic damages in medical liability suits against physicians, hospitals, and other health care professionals and entities. The legislation would provide states the flexibility to set equal or lower caps on non-economic damages. It would also protect those states that limit the amount of total damages (including economic and non-economic damages) that may be awarded in a lawsuit.

We deeply appreciate that your bill includes many of the medical liability reforms that are part of the comprehensive reforms that have proven effective in California and are found in H.R. 5.

We are concerned, however, that language in the amendment that relates to the collateral source/subrogation provision and the ERISA cause of action/scope of preemption provision could disadvantage patients and physicians. We would value the opportunity to continue to discuss these concerns with you.

The AMA applauds you for your leadership in offering this amendment and for highlighting the continued and urgent need for medical liability reform at the Federal level. We look forward to working with you toward our mutual goal of enacting comprehensive Federal reforms, including a \$250,000 cap on non-economic damages.

Sincerely,

MICHAEL D. MAVES, MD, MBA.

Mr. WARNER. I feel very strongly that we have to recognize, as a nation, that the medical profession must, at some point in time, be given protections not dissimilar to those protections sought in this particular legislation. In this humble Senator's view, I feel it is far more important that the medical profession be cared for now, and it should be the top priority. The situation is, though, that I cannot get a vote on my amendment. I feel this vote would be a very strong one, if I could get a vote, because I have stripped out all other beneficiaries that were included in previous efforts, such as insurance companies and drug manufacturers. I have limited it purely to physicians and nurses. I think they need help now because they are not able to deliver that quality of medical care they want to give to Americans throughout the fifty states.

With a great sense of disappointment I say that tonight I will not withdraw the amendment, it will remain, but under the standing order it will, unfortunately, expire automatically. I say to my colleagues, though, that I will continue this fight another day.

I ask unanimous consent to place in the RECORD the full text of the statement I made Friday on the Senate floor in support of my amendment.

I yield the floor.

#### EXEMPTION TO S. 1805

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Before the Senator from Virginia leaves the floor, I express to him my gratitude for his willingness to do what he has just done, which is to accept the facts that exist tonight, not because he likes them but because he realistically has understood there is no alternative. I have always admired my friend from Virginia. He has spoken out in support of the principle which is also included in my amendment. Although he did not say this to me personally, I know he will not mind me sharing this with the body. He also wanted to make it possible for me to have an opportunity for a vote tomorrow, if not an up-or-down vote, at least on a motion to table. I thank him for his expression of support to me personally and his willingness to help make it possible for me to have a vote tomorrow.

Mr. WARNER. Mr. President, I thank my colleague for those remarks. We have been together in the Senate for 25 years. We have a responsibility together on the Armed Services Committee and so we know how to work together. I intend to support the distinguished Senator from Michigan in his efforts. The fact is, it is a good amendment and I urge all Members to take a look at the amendment of the Senator from Michigan. I thank the Senator from Michigan for his personal comments. No one works harder for people than the Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Virginia and all those in leadership who made it possible for this amendment to be voted on tomorrow afternoon and before final passage. This is a very significant amendment we will be voting on tomorrow.

It has been stated by the manager of the bill—and now I am reading his words—that we must insist the law be clear, unambiguous. That the officer—here an officer who was injured by a weapon—have a day in court if he is harmed—here I am skipping over a few words to get to the point—by someone who through negligence has caused a firearm to get into the hand of a criminal.

The amendment we will be voting on tomorrow afternoon makes it very clear lawsuits will be permitted if the defendant's own gross negligence and own recklessness was a proximate cause of somebody's death or injury. The Senator from Idaho has said on a number of occasions people should not be held liable for somebody else's criminal act. I do not disagree with that. What my amendment says is someone can be liable for their own recklessness and their own negligence. I make it clear in my amendment we are talking about gross negligence.

A number of cases have been referred to during the debate on this bill. One of the cases involves the so-called Bull's Eye Shooter Supply Company. We had a situation where a gun dealer was allegedly reckless in terms of failing to

secure his inventory and over and over again there were losses from that inventory, and the DC shooters who killed so many people, Muhammad and Malvo, got one of those guns.

But for the negligence and recklessness of that gun dealer, they would not have gotten those guns. That is the allegation in the lawsuit. So it is not Muhammad's and Malvo's criminal act that is the issue in this lawsuit in the State of Washington. It is the recklessness and negligence of the gun dealer that is the issue in that lawsuit.

The court there was faced with a motion to dismiss and the court ruled it was the alleged reckless or incompetent conduct of distributing firearms which was the cause of action, not the criminal activity of Muhammad and Malvo, and that but for that reckless and incompetent conduct in distributing firearms, the killing would not have occurred. So my amendment makes clear what I think should be clear in this law, or any law, which is reckless or grossly negligent conduct on the part of a defendant, if it is the proximate cause of somebody's death or injury, may be grounds for civil liability.

That is very separate from saying somebody is responsible for somebody else's criminal conduct. This is making somebody responsible for their own conduct which, of course, is the whole purpose of our tort law.

Tomorrow we are going to have an opportunity to make that clear in the bill on which we are going to be voting. It might be argued that the bill we are voting on says if you are negligent per se, you can be held accountable. That is fine. Negligence per se means if you violate a statute or violate the law.

But what happens if you are not violating a statute or law but that you are still reckless or you are still grossly negligent? What if you are not violating a criminal law or a statute but you are just simply reckless in the way in which you do not maintain your inventory and you do not secure the weapons you are selling? Most negligence, most gross negligence, and most recklessness is not based on a violation of law. It is based on a violation of a standard. We set forth those standards in gross negligence and recklessness in this amendment to make sure the people who are going to be subject to civil liability are people whose own gross negligence, whose own recklessness is the proximate cause of somebody else's injury or death.

It is simply not right that we say somebody whose gross negligence or recklessness has caused injury or death to someone else should not be liable unless they have also violated a statute.

The lawsuit filed by Detective Lemongello and Officer McGuire, the two injured police officers who were shot by a gun sold to a straw purchaser, alleged negligence on the part of the seller of that gun. The court denied a motion to dismiss the suit. This

isn't a junk lawsuit. It is based on the alleged negligence of a gun dealer. But the bill before us would require it also to allege that the dealer violated a statute.

It is not right that people who have been injured or killed by the reckless or grossly negligent conduct of a gun dealer or manufacturer must also prove that the dealer or manufacturer violated a statute.

Individual responsibility has always been at the heart of good tort law and my amendment will keep it at the heart of the tort law that we are apparently going to be writing in the Senate.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mr. LEVIN. Again, I thank all of those who made it possible for me to get to a vote tomorrow afternoon on a rollcall. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized for 15 minutes.

Mr. SCHUMER. Mr. President, I am rising in support of the amendment we will vote on tomorrow on continuing the assault weapons ban. I am carrying this amendment along with Senator FEINSTEIN, who passed the bill in the Senate in 1993. I was the lead sponsor in the House as well as the two of our colleagues from the other side of the aisle, Senator WARNER and Senator DEWINE, and many others.

When we passed the assault weapons ban in 1993, there was a great deal of concern. The arguments against the ban were two: One, that the bill would cause to be confiscated weapons far beyond the 19 banned weapons, the Uzis and the AK-47s; and, two, that it would not be effective.

We now have 10 years of evidence and the evidence is clear that neither of those worries about this bill have proven to be true. We cannot report a single instance where a nonassault weapon was confiscated, an overreaching Government, ATF, or whomever went in and confiscated hunting rifles or, frankly, other than the 19, weapons that were not on the list. We were careful in the bill. We named 670 different guns used for hunting, protection, and sports shooting that could not be touched. But it is even new guns that have come out since then. There has not been a single complaint of which I am aware.

Second, the bill has been effective. In all gun crimes, the percent of assault weapons that are used has gone down to one-third of what it was. A little more than 3.5 percent—I think it is 3.75 percent of crime guns were assault weapons back before 1993. In the last 10 years, it has gone down to 1.2 percent.

Law enforcement is strongly for our bill for the simple reason they don't want to be outgunned on the streets. They don't want one of our latest criminal problems, gangs, to have Uzis and AK-47s while they are shooting back with their 9 mms. The bill has worked.

As a result, the American people are overwhelmingly in favor of the assault

weapons ban. Mr. President, 77 percent of the voters are for it; 21 percent against; even among gun owners, 66 percent for, 30 percent against. So the bill has overwhelming support.

You would think it would be renewed and renewed rather quickly, but instead it is hanging by a hair. If I had to bet—and I have been whipping this bill for the last week—there will either be a tie or it will pass by one vote or it will fail by one vote. This bill is neck and neck. All it does is renew this controversial but successful piece of legislation for another 10 years. In fact, it is an exact replica of the previous bill.

Many of us would have liked the bill to go further, to cover weapons that are semiautomatic assault weapons but are not covered by the bill. Manufacturers have come out and created new weapons around the 19. But in deference to those who worry that the Government will expand unreasonably search and confiscation, so to speak, of these weapons, we didn't do it. So we are simply asking to renew the 19 different types of assault weapons.

Just to show, these weapons that were banned can never be used for hunting. They can never be used for target practice. They can't be used, really, in self-defense unless you are reckless and wild, because they were designed by armies for use in military combat. In other words, they didn't have to be terribly accurate. They had to have strong firepower and be able to fire a whole lot of bullets in a very short time. Names such as AK-47, Uzi, TEC-9, and Streetsweeper—these are weapons of mass devastation. They are very efficient killing machines. They are appropriate on the field of battle but not in a reasonable country where there is a right to bear arms—which I believe in but not an unlimited right to bear any arm whatsoever.

I would say to my colleagues, my adversaries, because that is what they are really, in the NRA, no amendment is absolute. I believe in the first amendment. I cherish it. But there are a lot of limits on first amendment rights. Judge Oliver Wendell Holmes said you can't wrongly scream "fire" in a crowded theater. That is an imposition on my complete rights of free speech but it is a reasonable limitation.

The same on the second amendment. I tell you I resent those on the left who want the first amendment to be expanded as broadly as possible and then say the second amendment has to fit through a pinhole. There is a right to bear arms but it is not an unlimited right to bear arms. Should anyone be able to buy a tank or a bazooka? Of course not.

Here is an AK-47. It is the most widely used assault weapon in the world. It is a very good military machine. It comes with a 30-round ammunition clip capable of being fired as fast as the operator can pull the trigger. The faster you can move your finger, the more

people you can kill. With a little practice, a shooter could kill an entire basketball team in seconds. That is not what we want and no one would use this weapon for hunting. No store owner or homeowner would use this for self-defense. They are not even accurate. They just fire a lot of bullets.

How about the next one, the Uzi? This was designed originally as a submachinegun. It comes with a 32-round ammunition magazine capable of being fired as fast as the operator can pull the trigger. It is easy to hide because of its compact design and it is very reliable. Why? Because the Uzi was made for the Israeli Army. Not for the Bloods or the Crips or the MS-13 or any of the violent gangs that love to use these weapons.

There is the TEC-9. We don't have a chart of it. It is similar; 30- to 36-rounds, easily convertible into a machinegun.

Perhaps the most scary of all, is the Streetsweeper. The Streetsweeper—here it is—can fire twelve 12-gauge shotgun shells in less than 15 seconds. That's right, shotgun shells, not regular ammunition. Anyone who knows guns knows a shotgun sprays wide with shot, rather than fixing on a narrow target with a single bullet. That is what makes the Streetsweeper's capability remarkable. It is not part of the right of the average citizen to bear arms.

So the bottom line is this is a reasonable bill that has been successful. There is no, let me repeat, no civilian use for the 19 weapons banned by the assault weapons ban.

Pre-ban assault weapons continue to plague our streets. A couple of weeks ago in my city of Albany, NY, my State, the Albany Police Department suffered its first death of a police officer since 1987. LT John Finn, a highly decorated well-regarded officer and 13-year veteran of the Albany PD was shot on December 23, 2003, 2 days before Christmas, by a criminal using a pre-ban assault weapon, an American Arms AP 9 mm. On February 12, Officer Finn succumbed to his wounds and died.

That is all we are trying to stop, not impinge on the rights of gun owners. Police organizations, law enforcement are for us; the FOP, the International Brotherhood of Police, Major Cities Chiefs of Police, International Association of Chiefs of Police, Hispanic-American Police Command Officers, many other groups. I ask unanimous consent to have the list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The International Brotherhood of Police Officers; the Major Cities Chiefs of Police; the International Association of Chiefs of Police; and the Hispanic-American Police Command Officers Association.

Groups which represent our State and local municipalities, who see first hand the bloody violence that assault weapons can cause, likewise support this bill.

They include: the National League of Cities; the National Association of Counties; and the United States Conference of Mayors.

Renewing the Assault Weapons Ban makes so much sense that organizations which represent the doctors and nurses who see gunshot victims in emergency rooms every day likewise support this bill. They include: the American Academy of Family Physicians; the American Public Health Association; the National Association of Public Hospitals and Health Systems; and the Physicians for a Violence Free Society;

It makes so much sense that organizations which represent victims of gun violence and other crimes in society likewise support this bill. They include: the Family Violence Prevention Fund; the National Coalition Against Domestic Violence; and the National Network to End Domestic Violence.

Renewing the Assault Weapons Ban makes so much sense that organizations which represent just regular mothers, fathers, children and families across America strongly support this bill, like: the Mothers Against Violence in America; and the Child Welfare League of America;

Even religious organizations like the National Association of Catholic Bishops and the American Academy of Episcopal Churches support renewing the ban.

Finally, more than 100 mayors across America have written to Senator Feinstein or myself in support of this bill.

Mr. SCHUMER. Finally, the tactics.

As I said, this bill is hanging by a thread. The vote is neck and neck.

I would first ask any of you out there in America who are listening to support this ban and to call your Senator. Let them know how you feel because most Americans are overwhelmingly for the bill.

I would say to our President down at the other end of Pennsylvania Avenue: Please. You said you support renewing the ban. Step up to the plate. Help get it passed.

One thing the American people are upset with these days is when any politician says one thing but then does another. To say we shouldn't amend the immunity bill, to say do not lift a finger and help get this ban passed when it is so close, will make the American people, in my opinion, justifiably think the President doesn't want it to pass.

I would again renew my plea to the Vice President that he be available tomorrow. There may well be a tie vote, and he has been a loyal and true servant to the President. We ask him to sit in the Chair you are now sitting in, Mr. President, and cast that vote in favor of renewing the ban.

I hope my colleagues will look into their consciences.

I understand there is a lot of misinformation about this bill. I still have people occasionally who come to me in my State and ask, Why do you want to take away my gun rights? I believe in the right to bear arms. I have opposed abolition of the second amendment, like some of my colleagues from New York on the House side have argued should be done. But if you do not have reasonable laws within the confines of amendment rights, our country wouldn't function.

Again, I urge my colleagues to look into their consciences because we are going to need every vote we can get here to not allow the assault weapons

ban to expire, which would be a step backward in America—a step backward for law enforcement, a step backward for safety and, frankly, a step backward in the political discourse of civility and rationality we all prize.

I urge support of the amendment Senators FEINSTEIN, WARNER, DEWINE, and myself will be offering for a vote tomorrow morning at 11:30.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 15 minutes.

Mr. DEWINE. Mr. President, I spoke earlier today in favor of an amendment we have offered which the Senator from New York is talking about; that is, the assault weapon ban. It is a very simple amendment. I don't intend to talk about it this evening other than to say this is merely a reiteration of status quo—a law that has been on the books now for 10 years, and a law that has the support of law enforcement officers across this country. It is the right thing to do from a law enforcement point of view. This Congress should in fact continue this law in effect. This is truly a law enforcement vote. I commend my colleague from New York for his comments.

Let me speak tonight about three different items.

First, very briefly, I would like to support the Levin amendment which will be voted on tomorrow. I thank my colleague from Michigan for his leadership on this issue. His amendment is a simple, modest amendment. It would merely allow injured victims to bring cases of gross negligence or recklessness against irresponsible gun dealers without the unreasonable restrictions of the gun liability bill that is in front of us. That is fair. It is justice.

I have already spoken about what I consider to be the drastic attack the underlying bill makes on ordinary negligence cases and on this select group of victims in our society. It is wrong. As my colleagues know, cases of gross negligence or recklessness require even greater wrongdoing by irresponsible people before liability can be found. This amendment merely restores the ability of parties injured as a result of gross negligence or recklessness to have their day in court. I implore my colleagues in the Senate when Senator LEVIN's amendment is offered tomorrow to vote in favor of it.

I rise this evening also in support of Senator McCain's amendment which will also be voted on tomorrow. This amendment is known as the Gun Show Loophole Closing Act of 2003. Senators LIEBERMAN, REED, and myself are the original cosponsors of this common-sense amendment, an amendment that aims to keep guns out of the hands of criminals and out of the hands of children.

The United States Constitution guarantees the rights of gun owners. We all believe strongly in the second amendment. As a former prosecutor in Greene County, Ohio, I have learned the best

way to protect the rights of law-abiding citizens and reducing illegal and often fatal use of guns is to pass and enforce tough laws that severely punish criminals who use them. I have tried to do that throughout my legislative career.

I have consistently supported measures to keep firearms from getting into the wrong hands and efforts that increase the punishment of those who use firearms in the commission of a crime. I believe the Gun Show Loophole Closing Act helps achieve this goal.

For the most part, our current system is working. Under the existing Brady bill, when a purchaser buys a gun from a licensed dealer, he or she must undergo a background check through the Federal Government's National Instant Criminal Background Check System, or NICS, into which States feed records of certain criminals and others not qualified to own a gun. NICS has up to 3 days to inform the dealer as to whether the buyer is qualified to purchase a gun. But 95 percent of these checks come up with an instant or near instant response allowing or disallowing the purchase immediately. So a decision can be made. The person can get their gun.

This amendment simply applies the same commonsense check to all gun show sales. Right now, there is no statute requiring that all sellers at gun shows run these checks on potential gun buyers. Yet according to Federal officials, gun shows are the second leading source of illegal guns recovered from gun trafficking investigations.

By leaving this loophole open, by not requiring all gun show sellers to run NICS checks, we are presenting gun traffickers and other criminals with a prime opportunity to acquire firearms. This is terrifying. This is unacceptable. In common language, we have a situation where someone can walk into a gun show, look around, look for a licensed firearm dealer, and find a firearm dealer. If they buy a gun from that person, there will be a check run. But if they do not want a check run on them, all they have to do is find someone at the gun show who is not a licensed firearm dealer. At most gun shows they can find that person. They just have to look around. They will find them. Guess what. They do not have to have a check run.

If you are a criminal, if you have a felony conviction, or worse yet, if you are a terrorist, you go to a gun show and you find someone who is not a registered firearm dealer and you buy their gun and there is no check done. That is a classic definition or classic example of a loophole.

Following the attacks on September 11, for example, news reports suggested that al-Qaida produced a handbook in which it advised terrorists to purchase firearms at gun shows in the United States. Other media reports indicate that suspected terrorists have exploited this loophole to acquire firearms. It is imperative now, more than

ever, to enact legislation to protect our citizens from this potential area of terrorist exploitation.

This amendment is simply common sense. Regardless of where firearms are purchased, whether at a gun shop or a gun show, the laws should be the same. It seems silly if you go to a gun show to buy a gun, the determination as to whether you will have to undergo a background check is wholly dependent upon how you purchase a gun; that is, you could buy a gun from one seller and be subjected to the government's Brady check. But if you walk a few feet away, you can find another seller, give them some cash, they would be willing to give you a gun, and that gun would not be subject to a check and that seller would not be subject to a check. You would walk away with a gun and totally be unchecked. Don't we think that criminals know this? Of course they know it.

It is like having a metal detector at the front entrance of our building but leaving the back door wide open for anyone to pass through. Don't we think that under that circumstance, someone with nefarious intentions would simply use the back entrance? That would make our attempt at security completely illusory. Indeed, not only would there be no greater security whatever, we would be paying a lot of money to do absolutely nothing, nothing other than giving hard-working Americans a false sense of security. That certainly makes no sense and would not under those circumstances.

That is the exact same thing that is going on with the gun show loophole. People with these nefarious intentions know they have a back door to getting guns without any threat of a background check. Thus, this Government, spending millions of dollars on a sophisticated system of background checks to check the background of people who voluntarily choose to be checked, they go in, buy the gun, they voluntarily choose to be checked, but the system totally misses those who, with very little effort, choose to evade it.

That is a waste of the American people's money. At the same time, it gives them a false sense of security. We need to provide the American people with the security they deserve and for which they are already paying. This amendment, the McCain amendment, that we will vote on tomorrow, closes the gun show loophole in a way that respects the second amendment and also respects an honest law-abiding American's right to buy and sell guns and to attend gun shows. That is good law. It is good policy. It makes good common sense. That is why I support this amendment and urge my colleagues to join me tomorrow.

#### HAITI

Mr. DEWINE. Mr. President, I will discuss tonight the situation in Haiti. I have come to the Senate many times in

the past to discuss the situation in Haiti. Over the last 9, 10 years since I have been in the Senate, I have traveled to Haiti 13 or 14 different times. Haiti has been on the front page of the papers now and in the news for the last several weeks. The situation certainly reached a climax this weekend.

Once more, Haiti is at a crossroad. Once more, the U.S. troops, U.S. Marines, are back in Haiti. I commend President Bush for taking decisive action and sending the Marines into Haiti to stabilize the situation in this poor country. We have 20,000 Americans who live in Haiti. This country is in our own back yard. The President made the right decision.

But if we are to avoid this happening again and again and again, avoid the necessity of sending U.S. troops back to Haiti time and time again, avoid seeing the boat people coming toward the United States, avoid having to see the very sad scene of the U.S. Coast Guard having to pick these poor, miserable people up on the high seas and take them back to Haiti, if we are to avoid this in the future, and if the people of Haiti are to have any hope, then this country and the international community has to now take some very bold and radical steps.

Now is the time to change the future and to do some things differently. We have to do them in conjunction with the new coalition Haitian Government. The Haitian Government, by the way, cannot include and should not include the thugs, the drug dealers, the bad people who are part of this group of rebels who were marching on Port-au-Prince. These are not good people. They cannot be part of the government. But there are many good people in Haiti who can be a part, and are going to be a part of the new coalition government.

Briefly, in the time remaining in the Senate, I will make a few suggestions. These are suggestions made in regard to the long-term health of Haiti. They are this idea of bold and innovative and radical change of things that need to be done. First is trade. Congressman CLAY SHAW and I have introduced in our respective bodies a bill, S. 489, a trade bill, a very modest bill. It would not cost any American job. It might cost some jobs in Asia, but certainly it would not cost any jobs in the United States. It would create some jobs in Haiti, give them modest trade preference.

It was not too many years ago there were 100,000 assembly jobs in Haiti. Today, there are only about 30,000. This bill would create very quickly, probably 60,000 or 70,000 jobs in Haiti, assembly jobs. Haitian people are an industrious, hard-working people. Anyone who knows anything about Haiti will tell you that. These jobs would be created very quickly. For each job that is created, each one of those individuals would support many people and their families. Haitian people want the same thing that people in this country