

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT—Continued

Mr. REID. Mr. President, I ask unanimous consent that instead of 1 minute on each side between votes, there be 2 minutes on each side.

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

AMENDMENT NO. 2625

The PRESIDING OFFICER (Mr. VOINVOICH). Who yields time on the Frist amendment No. 2625? The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent that we proceed with 2 minutes of debate prior to the vote. The Frist-Craig amendment is the pending amendment. I would like to close. I ask the Senator to proceed.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am glad if Senator CRAIG wishes to close on this amendment. I would like to close on the next amendment, if that is agreeable.

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

Mr. KENNEDY. Mr. President, I have seen a lot of phony amendments around here in the 42 years I have been here, and this is about as phony an amendment as one could possibly imagine.

We have to ask ourselves, What is the problem? The problem has been 17 law enforcement officers have been killed, according to the FBI, from armor-piercing bullets. Deer and ducks do not wear armor vests. Police officers wear armor vests. What do police officers do? They try and protect the public interest.

What is out there now on the Internet? I have four different charts that show what is out on the Internet selling this armor-piercing ammunition. Let's just take a look at what the armor-piercing ammunition does.

Armor-piercing projectiles contain a core of hardened steel or tungsten carbide which allows it to penetrate metal objects. That is what our police officers are up against.

The Craig amendment does what? It asks whether we ought to have a study of this kind of problem. In the meantime, if we accept that and oppose my amendment, we know there will be law enforcement officials who will be killed, shot, with these armor-piercing bullets.

What in the world justification is there for hunters to use armor-piercing bullets? Perhaps that can be answered. I have not heard it, but the Senator wants to have a study.

What else will they do? They will increase the penalties. That will be fine. Tell that to the families after these police officers have been killed. What is going to happen after that? They will even provide the death penalty in some instances. This does not protect law enforcement officials, and I hope the Senate will support my amendment later.

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

The Senator from Idaho.

Mr. CRAIG. Mr. President, the Fraternal Order of Police, 311,000 police, oppose what the Senator from Massachusetts has just said. Their official organization says this is nothing more than a smokescreen to ban about 30 percent of ammunition that is currently in the market for the purpose of hunting, for the purpose of using it in a law-abiding way by sportsmen.

Can a piece of ammunition, shot in a 30.06, that will kill a deer or an elk pierce certain types of armor? The answer is, yes, it can. The Senator from Massachusetts is truthful in that. But do we want to now summarily erase all of that from the market or do we want to do an official bona fide ballistic study, directed by the Department of Justice, to have a clear and clean understanding of what is, in fact, armor piercing and what is, in fact, a legitimate piece of ammunition that is used by marksmen, that is used in the legitimate business of hunting that we have long-time said is a great tradition in this country?

Anti-gunners have always said, if you can't get the gun, go after the ammo—if you can't get the gun, go after the ammo. Clearly, the underlying amendment that we will debate next goes after the ammo. The Frist-Craig amendment says, whoa, wait a minute, let's make darn sure what we are doing is the right thing before we go there.

No one is in favor of a cop-killer bullet. Shame on anybody who would accuse any Senator on this floor for being in favor of a cop-killer bullet. What we are in favor of is legitimate ammunition and its use, not its misuse, and not the ability to say, well, that is a good bullet but it was used badly; therefore, it ought to be eliminated.

Mr. HATCH. Mr. President, I urge my colleagues to vote in favor of the Frist-Craig amendment relating to armor piercing ammunition. The Frist-Craig amendment restates existing law which prohibits the manufacture, import, or sale of armor piercing ammunition except for use by the United States Government or for export. Additionally, the Frist-Craig amendment requires the Department of Justice to study and report to Congress whether a uniform standard for the testing of projectiles against body armor is feasible.

The Department would include in its study the standards which Senator KENNEDY seeks in his proposed amendment. Ideally, this report will confirm or put to rest the issue of whether the amendment proposed by Senator KENNEDY would have the effect of banning standard hunting information. This is a sensible approach to an issue which has so many legitimate hunters and other gun owners concerned. Finally, and importantly, the Frist-Craig amendment does something about SENATOR KENNEDY's concerns in a way that his amendment does not. Specifically,

the Frist-Craig amendment imposes serious penalties on those who use and carry armor piercing ammunition during and in relation to crimes of violence and drug trafficking crimes.

The Frist-Craig amendment sends a clear message that those criminals who use this type of ammunition in their crimes that they will face significant punishment. Additionally, if the criminals murder someone with armor piercing ammunition in the course of a drug trafficking crime or crime of violence, they will face the full range of punishment, including the death penalty.

The Frist-Craig amendment would therefore punish those who use armor piercing ammunition to carry out illegal activities while permitting those who intend to legitimately use ammunition with common and conventional hunting or sporting rifles to do so.

It is through the Frist-Craig amendment that we would preserve what is the classic first deer rifle given to millions of Americans; that is, the 30-30 Winchester deer rifle. Finally, it is important to note that the Fraternal Order of Police, representing over 311,000 police officers nationwide, supports the Frist-Craig amendment.

A difficulty many have with Senator KENNEDY's amendment is the definition of body armor, which is directed at the minimum standard for protection of law enforcement officers. According to the Department of Justice, the minimum standard is level 1 body armor which is designed to resist bullets fired from various low caliber handguns, such as .22s or .380s. Therefore, under this amendment common handgun ammunition for other handguns, including .44 calibers and 9 mm, would be banned. Additionally, neither level 1 nor level 2 body armor is designed to prevent penetration by rifles. Therefore, to ban all ammunition that may penetrate level 1 body armor, or level 2 body armor for that matter, would in effect ban all rifle ammunition.

I am troubled by this issue because I remember the draft AFT report issued in 1997 by ATF's career personnel that concluded that there was no need for new legislation. Unfortunately, those in that administration's political positions whose agenda was to push gun control legislation reversed those findings.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2625.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from South

Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—85

Alexander	Dodd	McCain
Allard	Dole	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham (FL)	Pryor
Breaux	Graham (SC)	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Schumer
Campbell	Hatch	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Craig	Leahy	Thomas
Crapo	Lieberman	Voinovich
Daschle	Lincoln	Warner
Dayton	Lott	
DeWine	Lugar	

NAYS—12

Akaka	Feingold	Levin
Cantwell	Hollings	Reed
Carper	Kennedy	Sarbanes
Corzine	Lautenberg	Wyden

NOT VOTING—3

Domenici	Edwards	Johnson
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The amendment (No. 2625) was agreed to.

AMENDMENT NO. 2619

The PRESIDING OFFICER. There will be 4 minutes of debate evenly divided before the vote on the Kennedy amendment.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I believe the Kennedy amendment is now up. Both the Senator from Massachusetts and I agree, this being his amendment, he should be able to close the debate.

Let me suggest as clearly as I can to all of our colleagues, if you just voted yes on the immediate past amendment that passed by a very large margin, 85 to 12, then you would vote no on Kennedy. It is quite simple why.

He sets a new ballistic standard. He does not allow the professional to determine what is or is not armor piercing. I don't believe a Senator wants to ban from the marketplace potentially 30 percent of the kind of ammunition that is now used in legitimate hunting.

That is fundamentally the issue that is at hand, to reach out into the marketplace and arbitrarily draw a line when we all know that hunting weapons, when misdirected, have the potential of penetrating soft armor and other types of armor. Are they armor piercing? No. But they have the capability of phenomenal penetration. That is why they are hunting ammunition. That is why our sportsmen use them.

It is not the role of the Senate to draw that kind of line and determine

what is hunting and what is not in respect to this amendment. I believe that is the underlying basis of the Kennedy amendment.

I ask that the Senate oppose it and vote no.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the current cop-killer bullets that we have accepted now took 5 years to pass in the Senate. We heard the same arguments. I was part of that whole effort. It took us 5 years to provide it. We have made very marginal progress on it.

I raise this: Law enforcement officers killed and assaulted, on page 17, law enforcement officers killed by firearms while wearing body armor. There it is, page 17: 17 law enforcement officers were killed while wearing body armor by armor-piercing bullets.

Don't worry about this amendment. The only people who have to worry about this amendment are people who use sniper rifles and assault weapons and use armor-piercing bullets.

That is the record. The FBI has stated that. We have a chance to make a difference. We have had a study. I can understand some people want a study. You can vote for this amendment.

Let me finally say this has the support of the International Association of Chiefs of Police, International Brotherhood of Police Officers, City Chiefs Association, National Organization of Black Law Enforcement, National Association of School Reserve Officers.

This applies to sniper rifles and assault weapons. Some of these bullets can travel as far as a mile. Some of them have incendiary tips with electronic scopes. We are talking about homeland security and we are not even prepared to do something about armor-piercing bullets that can go through police officers' vests. It is as simple as that.

If we care about our law enforcement officers trying to protect our people, we will at least resist letting snipers have armor-piercing bullets.

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2619.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Dakota (Mr. JOHNSON), are necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 63, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—34

Akaka	Durbin	Lieberman
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Byrd	Harkin	Reed
Cantwell	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Chafee	Kennedy	Schumer
Clinton	Kerry	Stabenow
Corzine	Kohl	Wyden
Dayton	Lautenberg	
Dodd	Levin	

NAYS—63

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Dorgan	Miller
Baucus	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bingaman	Fitzgerald	Nickles
Bond	Frist	Pryor
Breaux	Graham (SC)	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chambliss	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Jeffords	Specter
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Leahy	Talent
Craig	Lincoln	Thomas
Crapo	Lott	Voinovich
Daschle	Lugar	Warner

NOT VOTING—3

Domenici	Edwards	Johnson
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The amendment (No. 2619) was rejected.

AMENDMENT NO. 2631

The PRESIDING OFFICER. There will now be 4 minutes equally divided on the Levin amendment.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, if I could have the attention of our colleagues, this is a key amendment to the underlying S. 1805.

I yield to the Senator from Arizona.

Mr. KYL. Mr. President, I went to law school and studied the concepts of gross negligence and reckless conduct. There are thousands, in fact probably millions, of pages of case law trying to define those legal terms.

The reality is no judge or lawyer can tell you today what they mean. They say it all depends. This amendment does not clear that up. In fact, it only adds to the confusion, because it statutorily creates a standard of care when there is no underlying cause of action, no basis for liability against the defendant. There will still be lawsuits to defend and lawyers to pay even if you win. I guess that may be the whole point of the proponents—create a requirement for manufacturers to defend themselves in court even though there is no legitimate cause of action against them. They pay more insurance, more lawyers, so even if they win, they lose.

This bill is all about ensuring there is no cause of action against a manufacturer which makes a legal, non-defective product. It makes no sense to say unless he is grossly negligent. He is already liable if he is grossly negligent. Say the gun blows up and kills somebody; that standard applies already if there is a legal cause of action against

him—in other words, a legal basis for holding him liable. It adds nothing but confusion when there is no underlying cause of action.

Here is an example: You get yourself rear-ended by the guy behind you, and I am not that guy. You have no right to sue me. It doesn't change anything if we say in the law "unless KYL is grossly negligent;" KYL wasn't even there. All we are doing is adding confusion to this by adding this gross negligence language which, unfortunately, will cause a lot of people to have to defend themselves in court, pay lawyer fees, and at the end of the day we are trying to avoid that here.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the purpose of this bill is said to be that you want to make sure you do not hold people accountable for the actions of others. That is what we have been told the purpose of this bill is. That is what the stated purpose of this bill is. This amendment says we surely should hold people accountable for their own actions. That is the difference. Are people going to be held accountable for their own reckless and grossly negligent conduct? The way this bill is written, the only grossly negligent conduct or reckless conduct somebody is held accountable for is if that conduct is also illegal.

What if the conduct is not illegal but is grossly negligent and reckless and causes the death or injury of somebody else? Should that manufacturer or that dealer be immunized if his own reckless or grossly negligent conduct is a proximate cause of death or injury? It is a simple provision. I am going to read it, if I have 20 seconds left:

None of the provisions in the act shall be construed to prohibit a civil liability action from being brought or continued against the person if that person's own gross negligence or reckless conduct was a proximate cause of death or injury.

The key word in this whole sentence is "own." The key argument that the opponents of the amendment make is that you only should be responsible for your own actions, and I agree. The NRA has a point. You should be responsible for your own actions. This amendment says if your actions are reckless or grossly negligent, then you are not going to be immunized. This is not someone else's conduct. It is your own.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Idaho.

Mr. CRAIG. Mr. President, I move to table the Levin amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—56

Alexander	Dole	Murkowski
Allard	Dorgan	Nelson (NE)
Allen	Ensign	Nickles
Baucus	Enzi	Pryor
Bennett	Frist	Reid
Bond	Graham (SC)	Roberts
Breaux	Grassley	Rockefeller
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Hutchison	Smith
Chambliss	Inhofe	Smith
Cochran	Kyl	Snowe
Coleman	Landrieu	Specter
Collins	Lincoln	Stevens
Cornyn	Lott	Sununu
Craig	McCain	Talent
Crapo	McConnell	Thomas
Daschle	Miller	Voinovich

NAYS—41

Akaka	Dodd	Leahy
Bayh	Durbin	Levin
Biden	Feingold	Lieberman
Bingaman	Feinstein	Lugar
Boxer	Fitzgerald	Mikulski
Byrd	Graham (FL)	Murray
Cantwell	Harkin	Nelson (FL)
Carper	Hollings	Reed
Chafee	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Conrad	Kennedy	Stabenow
Corzine	Kerry	Warner
Dayton	Kohl	Wyden
DeWine	Lautenberg	

NOT VOTING—3

Domenici	Edwards	Johnson
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The motion was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, I believe the order at hand is final passage on S. 1805, as amended. I turn to my colleague, Senator REED, for any closing comments he would like to make.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, despite the passage of three very important amendments for gun safety—one that closed the gun show loophole, another that extended the assault weapons ban, and a third to require child safety locks with all handguns sold in this country—the underlying bill still represents a fundamental undermining of a principle of law that has lasted for

centuries, and that principle is that an individual is not just responsible to follow the statutes of this country, that individual is responsible to act reasonably. Even the most elaborate construct of statutes will never reach all the variations of human behavior. That is why this fundamental principle of responsible conduct must be maintained.

This bill turns it on its head. This bill, if enacted, will be a license to be irresponsible, and there is no more graphic example than Bull's Eye Shooter Supply in Washington State, the source of the weapons for the snipers who terrorized Washington, DC. The individual could not account for 238 weapons, had numerous citations by ATF, and was unaware that a weapon was shoplifted and had fallen into the hands of assassins. That is irresponsible conduct. That conduct would be immunized by this legislation.

I urge all my colleagues to vote no, against this legislation. We have made progress on important gun safety measures, but the underlying legislation would say to gun manufacturers: You can be irresponsible through your distribution network to whom you sell; to dealers, you can be irresponsible to the customer to whom you sell. We don't want that. The peace, security, and safety of all of us cannot tolerate that, and I urge defeat of this measure.

Mr. CRAIG. Mr. President, we are about to vote on S. 1805, as amended. The House passed a clean S. 1805 with over a 2-to-1 margin. The President has asked for a clean bill. But in the process of the last 5 days we have added a great deal to this bill that makes it much less than clean.

We have added back the assault weapons ban. We have added trigger locks. We put a new tripwire in gun shows that will allow law-abiding citizens to be at risk.

I don't think we can go there, nor do I believe we should go there. I, and certainly my colleagues, have worked in good will, as have all who have come to the floor to debate this issue. There has been a real difference of opinion.

I am now told even if we passed it, it would never get to conference. If you can't work the process and get to conference, how can you complete the legislative process for which the House and the Senate have always historically been known? To simply have someone say no to allow the difference between the House and the Senate to be worked out is the very clear message I am hearing at this moment. That is a message that doesn't work. If that is the strategy here, that we move legislation by offering amendments by working in a bipartisan fashion only to say no at the end, how can we accept the process and simply say, well, let us vote it out, anyway?

This is a very important bill. There is no question about that. It was a substantial move in tort reform. It enshrined once again the historic tort belief that you as an individual are responsible for your own actions. If

somebody acts criminally down the line and you have been law abiding and you are at risk, that is what the bill said. It wasn't convoluted. It was clear and it was clean. I worked on it a long while, as have many others.

I am proud of our work product, and I would love to see this bill pass. But I now believe it is so dramatically wounded that it should not pass. I urge my colleagues to vote against it.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CHAFEE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 8, nays 90, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—8

Breaux	Lincoln	Pryor
Daschle	Lugar	Voinovich
Lieberman	McCain	

NAYS—90

Akaka	DeWine	Leahy
Alexander	Dodd	Levin
Allard	Dole	Lott
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Brownback	Frist	Reed
Bunning	Graham (FL)	Reid
Burns	Graham (SC)	Roberts
Byrd	Grassley	Rockefeller
Campbell	Gregg	Santorum
Cantwell	Hagel	Sarbanes
Carper	Harkin	Schumer
Chafee	Hatch	Sessions
Chambliss	Hollings	Shelby
Clinton	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Inouye	Specter
Collins	Jeffords	Stabenow
Conrad	Kennedy	Stevens
Cornyn	Kerry	Sununu
Corzine	Kohl	Talent
Craig	Kyl	Thomas
Crapo	Landrieu	Warner
Dayton	Lautenberg	Wyden

NOT VOTING—2

Edwards	Johnson
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The bill (S. 1805), as amended, was rejected.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield to the Senator from Arizona.

MORNING BUSINESS

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DODD. Mr. President, may I inquire, what sort of time—I want to get a few minutes in morning business, myself.

Mr. CRAIG. Mr. President, I would like only to thank all who were involved in the legislation.

Mr. KYL. Mr. President, I have a presentation I would like to make in morning business.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. While the Senator from Idaho is speaking, I will be happy to speak to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Idaho.

CONSIDERATION OF S. 1805

Mr. CRAIG. Mr. President, we have just had 5 days of very important debate. I think all who entered the debate entered it with good will in mind. There have been different points of view, very strongly held different points of view. As a result of that, the final passage of S. 1805 was not possible, and the Senate defeated it. That is all I will say about that process.

I wish to thank so many people who have been tremendously helpful on my staff: Brooke Roberts, Lisa McGrath, and Doug Lucke, who worked extremely hard with me to perfect S. 1805 and bring it to the floor; Chairman HATCH and his staff of the Judiciary Committee: Ted Lehman, Brett Tolman, and Reed O'Connor; the leadership staff in the cloakroom; and the 55 cosponsors of S. 1805.

Certainly, there was a strong effort on the part of all to get this legislation to the floor, to get clean votes on it. We even, of course, had the effort of the House, with a better than two-to-one majority in the House, on a clean bill. The President asked that a clean bill be received at the White House.

None of that, in the final hours, appeared to be possible. Clearly, we were not going to be allowed to go to conference. The minority saw no advantage in allowing the process that is historical and responsible in the Senate to move forward because that, of course, takes unanimous consent or prolonged effort and votes to get there.

It is a very short timeline for this year, and we clearly need to move the

process forward. We will look now to bring the House bill forward in a clean way. Ultimately, we hope we might get a cloture vote. This issue will not go away. It deserves to be voted on, up or down, by the Senate. Clearly, it is the will of the American people and, ultimately, we will have that day and that opportunity. That day was not today, as much as I wished it could be.

At the same time, when you have a bad bill that is created by the amendment process, it sometimes is difficult, if not impossible, to make it better or to make it acceptable. I would not send to this President or any President a bad bill of the kind that was crafted in the Senate through the amendment process over the last several days.

But, again, I thank so many who were involved in this effort. It is greatly appreciated.

With that, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The minority whip.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Connecticut, Mr. DODD, be recognized for up to 30 minutes—we are in a period of morning business—and following that, the floor return to Senator KYL.

Mr. KYL. Reserving the right to object; 20 minutes, yes, 30 minutes, no.

Mr. REID. I would say, no, he asked for 20 minutes.

Mr. KYL. Sorry. I say to the Senator from Nevada, is 20 minutes all right, then?

Mr. REID. Could we give him 25? Twenty minutes is fine. Twenty minutes is fine. Then the floor would return to Senator KYL.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, first, I thank the distinguished Senator from Nevada and the Senator from Arizona for their courtesies. I appreciate that very much.

HAITI

Mr. DODD. Mr. President, I wish to address, if I may, the subject matter of Haiti and the events that have occurred there over the last several days, now going back a week or more, in that country, that beleaguered nation only a few hundred miles off the southern coast of Florida.

On Sunday morning, as we now all know, the democratically elected government, the President of Haiti, was forced out of office. The armed insurrection, led by former members of the disbanded Haitian Army, and its paramilitary wing called FRAPH, made it impossible for the Aristide government to maintain public order, without assistance from the international community—international assistance that was consciously withheld, in my view.

President Aristide left Haiti on Sunday morning aboard an American aircraft. President Aristide reportedly has