

Attorney General to study and report on whether it is feasible to develop standards for the uniform testing of projectiles against body armor.

The difference that the alternative amendment—the Frist-Craig amendment—makes is in the law’s message. It says that if armor-piercing ammunition is used to kill a law enforcement officer, then the maximum penalty available is the death penalty. It doesn’t get any tougher than that. If armor-piercing ammunition is used in the commission of a crime that wounds but doesn’t kill a law enforcement officer, there will be a mandatory minimum sentence of 15 years.

Let’s talk about how this is different. It sends a message to criminals in this country that not only is this ammunition illegal, if they use it to kill law enforcement officers who put their lives on the line every day for our citizens, families, and communities, they will pay the ultimate price.

Mr. President, we should reject the Kennedy amendment. We should follow what law enforcement in this country says. It does not get any better than the FOP. Last year, the Senate rejected the Kennedy amendment 34 to 63 and instead adopted the Frist-Craig amendment by a vote of 85 to 12. We should do that again.

I compliment my colleague for the hard work he has done on this particular bill. I hope we will all vote for the alternative amendment of Senator CRAIG.

I yield the floor.

Mr. CRAIG. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Idaho has 15 minutes.

Mr. CRAIG. I will have a brief comment. Do any of my colleagues wish to comment?

I yield 5 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I have some great friends in law enforcement. They have served their country and States and communities well over the years. We hunt and fish together at various times. I am not hearing them say this is what they would like to see. If you talk to law officers, what they are concerned about is repeat dangerous offenders getting released on the streets. A police officer never knows when he may face someone like that around the corner, at a traffic stop, or in a domestic violence situation. Those are things that concern them. They do feel sometimes that the criminal justice system is too slow, that the punishment and penalties that are imposed by law never get carried out. Those things frustrate them. That follows through and is consistent with the letters we have received regarding the Kennedy amendment.

I am looking at the Law Enforcement Alliance of America letter, which they wrote to Senator CRAIG. This is a very clear and strong message. They represent 75,000 members in support of law enforcement. They wanted to “add our

voice to the growing group of law enforcement representatives who strongly oppose efforts to gut or kill S. 397, the Protection of Lawful Commerce in Arms Act.”

They refer to this amendment as a “poison pill” and object to the term “cop killer bullet” as a “thinly veiled fraud.” They go on to say:

This amendment, along with other amendments, should be identified for what they are: an outright attempt to kill S. 397.

Please know that many in the law enforcement community encourage you to continue steadfastly in support of America’s gun manufacturers who provide our officers the tools to return home safely at the end of their shift.

Also, the Fraternal Order of Police has written to Senator CRAIG in “strong opposition” to the amendment offered by Senator KENNEDY. They say that this will be presented as a “officer safety issue” to get dangerous “cop killer bullets off the shelves.”

Then they add:

Regardless of its presentation, the amendment’s actual claim and effect would be to expand the definition of “armor-piercing” to include ammunition based, not on any threat to law enforcement officers, but on a manufacturer’s marketing strategy.

Then they add this, which is interesting:

The truth of the matter is that only one law officer has been killed by a round fired from a handgun which penetrated his soft body armor—and in that single instance, it was the body armor that failed to provide the expected ballistic protections, not because the round was “armor-piercing.”

They say:

It is our view that no expansion or revision of the current law is needed to protect law enforcement officers.

That letter is to Senator CRAIG. No additional legislation is needed to protect law officers.

To put it simply, this is not a genuine [law enforcement] officer safety issue.

They noted that it had been rejected previously—last year, 63 to 34. They say it should be rejected again.

I thank the Chair.

Mr. CRAIG. Mr. President, I believe all that can be said about these two amendments has been said. I hope my colleagues join in voting for the first-degree relevant amendment I have offered that toughens up penalties and recognizes the reality that the law we have today is working to protect our law enforcement community from armor-piercing bullets.

I yield back the balance of my time. Senator KENNEDY can conclude and we can move to a vote.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I have in my hand the Federal Firearms Regulations Reference Guide that bans 14 different types of ammunition today. All we are trying to do is add a 15th. What will the 15th do? It will be limited to cop-killer bullets.

My friends, the Republican amendment says we should study the problem

of cop-killer bullets. Our police officers are the ones that are in the line of fire, and we are going to protect them with a study?

If you care about fighting terrorism, you will reject the Republican amendment and vote for my amendment to take real action. If you care about protecting our brave police officers, you will support my amendment. They risk their lives for us every single day.

This is not about hunting. We know duck and geese and deer do not wear armor vests; police officers do. This can save their lives. I hope it will be accepted.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. It is my understanding, under the unanimous consent that the Craig first degree would be the first to be voted on; Kennedy would be the second to be voted on. I ask unanimous consent the second vote be a 10-minute vote. I urge my colleagues to come now, as quickly as we can, to move these votes.

I call for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered. The second vote will be 10 minutes.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1645

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Kansas (Mr. ROBERTS) would have voted “yea.”

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

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—87

Alexander	DeMint	Lincoln
Allard	DeWine	Lott
Allen	Dodd	Lugar
Baucus	Dole	Martinez
Bayh	Domenici	McCain
Bennett	Dorgan	McConnell
Biden	Durbin	Mikulski
Bingaman	Ensign	Murkowski
Bond	Enzi	Murray
Brownback	Feinstein	Nelson (FL)
Bunning	Frist	Nelson (NE)
Burns	Graham	Obama
Burr	Grassley	Pryor
Byrd	Gregg	Reid
Cantwell	Hagel	Rockefeller
Carper	Harkin	Salazar
Chafee	Hatch	Santorum
Chambliss	Hutchison	Schumer
Clinton	Inhofe	Sessions
Coburn	Inouye	Shelby
Cochran	Isakson	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kerry	Stabenow
Cornyn	Kohl	Stevens
Craig	Kyl	
Crapo	Landrieu	
Dayton	Leahy	