Americans with disabilities into our workplaces. I was pleased to support President George W. Bush's New Freedom Initiative, which builds on the progress of the ADA by supporting new technologies that make communications easier, and thereby helping people with disabilities live full, active lives in their communities.

We in Georgia know that people with disabilities can realize their incredible potential and better our workplaces, our schools, and our society. For 6 years, we were represented in this body by Senator Max Cleland, a disabled Vietnam veteran.

No one knew the potential of Americans with disabilities better than Bobby Dodd, whom most Georgians would associate with Georgia Tech and his phenomenal years coaching, winning football teams. But after his retirement, he developed the Bobby Dodd Institute, which works to ensure that Atlantans with disabilities are given the opportunities to achieve economic self-sufficiency through employment.

Another name that comes to mind when we discuss heroes to Americans with disabilities is Tommy Nobis. Tommy was the first draft pick in the history of the Atlanta Falcons, taken No. 1 in the 1965 draft. A steady and reliable linebacker, Tommy was a five-time Pro-Bowler and NFL Rookie of the Year in 1966. Yet far more important than his football accomplishments are his accomplishments off the field. In 1975, he founded the Tommy Nobis Center to provide vocational training to persons with disabilities. Originally run out of a small, crowded trailer, the center now operates a $2 million state-of-the-art center in Marietta, GA. The center enables individuals to enter or return to employment and to enjoy productive and independent lifestyles while contributing to the greater business community. Over their proud 25-year history, the center has assisted over 11,000 individuals with disabilities.

Again, I am pleased to cosponsor today's resolution and offer my sincerest congratulations to all of those who have worked to ensure better lives for Americans with disabilities.

HONORING ALAN CHARLES SADOSKI

Mr. LEAHY. Mr. President, I rise today in honor of Alan Charles Sadoski, a loving husband, father, and friend whose lasting memory is continually celebrated by everyone who knew and loved him.

Alan's life was filled with family, friends, excitement, and laughter. He was one of what quickly became seven brothers and sisters growing up in Salem, MA. Everyone who knew him will tell you that his siblings were not only his best friends but also his biggest fans. He graduated from high school in 1967 and went on to become a standout soccer player at Salem State College, while at the same time serving in the Massachusetts National Guard.

After odd jobs throughout the summers in and around Salem, Alan took a job working as a teller for the Essex Bank. Little did he know at the time, but that job changed Alan's life. Not only did Alan find a career, but he also fell in love with a fellow teller, Claire McGuire. The two married and began their life together, ultimately moving to Washington, DC where Claire pursued her legal career and Alan took a job with the National Bank of Washington. Everyone who knew Alan can remember him on his way to work, the banker in his three piece suit.

On December 29, 1981 Claire and Alan had a son named Nicholas Alan. Shortly thereafter the family moved into their first home where Alan's love of fatherhood blossomed. Alan converted the boxes from their new appliances into little homes for Nick and the two of them spent countless hours playing together. When Nick had trouble sleeping at night, Alan would drive him around the neighborhood until he fell asleep. He even brought Nick back to Salem for his first haircut at the barbershop just down the street from his own childhood home. Everyone could see how much Alan enjoyed being a father.

Although Alan fought hard, his spirit and courage in the face of adversity never showing the effects of his illness, he sadly succumbed to his battle with cancer on August 12, 1985. He was troubled by the idea of leaving his wife and son behind, but he knew they would be taken care of and supported by both his family and the legion of friends he made over the years. Each of them made a special promise to Alan that in their own way they would always make sure Claire and Nick were okay. It is now 20 years later and Alan's friends and family have never let the two of them down.

Over the years the people closest to Alan have kept his spirit alive by thinking about him often and sharing their memories of him with others. His friends remember his tolerant and understanding nature. They remember his love of camping and how much he had hoped to take his son and nephews out on a true wilderness adventure. They talk about his fabled flapjacks, and how everyone would watch the pancake impresario perform his tricks. They remember how much fun it was to be around Alan; how he was always at the center of the crowd, telling some of his famous stories, somehow making the gathering better just by being there. Even the pharmacists at the local drugstore, who saw Alan during some of the worst days of his illness, thought the world of him and even made a donation to the American Cancer Society in his honor. He truly touched everyone he met.

Since then the family has remained close and they talk about Alan often. He has nieces and nephews now that he never had a chance to meet, but they have heard all about ''Uncle Al, the Kiddies' Pal.'' Alan would be happy to know that the people who meant the most to him in his life still gather and share their memories of him after his death. He would love to know that Claire and Nick are the best of friends. He would love to know that Nick enjoys hearing stories about his dad, and perhaps more than anything else, loves to hear people say, ''Your dad would be proud of you.''

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

Mr. KENNEDY. Mr. President, the Department of Transportation's Disadvantaged Business Enterprise Program is vital to ensuring that businesses owned by women and minorities have an equal opportunity to compete for Federal highway construction contracts, and I commend the conferees for supporting this important program in this year's highway bill.

Since the program was created in 1982 and expanded to include women in 1987, the construction industry has changed significantly. Although we still have far to go to fully address the effects of discrimination in the industry, the program has opened many doors of opportunity for women and minorities in what was once a virtually all-male, all-white construction industry. The program deserves high marks in combating the effects of discrimination in highway construction. But on the extensive information available to us in considering its reauthorization, it is also clear that the program is still very much needed to achieve a level playing field for all qualified contractors, regardless of race or gender.

Since Congress first began examining this problem, it has been clear that the construction industry generally, and highway construction in particular, have been predominantly an insiders' business that often exclude women and minorities for discriminatory reasons. The persistence of this festering problem has denied opportunities for African American-, Asian American-, Latino-, Native American-, and women-owned firms in the industry.

Our extensive hearings and other information gathered over the years made clear that women and minorities historically have been excluded from both public and private construction contracting. When Congress last reviewed the program in 1998, there was strong evidence of discriminatory lending practices that deny women and minorities the capital necessary to compete on an equal footing. Much of that information is cited and described in three leading rulings by Federal courts of appeals—the Eighth Circuit's opinion in Sherbrooke Turf. Inc. v. Minnesota Department of Transportation, the Tenth Circuit's opinion in Adarand Constructors v. Pena, and the Ninth Circuit's opinion in Western States Paving Company v. Washington State Department of Transportation, all of which upheld the program as constitutional, and found that it is narrowly

tailored to deal with the Government's compelling interest in remedying discrimination.

I will not detail all of the information previously considered, but a few examples illustrate the breadth of the problem. A bank denied a minority-owned business a loan to bid on a public contract worth $3 million, but offered a loan for the same purpose to a nonminority-owned firm with an affiliate in bankruptcy. An Asian-lndian American businessman in the San Francisco Bay area testified at a public hearing that he was unable to obtain a line of unsecured credit from mainstream banks until he found a loan officer who shared his heritage. A Filipino owner of a construction firm testified that he had difficulty obtaining bank financing, although white-owned firms with comparable assets could obtain similar loans.

Overt discrimination and entrenched patterns of exclusion prevented many female- and minority-owned businesses from obtaining surety bonds.

Minorities also have been consistently under-utilized in Government contracting. In 1996, the Urban Institute released a report documenting wide statistical disparities between the share of contract dollars received by minority- and women-owned firms compared to firms owned by white males. Minority firms received only 57 cents in Government contracts for every dollar they should have received based upon their eligibility.

For specific racial groups, the disparities were even more severe. African American-owned firms received only 49 cents on the dollar; Latino-owned firms, 44 cent; Asian-American owned firms, 39 cents; Native American-owned firms, 18 cents; women-owned firms, 29 cents.

These statistics are particularly troubling, because they exist despite affirmative action programs in many of the jurisdictions. Without such programs, their plight would have been far worse. The Urban Institute report found that the disparities between minority- and women-owned firms and other firms were greatest in areas in which no affirmative action program was in place.

When only areas and years in which affirmative action is not in place were considered, the percentage of awards to women fell from 29 percent to 24 percent. For African Americans, the percentage dropped from 49 percent to 22 percent; for Latinos, from 44 percent to 26 percent; for Asians, from 39 percent to 13 percent; and for Native Americans, from 18 percent to 4 percent. These figures show that affirmative action programs are not only effective, but are still urgently needed.

We also had extensive evidence of discrimination by prime contractors, unions, and suppliers of goods and materials, who expressly favored white males over minorities and women. In addition, the information we received established that exclusionary practices by State and local governments also contributed to the problem. As a result, female and minority contractors were disadvantaged in their efforts to compete fairly for both public and private construction projects.

The history of discrimination in contracting provides important context for the information that has been developed since the program was last reauthorized. We must not and do not assume that because the program was necessary in 1998, it must be reauthorized. Before deciding to continue the program, we have a constitutional duty to determine whether it is still needed today.

The information we have seen since then confirms that there is still a need for a national program. New studies completed since 1998 show that minority- and women-owned companies are underutilized in government contracting. The Department of Transportation identified 15 detailed studies of State and local governments showing significant disparities between the availability and utilization of minority- and women-owned firms in government contracting. Studies showed underutilization in Nebraska; in Maryland; in Colorado; in Georgia; in Kentucky; in Ohio; in Wilmington, DE; in Dekalb County, GA; in Broward County, FL; in Dallas, TX; in Cincinnati, OH; in Tallahassee, FL; and in Baltimore, MD. Several other studies have also been completed since 1998. Furthermore, expert evidence presented to the trial courts in Sherbrooke and in Gross Seed v. Nebraska Department of Roads included statistical evidence of underutilization of minority- and women-owned firms in Minnesota and Nebraska.

In the past, we have seen a striking reduction in participation in the regions where government programs designed to provide a level playing field in the construction industry are curtailed or eliminated. That pattern has continued in recent years. For example, in the State of Minnesota, during 1999, after a Federal court had enjoined the State department of transportation from implementing a previous program—participation dropped from over 10 percent to slightly more than 2 percent. In addition, the General Accountability Office, GAO, issued a 2001 study showing that contracting under the Federal program had ''dramatically declined'' when similar local programs were terminated in the jurisdictions it examined.

We also have received considerable new anecdotal evidence of discrimination in highway construction contracting:

Herta Bouvia, the female co-owner of a company that competes for building contracts and highway construction contracts in Nebraska, testified in Gross Seed v. Nebraska Department of Roads that she faced hostility, slurs, and other forms of harassment on construction jobs because of her gender.

Stanford Madlock, an African-American owner of a DBE trucking company in Nebraska, testified in the same case that he had suffered discrimination because of his race, including being denied contracts despite submitting the low bid for the work and being denied access to capital.

The Tenth Circuit's 2003 opinion in Concrete Works v. City and County of Denver included extensive anecdotal evidence of discriminatory behavior by lenders, majority-owned firms, and individual employees in the Denver metropolitan area, which the court characterized as ''profoundly disturbing.'' In that case, a senior vice president of a large, white-owned construction firm testified under oath that when he worked in Denver, he received credible complaints from minority- and women-owned construction firms that they were subject to different work rules than majority-owned firms; that he frequently observed graffiti containing racial or gender epithets on job sites in the Denver area; and that, based on his own experience, many white-owned firms refused to hire minority or women-owned subcontractors because of biased views that such firms were not competent.

Witnesses from minority- and women-owned firms testified that they were treated differently than their white male competitors in attempting to prequalify for public and private projects or to obtain credit. They also testified that prime contractors rejected the lowest bids on construction projects when those bids had been submitted by a minority or woman, and that female- and minority-owned firms were paid less promptly by prime contractors and were charged more for supplies than white male competitors on both public and private projects.

The case also included extensive evidence that Latino, African-American, and female contractors were subjected to verbal and physical abuse because of their race or gender. Even more disturbing was the testimony that minority and female employees working on construction projects were physically assaulted and fondled, spit on with chewing tobacco, and pelted with 2-inch bolts thrown by males from a height of 80 feet.

Disparity studies completed since the Disadvantaged Business Enterprise Program was last reauthorized also contain significant anecdotal evidence:

A disparity study by the State of Delaware described the difficulties of African-American firms in obtaining loans, including the experience of an African-American contractor who could obtain credit only after a white friend working at the bank interceded on his behalf.

The 2003 Ohio study also included the account of an African-American general contractor in the construction business whose ability to perform the work was questioned by an administrator for a project conducted by the State. The African-American contractor related that he ''had a lot of

problems out of that particular agency,'' and was told that Government affirmative action programs are ''a form of n—gger welfare.'' The same contractor found that he was expected only to work on projects that were part of an affirmative action program.

The study included anecdotal evidence that female construction contractors were often forced to justify their ability to do the job. One contractor related that she was frequently required to demonstrate her knowledge of the construction business. She said, ''You are challenged, no matter your age, no matter your position, you are challenged quite frequently and asked very simple construction quiz questions just to prove you [know] construction acumen.'' She said that male contractors assume women lack knowledge of the business. One female contractor stated that she was forced to answer basic questions about construction before being permitted to perform work on a job.

A 1999 study of contracting in Seattle includes accounts by a female contractor with 14 years' experience in construction. It found that general contractors assume minority-and women-owned firms do substandard work. It also includes information about women contractors subjected to sexually inappropriate or demeaning comments by men in the construction industry.

The 1999 Seattle study contained troubling anecdotal evidence of lending discrimination against minorities. A Latino construction contractor had difficulty obtaining credit for his business until his white employee began dealing with the bank and easily obtained the loan from the same loan officer who had previously ignored the Latino contractor's application. The Latino owner also said that he later tried to help six other minority contractors—two African Americans, two Latinos, and two Native Americans—obtain credit after his company expanded, and always had difficulty. He stated that bankers told him, ''Jeez, you know how much these types of firms fail?'' and that the African American and Native American contractors he sought to help were verbally mistreated by bank employees.

The same study noted that one Seattle bank placed so many increasing financial requirements on an Asian American construction contractor that the contractor was unable to get credit until he no longer needed it.

The study also included anecdotal evidence of bid shopping by prime contractors that disadvantaged minority firms and discriminated against African-American and Latino construction contractors in seeking bonding and insurance.

A 1999 study of contracting in Minnesota included the account of an African-American construction contractor, who stated that a white construction worker refused to report to an African-American worker, that there was racial harassment on job sites ''all the time,'' and that African Americans had been called ''monkeys'' on the job and had their work sabotaged.

The Minnesota study also included statements by an Asian contractor who endured racial slurs or harassment from others in his business ''at least once a month.''

In light of the extensive evidence of continuing discrimination in construction contracting, the additional information available to Congress since 1998 makes clear that the Disadvantaged Business Enterprise Program is still needed. Given the importance of this question, I will ask unanimous consent to include further evidence in the RECORD.

In reauthorizing the Disadvantaged Business Enterprise program, we are well aware that in seeking to expand inclusion in the American dream, we must not unduly burden any other group. The program achieves the proper balance. The Department of Transportation's regulations expressly prohibit the use of rigid quotas, and require States administering the program to use race-conscious measures only as a last resort when race-neutral efforts to combat discrimination have been shown to be insufficient. If a State finds that it can create a level playing field on which all contractors have a fair chance to compete without using race-conscious means, the regulations require it to set the race-conscious portion of its goal of minority participation at zero, so that no race-conscious measures are used at all. We know that the program is also flexible in fact, because some States have set the race-conscious portion of the goal at zero.

The process by which firms may be certified for the program does not rigidly classify firms based on race, ethnicity or gender. Instead, the certification process is designed to identify victims of discrimination. Although firms owned by women and minorities are presumed to be eligible to participate in the program, that presumption may be rebutted, and their owners must submit a notarized statement declaring that they are, in fact, socially and economically disadvantaged. Firms owned by white males who can show that they are socially and economically disadvantaged can also qualify to participate in the program.

Finally, the program is inherently flexible. It imposes no penalty on States for failing to meet annual goals for participation. It requires only that prime contractors exercise good faith in seeking to meet the DBE participation goals on individual contracts; no penalty is imposed if their good-faith efforts are unsuccessful.

Given the magnitude and pervasiveness of the historical exclusion of women and minorities from construction contracting, it is not surprising that this problem has not yet been fully corrected. But the difficulty of the problem does not absolve us of our duty to address the effects of discrimination, and to continue our effort to achieve a level playing field in government contracting. As the Supreme Court stated in Adarand Constructors v. Pena, ''[g]overnment is not disqualified from acting in response to the unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country.'' Indeed, we have a duty to ensure that federal dollars are not used to subsidize discrimination.

As President Kennedy stated in his landmark message to Congress on civil rights in June 19, 1963:

> Simple justice requires that public funds, to which all taxpayers of all races [and both genders] contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in . . . discrimination.

The Disadvantaged Business Enterprise program enables a diverse group of contractors to contribute to the important projects financed by this major legislation. Everyone benefits when the recipients of Federal opportunities reflect all of America.

The program ensures that all Americans have a fair opportunity to participate in the construction projects and other activities authorized in this legislation and that those who benefit from Federal contracting opportunities reflect our Nation's diversity, and I commend my colleagues on both sides of the aisle for including this still urgently needed program in this major legislation.

Mr. President, I commend to my colleagues the National Economic Research Associates Disadvantaged Business Enterprise Availability Study prepared for the Minnesota Department of Transportation.

I ask unanimous consent that several letters be printed in the RECORD.

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

MOLTER CORPORATION,
Frankfort, IL, March 29, 2004.

JOANN PAYNE,
Women First Natl Legislative Committee, Washington, DC.

DEAR MS. PAYNE: In 1987 I started my business. At that time, I was not married. I am married now. You ask if I feel there have been acts of discrimination, I most definitely feel that is the case.

When I started my company, I was involved in a specialty type of construction, and tried to work for industrial business. In 1987, rarely did you see women in plants, workers or business owners. I was mocked and ridiculed by my male counterparts. They blatantly said I did not know much about the business, and that I would not be in business in one year's time frame. (That was 16 years ago.)

When I went to the bank for a loan—and that is still happening, my husband has to sign all papers, though he is retired from the restaurant business and has never been involved in my business.

Prime contractors tend to take advantage of small minority or women business. They do not pay timely, do not process change orders in a proper time frame. This leads to a cash shortage for a small business.

If the goals were eliminated, general contractors would not use minority or women

business owners. That has been proven for those areas without goals. When they have a project, they will only solicit your bid up to the amount of the goal, and do not want to use me to any further limit.

There is a good ole boy's network, be it on the golf course, on trips, or dinner/lunch meetings.

Given the opportunity, my company has proven our exceptional capabilities. Just recently we were named subcontractor of the year by IDOT. We performed shotcrete work on a bridge over the river in Peoria, Illinois.

The DBB program has been good for my company when we are given the opportunity. It is extremely important that the program continue.

Sincerely,

LORETTA MOLTER.

LEAJAK CONCRETE CONSTRUCTION INC.,
Mountlake Terrace, WA, July 20, 2005.

U.S. CONGRESS,
Washington, DC.

DEAR SIR OR MADAM: I appreciate the opportunity to submit evidence of my company's experiences with the DBE program as it exists in Washington State.

Located in Washington State, Leajak Concrete Construction Incorporated has been in existence since 1992 and has been a certified DBE since its inception. Leajak Concrete Construction is a small general contractor specializing in structural concrete work suitable for commercial buildings, civil work, public works projects, transportation projects, and many others. As a small DBE business our revenues average approximately 3–3.5 Million, employing 8–10 full time employees and 6–7 part time employees.

Although the DBE program has assisted Leajak Concrete Construction Incorporated to access some opportunities, it is important to know that the barriers and obstacles that the program is suppose to mitigate still exist. We continue to encounter discrimination in the market place that keeps us from participating in competitive bidding, negotiated work, and receiving the necessary information we need to seek business. Leajak Concrete Construction Incorporated constantly pursues subcontracting work with Prime contractors, but it continues to be our experience that the Prime contractors do more to discourage us than to encourage us to bid. For example, we are constantly at a disadvantage because Prime contractors contact us at the last minute to bid on complex and substantial contracts. This is indicative of the ''Good Faith Effort'' we experience day in and day out. Furthermore, when we have asked for feedback on our bid and request post-bid reviews, we are ignored and disregarded.

Washington State has the dubious distinction of being only one of two states in the Union that have an anti-affirmative law on the books RCW 49.60.400 (aka I–100). As a result, spending with certified minority and women-owned businesses had decreased dramatically; 7.8% in 1998 for minority firms to 0.8% in 2003, and 6.1% in 1998 for women firms to 1.2% in 2003. I believe that the chilling effect of I–200 is event in a lack of commitment, responsiveness and concern by the state agencies responsible for managing and upholding the federal DBE program. It is correct to say that the recipients and sub-recipients of federal transportation dollars in Washington State take a very passive approach to promoting and communicating the DBE program to the affected parties.

To summary, the DBE program as contained in TEA–21 should be reauthorized, upheld, strengthened and improved. America's certified DBE firms deserve fair and equitable access to opportunities that are funded by our tax dollars, and the federal DBE program is an important underpinning.

Sincerely yours,

FREDELL ANDERSON,
President.

MD. WASHINGTON MINORITY CONTRACTORS' ASSOCIATION, INC.,
Baltimore, MD, July 21, 2005.

Re Reauthorization of DBE Program.

THE U.S. CONGRESS,
Washington, DC.

DEAR SIR OR MADAM: I address this correspondence to you on a matter of extreme importance. Discrimination against one's racial, ethnic and gender make-up is still the number one impediment for minority entrepreneurs starting and sustaining their businesses in America today. As the leader of a minority trade association in Baltimore, Maryland, I have witnessed and received testimony from many who have experienced first hand the evils of procurement discrimination in Government and private sectors.

The findings from disparity studies conducted throughout Maryland indicate that countless minority businesses are not being provided opportunities to grow their businesses because of a lack of capital, bonding and retained earnings. Upon attending a recent public hearing at the headquarters of the Washington Suburban Sanitary Commission (WSSC) on the subject of its recent disparity study, I heard a disadvantaged business testify that if the WSSC suspends the DBE program, his company would be out of business. This particular company supplies valves and manhole covers to WSSC. The owner of the business further stated that other water supply and treatment centers in the region who do not have DBE programs won't buy from him because he can't get the foundries to supply him. The foundries that do supply him do so only to satisfy WSSC's DBE program. If the DBE program is not reauthorized, the fate of the majority businesses doing business under the program is doomed. I urge you the continuance of the program without haste.

Sincerely,

WAYNE R. FRAZIER, Sr.,
President.

UNANIMOUS CONSENT REQUEST

Mr. CRAIG. Mr. President, I ask unanimous consent to insert the letters from the Fraternal Order of Police and the Law Enforcement Alliance of America in that section of the RECORD containing the debate on the Kennedy amendment relating to armor-piercing ammunition.

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

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, July 29, 2005.

Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: I am writing to advise you of our strong opposition to Amendment 1615, offered by Senator Kennedy to S. 397, the ''Protection of Lawful Commerce in Arms Act.''

Senator Kennedy will certainly present his amendment as an ''officer safety issue'' to get dangerous, ''cop-killer'' bullets off the shelves. Regardless of its presentation, the amendment's actual aim 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.

The truth of the matter is that only one law enforcement 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 protection, not because the round was ''armor piercing.''

It is our view that no expansion or revision of the current law is needed to protect law enforcement officers. To put it simply, this is not a genuine officer safety issue. If it were, Senator Kennedy would not be offering this amendment to a bill he strongly opposes and is working to defeat.

The Kennedy amendment was considered and defeated by the Senate Judiciary Committee in March 2003 on a 10–6 vote. We believe that it should be rejected again.

On behalf of the more than 321,000 members of the Fraternal Order of Police, I thank you for taking our views on this issue into consideration. Please do not hesitate to contact me, or Executive Director Jim Pasco, through our Washington office if I can be of any further assistance.

Sincerely,

CHUCK CANTERBURY,
National President.

THE LAW ENFORCEMENT ALLIANCE OF AMERICA,
JULY 29, 2005.

Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: Speaking on behalf of the 75,000 Members and Supporters of the Law Enforcement Alliance of America (LEAA), we wish 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.''

Senator Ted Kennedy's effort to portray his poison pill amendment, number 1615, as a law enforcement safety issue by using the term ''cop-killer bullet'' is a thinly veiled fraud. Senator Kennedy opposes the effort to reign in runaway trial lawyers who are bent on driving the legitimate firearm industry out of business and this amendment has everything to do with killing a bill he opposes, not protecting cops.

The Kennedy amendment is an effort to label some bullets as ''bad'' while others are ''good;'' this is ill considered and misleading at best. Law enforcement officers are killed and assaulted by criminals. Criminals bent on attacking officers will use whatever tool they can to hurt and kill. There are no good bullets or bad bullets; in this case there are only bad amendments whose true intent is to be a ''poison pill'' to S. 397.

This amendment, along with other hostile amendments, should be identified for what they really are: an outright effort to kill S. 397 and they should be defeated.

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.

Thank you for your unwavering support of America's brave men and women who wear a badge. Please do not hesitate to contact me or Ted Deeds if we can be of further assistance.

Sincerely,

JAMES J. FOTIS,
Executive Director.

MILITARY CAREER OF COLONEL WILLIAM A. GUINN, USA

Mr. SANTORUM. Mr. President, I rise today to offer remarks on the military career of Col. William A. Guinn,