hours, days, and weeks, when we learn more from their investigations, we will identify who did this, and we will bring them to justice.

In times of calamity, in times such as these, we must remember the words of John Winthrop, who counseled the founders of Boston:

> [t]o do justly, to love mercy, to walk humbly with our God. For this end, we must be knit together, in this work, as one man. . . . We must delight in each other; make others' conditions our own; rejoice together, mourn together, labor and suffer together. . . . So shall we keep the unity of the spirit in the bond of peace.

May God bless those who have gone and leave them at peace. May He support those who survive and help them carry forward. May He protect those who serve their fellow man. And may He always watch over the people of Boston, of Massachusetts, and of these United States of America.

CONDEMNING THE HORRIFIC ATTACKS IN BOSTON, MASSACHUSETTS

Ms. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 101, which was submitted earlier today.

The PRESIDING OFFICER.

The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 101) condemning the horrific attacks in Boston, Massachusetts, and expressing support, sympathy, and prayers for those impacted by this tragedy.

There being no objection, the Senate proceeded to consider the resolution.

Ms. WARREN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 101) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolution.'')

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. COWAN. Mr. President, on Monday a great Boston tradition and a historic holiday in the Commonwealth of Massachusetts were marred by a cowardly and detestable act of violence. Dozens of innocent civilians, gathered to watch an iconic, peaceful athletic event, were injured by explosions and three lives were lost. I am honored today to join the senior Senator from the Commonwealth of Massachusetts, Ms. WARREN, in offering a resolution honoring the heroes and remembering the victims of that horrible day.

We continue to pray for the injured and hope they begin to heal, and we mourn those who were killed and the families who survive them.

As a community, our hearts ached on hearing about the youngest victim, Martin Richard, a vibrant 8-year-old boy from Dorchester—the same age as my son—who came to watch his father finish the marathon, who lost his life. We share in his family's grief and continue to send our prayers to his mother and sister, who are still in the hospital with very serious injuries.

Yesterday we struggled to watch Patty Campbell fight back tears as she talked about her beautiful and always smiling daughter Krystle. This 29-year-old woman from Arlington and Lingzi Lu, a Boston University graduate student who was from China's northeastern city of Shenyang, were also tragically taken from us by this heinous act.

Events such as those of Monday remind us that, yes, evil still exists in the world, but these events also remind us how unified and resilient the American people are. While the city of Boston witnessed terror, we also witnessed remarkable displays of bravery, support, kindness, and compassion.

The Nation and the world saw the best of the people in the Commonwealth during Monday's tragic events. Countless residents showed such strength and grace in the face of this terrible tragedy.

I am in awe of the bravery shown by our police, fire, and emergency personnel. I am so proud of the medical providers, volunteers, and spectators who rushed toward the noise and smoke to help the injured even as they themselves remained in imminent danger. They helped to evacuate the victims and worked into the night and following days to offer care and protection.

Doctors, nurses, residents, and volunteers worked and continue to work in some of the best hospitals in the Nation right there in Boston to save lives and help victims recover.

I am also grateful for the support the Commonwealth has received from the President, national law enforcement, and my colleagues here in the Congress. The people of the Commonwealth are comforted that the Federal resources needed to help care for the victims and bring to justice those responsible for this assault will be provided. We appreciate that these tangible actions by the Federal Government represent the intangible support given to us by citizens in every State across this Nation.

As we remember those lost and injured, we know that what is good about the human spirit will triumph over the cowards who attacked us. Make no mistake, we will find them and justice will be done. The city of Boston, the Commonwealth of Massachusetts, and the American people will come together and overcome this senseless tragedy. You may visit terror upon us, but we will never be terrorized.

The PRESIDING OFFICER. The Senator from Arizona.

SAFE COMMUNITIES, SAFE SCHOOLS ACT OF 2013—Continued

AMENDMENT NO. 715

Mr. MCCAIN. Mr. President, given the importance of this debate, I believe it is important for me to explain why I am supporting amendment No. 715, offered by Senators MANCHIN and TOOMEY, to S. 649, the Safe Communities, Safe Schools Act of 2013.

Like all Americans, my heart goes out to the people of Newtown, Connecticut; Aurora, Colorado; Tucson, Arizona, and all other cities and towns impacted by senseless gun violence. These tragic events are impossible to fully comprehend unless you were there and extremely difficult to relate to unless you experience the effects personally. The rest of us are left with more questions than answers, and differing—albeit well-intentioned—solutions designed to preserve our way of life while doing our best to ensure these horrible events are less likely tomorrow.

As everyone is aware, in January of 2011, the citizens of my home State—as well as people around the country and world—were shocked and horrified by the senseless violence of a severely disturbed young man with a gun. Six people were killed and 13 injured. One of those victims was a bright young Congressional staffer named Gabe Zimmerman, who was highly regarded by his colleagues and had a future filled only with promise. Yesterday, here in the Capitol at a room dedication for Gabe Zimmerman, we were provided with a very real portrait of a man who was doing what he loved, serving the people of Arizona, when his life was tragically cut short. I think his father's comments are worth repeating today. Ross Zimmerman, Gabe's father, said:

> An echo of Gabriel will persist, perhaps for centuries. It isn't worth the loss, but the echo is good and true. . . . I ask that you and our descendents take inspiration from my son's echo as you conduct the affairs of this Congress and the affairs of this nation.

Another life impacted by those tragic events is that of Congresswoman Gabrielle Giffords. Her life, while still filled with great promise, was unalterably changed that fateful day. Congresswoman Giffords, and her loving husband Captain Mark Kelly—who are both with us here in Washington today to witness this debate—reflect the determination of the American spirit and are beautiful examples of how good really does triumph over evil.

Gabby, Mark and the countless other examples of heroism and resilience that America witnessed in Tucson, Aurora, Newtown and elsewhere around the Nation, are clear reminders of why we are all here serving, and the gravity of the issues we are asked to address. Their presence here today further reminds us that we are here to serve a cause greater than our own self-interest. There is nothing like looking in the eyes of a still-grieving parent who has just lost a young son or daughter to remind you of that fact.

For over three decades in Congress, I have built as strong a record as anyone in this body in defending the Second Amendment. I have consistently opposed the efforts of anti-gun activists to ban guns and ammunition, staunchly defending the Constitutional rights that Arizonans hold dear. I have voted against assault weapons bans because I believed they would not work and opposed efforts to cripple firearms manufacturers by making them liable for the acts of violent criminals. I have proudly lent my signature to Supreme Court briefs defending an individual's right to bear arms. In my view, the wisdom of our Framers' inclusion of the right to bear arms is self-evident. And as an Arizonan, I understand the significance of gun ownership to the people of the West, whether for self-defense, sport, or simple ownership.

Just as I have long defended the Second Amendment to the Constitution, I have also long believed that it is perfectly reasonable to use available tools to conduct limited background checks, as this amendment prescribes, to help ensure that felons and the mentally-ill do not obtain guns they should not possess. In my view, such background checks are not overly burdensome or unconstitutional.

Is this a perfect solution? No. Would it prevent all future acts of gun violence? Of course not. Would it have prevented the most recent acts of gun violence? In all likelihood, no. But, it is reasonable and it is constitutional.

I approach the issue of gun rights with profound respect for our Constitution, and the freedoms and rights that it bestows on each and every one of us. I am also guided by a firm commitment that we should do everything we can, within the bounds of the Constitution and the principles of individual rights and federalism on which it is based, to stem the rising tide of gun violence in this country. In this instance, neither the United States Supreme Court nor the lower Federal courts have held that restrictions on possession for certain classes of individuals violate the Second Amendment. In Heller v. District of Columbia, the Court held that the Second Amendment protects an individual right to a well-armed militia. In his Majority opinion, Justice Scalia observed:

> Nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.

In this instance, I agree with Justice Scalia that a background check system is not a restriction of the Second Amendment right to keep arms. The issue is plain to me because a background check system only seeks to ensure that sellers of firearms do not transfer guns to a prohibited class of owners. Restrictions on ownership by certain classes of people have existed in federal law for 45 years and have not been constitutionally invalidated by the courts.

In addition to Constitutional concerns, many have expressed concerns about the establishment of a national gun registry. If this amendment would establish such a registry, I would oppose it. But, it does not. In fact, the amendment reinforces the existing Federal ban of a national firearms registry. The amendment explicitly states, ''Nothing in this title, or any amendment made by this title, shall be construed to allow the establishment, directly or indirectly, of a Federal firearms registry.'' But, the amendment does not stop there. It would also provide for a harsh penalty of 15 years for any person who attempts to create a registry and re-affirms that any regulations issued by the Department of Justice to ensure criminals and the mentally ill do not obtain firearms cannot create a firearms registry.

Mr. President, every once in a while I have seen some acts of political courage and quite often we praise each other and ourselves, directly or indirectly, for the positions we take and the votes we pass. I wish to take a moment and express my appreciation to the two sponsors of this amendment, Senator MANCHIN and Senator TOOMEY. Both come from States where there are avid and dedicated and legitimate gun rights advocates. It would have been easier for both Senator MANCHIN and Senator TOOMEY to ignore this situation and not reach across the aisle to each other to see if we could come up with what I think most Americans—in fact, I have seen polls indicating that 80 percent of the American people—support, reasonable background checks that do not infringe on the constitutional rights of our citizens. I congratulate both Senator MANCHIN and Senator TOOMEY for taking this position.

You may not win today, I say to my two colleagues, but I will say that you did the right thing. You did the right thing. It has been my experience, as a Senator in this body for some years who has not always done the right thing, that doing the right thing is always a reward in itself.

Sooner or later this country will take up this issue and it will take up the mentally ill issue, and I hope it will take up Hollywood violence, and I hope it will take up those programs that may incite young people to go out and want to acquire a weapon and use it. But what they have tried to do today I think is an act that should be appreciated by those of us who, many times, avoid taking the tough decisions. I think they are an example to all of us.

I yield.

Mr. MANCHIN. Will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Will the Senator yield for a second? Let me say to Senator MCCAIN, I thank the Senator. I truly do. Because with the Senator's truly busy schedule—and everybody knows in how many directions you are pulled and how you are working—he took time to read it. He took time to see we did not invade anybody's private transactions. He took time to see that basically we had a Commission on Mass Violence that would look at the culture of violence in our country. I can only thank the Senator. For someone with the stature of the Senator in this body, to take the time to go through that bill word by word and know that it does protect our Second Amendment rights, it does the things we try to do in a comprehensive way, I want to say thank you.

Mr. MCCAIN. I thank my colleague.

AMENDMENT NO. 730

Mr. HARKIN. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Iowa [Mr. HARKIN], for himself, Mr. ALEXANDER, Mr. FRANKEN, Ms. MURKOWSKI, Mr. BENNET, Mr. ROBERTS, Ms. BALDWIN, Ms. AYOTTE, Mrs. HAGAN, Mr. MURPHY, and Mr. BLUMENTHAL proposes an amendment numbered 730.

Mr. HARKIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Today, I offer this bipartisan amendment with my colleague Senator ALEXANDER and several other members from the Health, Education, Labor, and Pensions Committee to reauthorize and improve programs administered by both the Departments of Education and Health and Human Services related to awareness, prevention, and early identification of mental health conditions, and the promotion of linkages to appropriate services for children and youth.

The tragic shooting in Newtown, CT, in December brought the issue of mental health care to the forefront of public dialogue. Many people across the nation, including the President, have said that we need to take a long hard look at access to mental health services across the country. I was pleased to have the opportunity to start that dialogue with my colleagues on the HELP Committee in January when we held a hearing to examine the state of our Nation's mental health care system.

A starting point of any conversation about mental health is recognizing that one of the most insidious stereotypes about people with mental illness is that they are inherently violent. It is deeply regrettable that some of the discussion in the wake of the Newtown tragedy has sadly reinforced this stereotype. As my colleagues in the Senate know and as the President has emphasized, people with mental illness

are much more likely to be victims of violent crimes than they are to be perpetrators of acts of violence.

However, for too long, mental health care has not been at the forefront of public dialogue, despite the fact that mental illness affects one in four Americans every year, and serious mental illness affects 1 in 17. Unfortunately, there is still a stigma associated with mental illness, and that stigma results in too many people suffering in silence without access to the care that could significantly improve their lives.

Unlike many other chronic diseases, mental health problems often begin at a young age. Half of all mental illnesses manifest by age 14, with another quarter appearing by the age of 24. However, less than half of the children with an identified mental health illness receive treatment, and the average lag time from the first onset of symptoms to receiving treatment is almost a decade.

This lack of treatment has huge consequences. Some 30,000 Americans die by suicide each year, and it is a shocking fact that people with serious mental illness die 25 years earlier than Americans overall, often from treatable causes like diabetes and smoking-related chronic conditions.

The shame in this is that with access to the right treatments and supports, most people with mental illnesses can recover and lead productive, healthy lives. But we need to make the critical investments that will enable this to happen, and this amendment is about making those investments.

In the past several years, we have made two important steps forward in mental health care. First, in 2008 Congress passed the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. This long-overdue law put an end to the absurd practice of treating mental and physical illness as two different things under health insurance. We followed this up with another important step forward in the Affordable Care Act, by requiring coverage for mental health and substance use disorders as an essential benefit in health insurance plans and extending Federal parity protections to 62 million Americans.

Building on these important insurance reforms, we started working in the HELP Committee a few months ago to put together a targeted package to address some of the most pressing mental health care challenges in schools and communities. And last week, the HELP Committee unanimously passed and reported out the Mental Health Awareness and Improvement Act, which is this amendment.

The first title of this amendment provides a number of strategies to make sure we are addressing the concerns of students with mental health needs, starting with prevention and early detection. According to the National Institutes of Mental Health, 20 percent of America's 75 million school-aged children have some mental health needs. This means that 15 million students in our K–12 schools have some sort of mental health need. A RAND Foundation study found that only a quarter of those students needing mental health support received any type of services to address their needs. That means over 11 million school-aged children may be struggling with mental health concerns and not receiving the support that will help them in school, in their home and in their communities.

I worked with Senators BENNET, ALEXANDER, and MURPHY on language in our amendment that encourages schools to develop and implement schoolwide prevention and early intervention programs such as Positive Behavior Interventions and Supports, PBIS. Such schoolwide programs reach every single student in a school; every grade; every classroom. And the programs provide students with both clear information about what the expectations are for positive behavior and interactions, and the support they need to be successful to meet those expectations.

Schoolwide programs such as Positive Behavior Interventions and Supports are important, but we also know that schools often lack sufficient mental health services for students who need more comprehensive services. We also need to help schools link to mental health services. An NIH study found that most mental health services for school-aged children were provided in schools. But schools do not always have the expertise to provide those services. I worked with Senator FRANKEN to direct the Department of Education to allow for grants that would link local schools to community-based mental health services, thereby expanding a school's ability to support children who have more complex mental health needs and allowing for the training of school personnel to meet students' mental health needs.

Finally, this title allows for the use of Elementary and Secondary Education Act title I funds to create or update school crisis management plans. These plans are key to ensuring the safety of all students and school personnel.

Because these programs are schoolwide and reach every student, this means students receive the support they need early—often before problems develop. It also means that students who need more comprehensive and complex services are identified early and can be linked to those services as soon as possible so that problems don't become worse.

This combination of prevention and early detection of needs, as well as expanding the services and supports available to schools, will help address the wide gap in mental health supports for school-age children.

The second title of this amendment focuses on programs at the Department of Health and Human Services. I worked with my colleagues Senator REED and MURKOWSKI to reauthorize the Garrett Lee Smith Memorial Act, which focuses on suicide prevention on college campuses and through grants to States. The bill authorizes ''Mental Health Awareness Training Grants,'' a commonsense idea introduced by Senators BEGICH, BLUMENTHAL, and AYOTTE to train school and emergency personnel, as well as other individuals, to recognize the signs and symptoms of mental illness, to become familiar with mental health resources in the community, and to safely de-escalate crisis situations.

I worked with Senator MURRAY to reauthorize and strengthen the National Child Traumatic Stress Initiative, which supports a national network of child trauma centers in order to coordinate the collection, analysis, and reporting of data concerning evidence-based treatments, interventions, and practices for children and their families who have experienced trauma.

I also worked with Senator SANDERS to authorize and improve the National Violent Death Reporting System at CDC which provides valuable information about violent deaths so we can look for ways to prevent them.

Finally, the amendment calls for additional information to be gathered on mental health services for children, integrating mental health and substance use disorder treatments with primary care and the implementation of recommendations made after the Virginia Tech tragedy in 2007.

Before I yield the floor, I wish to join my colleagues in expressing my appreciation to Senator MANCHIN and Senator TOOMEY. They have provided great leadership in bringing this legislation forward so that we can have background checks. We will be voting on that legislation later this afternoon.

I think it is another example around here—and maybe people will learn this too late—of how we can sit down and talk. We won't know what kind of agreement can be reached until we sit down and talk to people. A person may think he or she is miles apart on an issue, and in the beginning maybe they are, but by talking and working things out, we can reach good agreements. This is a good example of that.

The one element I would add to that is that the amendment I just called up is an important part of this bill in that it deals with mental health services both to children in school and out of school. Again, I believe this is a very important part of what we ought to be doing to reduce violence and respond to the mental health care needs of our young people.

Again, I thank Senator MANCHIN and Senator TOOMEY for their tremendous leadership on this important issue.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Vermont.

Mr. LEAHY. Mr. President, in watching this debate, at times I see a Senator who actually wants to stand up

and be the conscience of the Nation. Unfortunately, some quickly want to step back from that precipice and be the conscience of a lobby on one side or the other.

As far as being the conscience, we saw that last Thursday when the Senate rejected the ill-conceived filibuster against considering the Safe Communities, Safe Schools Act of 2013. The vast majority of American people did not want it filibustered. They wanted us to have the courage to stand up and vote yes or no, not vote maybe, which is what a filibuster is.

After considering the bipartisan efforts of Senator MANCHIN and Senator TOOMEY to plug loopholes in the background check system, the Senate will consider a partisan alternative offered by Senator GRASSLEY, and I will speak about that in a moment.

Before I do that, I would like to talk about what Senator COLLINS and I have done. I have a bipartisan amendment that will prevent criminals from circumventing the existing background check system.

AMENDMENT NO. 713

(Purpose: To increase public safety by punishing and deterring firearms trafficking)

Mr. President, I call up my amendment numbered 713, the Leahy-Collins amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] for himself, Ms. COLLINS, and Mr. KING, proposes an amendment numbered 713.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LEAHY. Mr. President, this amendment makes some minor changes to the Stop Illegal Trafficking in Firearms Act. Our act is designed to give law enforcement the necessary tools to combat the practices of straw purchasing and illegal trafficking in firearms. An example of that is when somebody legally buys a handgun for $500 and then turns around and sells it for $1,500 to a drug cartel or somebody who could not buy it themselves. Usually they buy a lot more than one weapon; they buy a whole lot. They will buy them legally and then sell them to people who could never legally buy them. We have seen what that has done in Mexico with its drug cartels. We have seen what it has done with the drug cartels and gangs in some of our major cities.

I commend Senator COLLINS for her work in developing this amendment and for her strong support of the law enforcement officials who requested this legislation to help them keep our communities safe.

Straw purchasers circumvent the purposes of the background check system. Straw purchasers put guns into the hands of someone who is legally prohibited from having one. And it was an ATF whistleblower who testified last Congress that the existing firearms laws are ''toothless.'' We can create better law enforcement tools and that is what we are doing with the Stop Illegal Trafficking in Firearms Act. We need to close this dangerous loophole in the law that Mexican drug cartels, gangs and other criminals have exploited for too long.

We know that many guns used in criminal activities are acquired through straw purchases. It was a straw purchaser who enabled the brutal murders of two brave firefighters in Webster, New York, this past Christmas Eve, and it was a straw purchaser who provided firearms to an individual who murdered a police officer in Plymouth Township, Pennsylvania, last September.

We need a meaningful solution to this serious problem. We also include suggestions from Senator GILLIBRAND to go after those who traffic in firearms by wrongfully obtaining two or more firearms. We worked hard to develop effective, targeted legislation that will help combat a serious problem and that will do no harm to the Second Amendment rights of law-abiding Americans.

This Stop Illegal Trafficking in Firearms Act—originally introduced as S. 54—will make important changes and better equip law enforcement officials to investigate and prosecute the all-too-common practices of straw purchasing and illegal trafficking of firearms. As I said, these are people who are not prohibited by Federal law from purchasing a gun. They purchase a firearm on behalf of a person or at the direction of a drug trafficker, criminal, or organization, and that is how these large criminal organizations are supported. That is how these illegally obtained guns are often sold and resold across State lines. Of course, this results in the proliferation of illegal firearms and gun violence in our communities.

Gun trafficking and straw purchasing make our communities less safe. We recently saw a case where a woman was arrested as a straw purchaser after she bought a weapon for a man who then, it appears from the evidence, used that weapon to kill the head of the Colorado prison system. That man was blocked from buying a weapon. Somebody else bought it for him.

Under current law, there is no specific statute that makes it illegal to act as a straw purchaser of firearms. Nor is there a law directly on point to address the illegal trafficking of firearms. As a result, prosecutors must cobble together charges against a straw purchaser using so-called ''paperwork'' violations such as misrepresentations on a Federal form. These laws are imperfect, and do not give prosecutors the leverage needed to encourage straw buyers, often the lowest rungs on a ladder in a criminal enterprise, to provide the information needed for investigators and prosecutors to go after those directing and profiting from such activity.

Our bill and this amendment would change that. They will add two new provisions to our Federal criminal code to specifically prohibit serving as a straw purchaser of firearms and trafficking in firearms. The bill establishes tough penalties for these offenses in an effort to punish and, importantly, deter this conduct. I was accused at the Committee markup on this bill of being too tough on these crimes. I believe we need a meaningful solution to these serious problems.

Another key provision of our bipartisan bill is that it complements existing law that makes it a crime to smuggle firearms into the United States by specifically prohibiting the smuggling of firearms out of the United States. In light of what we know is occurring, particularly on our Southwest border, this is an important improvement to current law and another tool that was needed but missing over the last few years.

The provisions in our legislation are focused, commonsense remedies to the very real problems of firearms trafficking and straw purchasing. Our bill does not affect lawful purchases from Federal firearms licensees, and in no way alters their rights and responsibilities as sellers of a lawful commodity. We listened to concerns about family members who give firearms as gifts and other transfers that are not designed to get around the existing background check system. As a result, the bill contains important exemptions for the innocent transfer of a firearm as a gift, or in relation to a legitimate raffle, auction or contest.

In an effort to encourage even broader support for our bill, Senator COLLINS and I have made changes to our bipartisan bill to emphasize that this legislation will have no adverse effect that would impact law-abiding gun owners. We have consulted a lot of people on this matter, including law enforcement officials, prosecutors, victims, and the National Rifle Association. We have consulted gun owners and others. We have brought together some very diverse views, which is what that legislation is supposed to do. We want to combat the destructive practices of straw purchasing and firearms trafficking. I am pleased that our discussions with all of these groups resulted in legislation that reflects diverse views yet is a focused approach to combat the destructive practices of straw purchasing and firearms trafficking, while protecting the Second Amendment rights of Americans.

The amendment has all of the important provisions of the measure that was debated and voted on by the Judiciary Committee and passed with a bipartisan majority. These include two new Federal criminal statutes that will help law enforcement go after straw purchasers and firearms traffickers.

After the bill was reported out of Committee, a Committee report was filed in relation to it that made our intent plain in the meaning of the bill. The clarifying language likewise ensures that lawful gun purchasers can buy firearms from licensed dealers as bona fide gifts or raffles or as contest prizes and so on. This amendment should also eliminate any concern about imposing potential liability on the original purchaser of a firearm for the criminal acts of the ultimate recipient of the firearm after it is conveyed by that purchaser and reconveyed a number of times. The amendment also includes other technical changes to conform the bill to existing law regarding the forfeiture of firearms and ammunition.

Throughout our committee process and discussions, no one was questioning the constitutionality of these provisions, and they have all accepted the fact that they will help law enforcement. In fact, the required nexus to interstate commerce in the bill is identical to that already in existing law. Our bill does not create a national firearms registry, nor does it place any additional burdens on law-abiding gun owners or purchasers.

I worked with Senator COLLINS, Senator DURBIN, Senator GILLIBRAND, and others to provide a real world, common sense solution to the problem of gun trafficking and straw purchasing. There is wide agreement that straw purchasing and illegal gun trafficking have to be stopped, and that is why law enforcement so strongly supports our amendment. In fact, this measure was introduced at the request of law enforcement officials who have said for years that they lack the legal tools necessary to combat illegal straw purchasing and firearms trafficking. It will provide needed tools to fight against the drug cartels and other criminals who threaten our communities.

Like our original bill, the amendment we now offer has the support of numerous law enforcement organizations, including the National Fraternal Order of Police; the Federal Law Enforcement Officers Association; the International Association of Chiefs of Police, the Major Cities Chiefs Association; the FBI Agents Association, the National District Attorneys Association—an organization on which I was privileged to serve as vice president; and all nine member organizations of the National Law Enforcement Partnership to Prevent Gun Violence.

I mention all these things because we took months doing this. We met with everybody. We worked. We listened to opposing views and supporting views. Then we had hearings and then we had a markup. But all of a sudden, late this morning, with no hearings, no markup, no chance to debate it, we have a partisan alternative led by some members of the Senate Judiciary Committee.

In contrast to the broad law enforcement support we have earned for our attempt to combat gun trafficking and strawpurchasing, there is suddenly a Republican alternative which would gut the protections and tools that our law enforcement community needs. That partisan alternative was released late this morning and surprisingly the effort is led by members of the Senate Judiciary Committee. None of their provisions was considered through regular order or even offered and debated in committee.

People always speak about regular order, but none of these provisions were considered through regular order. None of them were offered or debated in committee. All of a sudden, wait, wait. We can't have this thing that law enforcement wants. We can't have this thing that might actually stop drug cartels and organized crime from getting these guns. We have suddenly come up with a new idea this morning. Sorry we don't have time to talk about it. Sorry we don't have time to have hearings. Sorry we can't go through the committee. Sorry we can't have votes. Trust us.

As chairman of the Senate Judiciary Committee, I took my responsibility seriously when the committee considered gun violence legislation. We held three hearings. We had four lengthy markups. There were many amendments circulated and we debated them. The distinguished Presiding Officer is a member of that committee. He was there for all those hearings. He was there for all that debate. They went on sometimes for a long time, but we voted up or down, and we worked to broker bipartisan compromises.

The results: Some of those same members who serve on the Senate Judiciary Committee circulated this lengthy substitute—just hours before the scheduled vote on their half-baked alternative. It is a weak and counterproductive alternative. The substitute is a weak and counterproductive alternative, and this weak and counterproductive alternative, this partisan substitute, has not been the subject of one single hearing or any committee debate or vote.

The lengthy partisan substitute does several things to make our communities less safe. One of its provisions directly undermines what Senator COLLINS and I wish to accomplish. We want to stop trafficking. We want to stop drug cartels and organized crime and bank robbers and those who would murder government officials. We want to stop them from being able to get these guns through straw purchases. The Republican substitute requires prosecutors to prove beyond a reasonable doubt that a straw purchaser knew for certain that he was buying for a prohibited person. A straw purchaser could have every suspicion in the world that the actual buyer is a dangerous criminal, but as long as he deliberately shields himself from getting confirmation of that fact, he is untouchable. Willful ignorance will be their shield.

What this alternative Republican amendment does—the one that was suddenly sprung on us with no hearings, no votes late today—is it actually has a roadmap of how to avoid prosecution, how to do the things the drug cartels want and organized crime wants, and to make sure they will never be prosecuted. As long as straw purchasers ask no questions, bury their heads in the sand, they can't be held accountable. They can buy these guns. They can meet somebody in a back alley who is trying to hide his face and say: I could have bought this legally. Give it to me. Here is your money. Besides that, I will pay a 300-percent profit and then get away with it.

The Republican substitute will help the Mexican drug cartels by eliminating an existing tool that the Justice Department needs to combat violence on the Southwest border. The Republican substitute also interferes with state prosecutions of gun crimes. Under existing law, a person who is traveling through a state with a gun he is not allowed to possess in that state can assert as a defense that he was merely traveling between two states in which his possession would be legal. This is fair. But the Republican proposal takes this defense and places the burden on the state prosecutor to disprove the defendant's claim beyond a reasonable doubt in all cases, even if the defendant has offered no evidence at all to support his claim. If the state prosecutor fails to meet this high burden, the Republican proposal requires the state to pay the defendant's attorney's fees. This is a clear intrusion on the longstanding police powers of states.

I urge everyone who cares about helping law enforcement and keeping firearms out of the hands of criminals to oppose the Republican substitute, number 725, and to support the bipartisan, Leahy-Collins amendment, number 713.

The PRESIDING OFFICER. The Senator is notified the majority time has expired.

Mr. LEAHY. I appreciate that. I hope we will not pass this. I hope we will not strip State and Federal law enforcement in their effort of trying to protect us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 725

Mr. CRUZ. Mr. President, I rise to speak on the Grassley-Cruz substitute amendment. This amendment has come through the extended process of consideration of legislation and, indeed, I think this amendment has come to pass precisely the way the process should operate as a result of multiple hearings in the Judiciary Committee; taking witness testimony, examining what the evidence demonstrates is the problem, and then endeavoring to craft a solution that multiple Senators have contributed to. It has been a long collaborative process. At this point this amendment has over 20 cosponsors, and I am hopeful and believe that when it

comes to a vote, it will receive some significant bipartisan support.

In my view the approach of the Federal Government to violent crime should be very simple. It should be focused on stopping violent criminals, and we should devote every resource to stopping violent criminals from committing horrific acts of violence. Every one of us was horrified by the crime in Newtown, CT—at the senseless killing.

Mr. LEAHY. Would the Senator yield for a question?

Mr. CRUZ. I am happy to yield.

Mr. LEAHY. The Senator suggested this went through the process, went through the Judiciary Committee. I have been on the committee for 36 years. I have been chairman for a number of years. I don't recall when this happened. Would the Senator from Texas tell me when it was ever voted on. Did we ever have a markup? Did we ever have a hearing?

Mr. CRUZ. Mr. President, as the distinguished chairman is well aware, this amendment was not put before the committee, but it is as a result of the process in the committee; the testimony that was given in multiple hearings that I was honored to attend with the chairman and with the Presiding Officer, and it is in response to that testimony and that evidence that over 20 Senators have come together to craft legislation that actually addresses the problem.

Indeed, I would note, my biggest concern with the legislation—the Democratic legislation on the floor—is it doesn't address the problem. It doesn't target violent criminals. Instead, what it does is it targets law-abiding citizens. If we are to be effective in stopping violent crime—and I am confident every Member of this body wants to do everything we can to stop violent criminals from harming innocents among us—the approach that is effective, in my judgment, is targeting violent criminals while at the same time safeguarding the constitutional rights of law-abiding Americans. That is exactly what this substitute does. I wish to talk about several aspects of it, all of which are directed at targeting bad actors, at targeting violent criminals rather than law-abiding citizens.

One of the disturbing things we discovered in the course of these extended hearings in the Judiciary Committee is that the Obama Justice Department has not made it a priority to prosecute felons and fugitives who attempt to illegally purchase firearms. Indeed, we learned that in 2010, over 48,000 felons and fugitives attempted to illegally purchase firearms. Of those 48,000, the Obama Justice Department prosecuted only 44. That is 44 out of over 48,000. At the hearing, we heard from a police chief who yelled at a Senator and said he didn't have time to worry about paperwork violations. I would submit that if a convicted felon is trying to illegally buy a gun, that is not a paperwork violation, and that is a prime area for focusing law enforcement resources, to figure out why that felon wants a gun and to go and prosecute them.

If a fugitive fleeing from justice tries to illegally purchase a gun, we need to have the resources to prosecute it. So one of the things this bill does is to create a task force within the Department of Justice devoted to prosecuting felons and fugitives who attempt to illegally purchase guns. It provides $50 million—$10 million a year over 5 years—to provide the additional resources to make sure that when felons and fugitives try to illegally purchase guns, we go after them, we prosecute them, we put them away, and we prevent them from acquiring those guns and using them in horrific acts of violence.

A second aspect of this substitute focuses on gun crimes—instances where felons use a gun in the commission of a crime. In 1997, in Richmond, the U.S. attorney there pioneered a program called Project Exile, which was tremendously successful. I note that was the U.S. attorney under a Democratic President, Bill Clinton. Project Exile put serious Federal resources to prosecuting under Federal law anyone who uses a gun in the commission of a crime. As a result of that innovative plan, we saw tremendous success.

In 1997, before Project Exile had been implemented, Richmond had the third highest murder rate in the Nation. Yet, in 1998, after Project Exile was implemented, homicides dropped 33 percent. The next year, in 1999, homicides dropped an additional 21 percent. It was a program that worked.

When President George W. Bush was elected, he expanded the program with Project Safe Neighborhoods, focused the same, putting law enforcement resources and priorities and prosecuting the use of guns in a violent crime. Unfortunately, under the current administration, this has not been a priority. Indeed, in firearms cases, prosecutions have dropped 30 percent in the Obama Justice Department.

All of us are united in wanting to stop violent crime and, in particular, stopping violent crime with firearms. I would suggest the most effective way to do so is to ensure we are prosecuting violent criminals who use firearms. For that reason this amendment creates a national Project Exile that would, in particular, focus on the 15 jurisdictions with the highest violent crime rates and three tribal jurisdictions with the highest crime rates. It would devote $45 million—$15 million a year for 3 years—for more assistant U.S. attorneys and agents to prosecute violent gun crimes, to target exactly who we want to target—violent criminals. I would note as well that this legislation also includes new language criminalizing straw purchasing, criminalizing trafficking but doing so in a way that targets bad actors and doesn't sweep innocent, law-abiding citizens inadvertently into its reach.

A third area of focus is school safety. Unfortunately, the Obama administration, in the past several years, has reduced the funding for school safety by over $300 million. Indeed, next to me are detailed examples: The Secure Our Schools grants were cut $110 million in 2012; readiness and emergency management for schools was cut $20 million to 30 million annually in 2012; school safety initiative was cut $53 million in 2011; and the safe and drug-free school grants were cut $184 million in 2010. This substitute restores funding for school safety.

If the effort is to protect our kids—and I know all 100 Senators want to do everything we can to protect our kids—one of the most direct ways is to make sure there are resources on the ground protecting our kids. So this bill would provide $300 million in funding—$30 million a year for 10 years—to do exactly that, to provide funding for the secure our schools grants.

A fourth area is improving the existing background checks as it concerns mental illness. If we look for a common theme among these mass murders we have seen in recent years, one of the most disturbing themes is we have seen person after person with serious mental illness accessing firearms and using them to commit horrific acts of violence. One of the real problems with our existing background check system is some 18 States have essentially refused to comply with reporting mental health records. Some 18 States have reported fewer than 100 records to the background check system. If adjudications of someone as a danger to others—having a serious mental illness that makes them a danger to others—if those adjudications are not reported to the background check system, then the existing system cannot operate. I would note my home State of Texas has devoted considerable efforts to reporting those records and, indeed, over 200,000 mental health records have been reported from the State of Texas to ensure that those with serious mental illness who are a danger to others are prevented from accessing firearms.

If the objective is to stop violent crime, then it seems to me we should focus on criminals. I would note that quite intuitive statement is not one which I am alone in viewing in that way.

Recently, a survey was done of over 15,000 law enforcement professionals about what measures would be effective stopping violent crime. Mr. President, 79.7 percent of law enforcement professionals, in this survey done by police, said, one, expanded background checks would not be effective in stopping violent crime; 71 percent of law enforcement professionals said the assault weapons ban being considered by this body would not be effective in stopping violence crime; interestingly enough, 20.5 percent of law enforcement professionals said if the assault weapons ban were passed, it would actually make violent crime worse; and 95.7 percent of law enforcement professionals—virtually unanimous—said the

magazine restrictions that are being considered by this body would not be effective in stopping violent crime.

I would suggest we should listen to the men and women on the ground, to the police officers, who risk their lives defending us, defending our children, and we should trust their assessment.

I wish to make two final observations.

One, there has been considerable discussion about expanding background checks. Right now, background checks are required of any individual who purchases a firearm from a licensed Federal firearms dealer. That is the existing system, and the system that the amendment I am proposing would work to improve.

There is an amendment pending before this body to expand that system significantly and in particular to cross a threshold that has not previously been crossed: to require Federal Government background checks for purely private sales between private individuals. If an individual wants to sell, for example, his shotgun, and he puts an ad on Craigslist advertising that shotgun, under the pending bill, by putting that ad on Craigslist, that individual would be required to submit to a Federal background check, would be required to go to a Federal firearms dealer to do so, and would, of necessity, have to pay whatever fee was set.

I would note that fee could well be substantial. We do not know what that fee would be, but we do know the District of Columbia right now charges $150 to conduct a background check. If the fee turned out be anything in the order of what the District of Columbia charges, the effect of passing that bill would essentially be a Federal Government penalty, potentially as much as $150, on an individual who wanted to sell his or her shotgun or rifle to another law-abiding citizen in a purely private transaction.

I would suggest if the objective is to stop violent crime, in all of the hearings we had before the Judiciary Committee, there was no evidence submitted that purely private transactions between private citizens were a significant source of firearms used in crimes and that regulating them would help reduce violent crime. Indeed, as I said, one police chief told the committee he did not have time to prosecute felons and fugitives who were illegally trying to purchase guns.

If law enforcement does not have time to prosecute felons and fugitives, then I would suggest they especially do not have time to prosecute private citizens in a private consensual sale, when neither of those individuals have committed a crime; they are law-abiding citizens. That is not an effective use of law enforcement resources.

But even more problematic, extending background checks to private transactions between private individuals—if this body did that—I believe would put us inexorably on the path to a national gun registry. The reason is simple: Because by extending background checks to private transactions—the Department of Justice has been very candid about this. The Deputy Director of the National Institute of Justice explained that with respect to universal background checks, ''effectiveness depends on requiring gun registration.''

Mr. SCHUMER. Will my colleague yield for a question?

Mr. CRUZ. I am happy to yield.

Mr. SCHUMER. I appreciate my colleague's courtesy.

I would ask my colleague this: Isn't it the case that the very background check proposed in Manchin-Toomey is the same one that has been used for 17 years for FFLs, for Federal firearm licensees? Isn't it the exact same one?

Mr. CRUZ. What is not the exact same is extending it to a private individual selling to another private individual.

Mr. SCHUMER. But it is the same technique, it is the same entry into the book, and everything else.

Mr. CRUZ. But what is consequential is extending it to private sellers, not licensed dealers. Because the argument surely would be—if this bill passed, the argument would immediately become: Well, it cannot possibly be effective because we do not know who owns those firearms.

Mr. SCHUMER. Just one more question.

Has my colleague in the last 17 years detected any move out of Washington for a national registration, any specific substantive move by ATF, the Justice Department, or any other Federal agency to begin a campaign, a move to any kind of national registration?

Mr. CRUZ. In my opinion, adopting mandatory Federal Government background checks for purely private transactions between law-abiding citizens puts us inexorably on the path to a push for a Federal registry.

Mr. SCHUMER. But my colleague has not detected any move of that as of yet?

Mr. CRUZ. It is not currently proposed.

Mr. SCHUMER. OK.

Mr. CRUZ. But if the bill that is being considered were adopted, it would put us on that path, and I think that path would be profoundly unwise and would be inconsistent with the Second Amendment right to keep and bear arms.

Mr. SCHUMER. I thank my colleague for his courtesy.

Mr. MANCHIN. Mr. President, will my colleague yield for a question?

Mr. CRUZ. I am happy to yield to my friend from West Virginia.

Mr. MANCHIN. I thank my friend from Texas.

I am a little bit confused since it is my and Senator TOOMEY's amendment, working with Senator KIRK and Senator SCHUMER. We excluded all private transactions. We did not ever even go close to a private transaction. Ours is only at gun shows, gun stores, and Internet sales, which is controlled now.

Mr. CRUZ. With respect, the legislative language, as I understand it, is triggered whenever there is any form of advertising, be it on the Internet or on Craigslist or The Greensheet or anything else, and that sweeps in a whole category of new sellers, purely private sellers who are not commercial firearms dealers.

Commercial firearms dealers are already, as my friend is well aware, subject to significant regulation. Shifting to a new category of private law-abiding citizens is a major threshold and one that I think is unwise.

Mr. MANCHIN. On the Internet right now, as I understand the law as we have it, without changing anything—mine or yours—if I buy from you in Texas, and you send me that gun, it has to go by law through a licensed dealer for me to go get a background check to pick it up. We have not changed that, sir. All we do is say if you buy in State or out of State they are treated the same.

Mr. CRUZ. Well, except the bill also applies to any advertising. It is not limited to the Internet. I would apply to a listing on Craigslist, to a listing in the local newspaper. If an individual wanted to sell his or her firearm and advertised in any way, they would potentially be guilty of a felony for not going through the Federal background check.

What I would suggest—and I want to be respectful of my time because I think I am nearing the conclusion of it—what I would suggest is all of us want to stop violent crime. In drafting this substitute, what a number of Senators endeavored to do is look at the most effective proposals to do exactly that: to stop violent crime. My view is, if you have a violent criminal, we should come down on them like a ton of bricks. But at the same time we should be especially careful to safeguard the constitutional rights of law-abiding citizens.

The Second Amendment is a critical part of the Bill of Rights, and each of us has taken an oath to defend the Constitution—an oath that I know every Senator takes quite seriously.

I would suggest there is no evidence to support the claim that regulating millions of law-abiding citizens, who do not currently pose a threat, would be remotely effective to stop violent crime. What it would do is increase the pressure substantially for a national gun registry.

I would suggest, instead, the contrast between this substitute and the Democratic bill is striking. The Democratic bill includes no additional resources for prosecution at all. It does not focus on prosecuting criminals. I would suggest that omission is quite striking.

It is my hope that—we are going to have a vote on background checks; this body will decide its view in terms of whether to expand those to private citizens—but I am hopeful that after

that vote, when this substitute is considered, we will see some significant bipartisan agreement that says let's provide the resources to the men and women of law enforcement to go after violent criminals, to go after and to incapacitate those with serious mental illness. Let's do everything we can to stop violent crime and protect the most vulnerable among us.

Mr. MANCHIN. Will the Senator yield for one quick moment?

If I may ask the Senator, would he agree that a bill or an amendment should be posted for 48 hours prior to voting?

Mr. CRUZ. Is the Senator suggesting that the Senate should move these votes?

Mr. MANCHIN. No, no. I am saying, does the Senator believe we should have 48-hour postings?

Mr. CRUZ. I think that is ordinarily the right process to follow. In this case, this bill, this substitute took considerable time and was the result of extended negotiation among a great many Senators. And I know my friend from West Virginia has gone through those extended negotiations before and surely will again. This was filed as soon as there was agreement that brought people together in an area that is my hope we should be able to find consensus. We should be able to find consensus on targeting violent criminals. That is what this bill endeavors to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

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

Mr. SCHUMER. Thank you, Mr. President.

First, I want to thank my colleague from Texas for his courtesy.

I wish to address two issues here: first, the bill that my good friend from West Virginia and my friend from Pennsylvania have worked on long and hard, that Senator KIRK and I are sponsors of as well; and, second, concealed carry.

I have always said that background checks are the sweet spot of this debate—the sweet spot because it will do the most good and has the best chance of passing. If this is the sweet spot, we should take advantage of it. Let us step to the plate and not make this a sour day for those in Newtown, for those whose families have been victims of gun violence, and for all Americans.

The bottom line is simple: The Brady law was passed in 1994. The NICS system came into effect in 1999. And the very system of background checks that we are proposing has stopped 1.7 million transactions of guns being sold to felons. It is certain that tens of thousands of people are walking God's green Earth because of the background checks required in the Brady law. But those who have criminal intent and wish to get guns, even though they would not be allowed to under Brady, find ways around it, and they have. The two leading ways around it are the gun shows and sales on the Internet.

This amendment is very simple. All it does is take the same method of background checks and the same method of recording those checks that we use now when you walk into a gun shop and apply it to gun shows and to sales on the Internet—no more, no less.

I have not seen any cry from the other side of the aisle to repeal the background checks mandated under the Brady law. I have not seen any cry saying, they do not work. We have simply seen that they do not cover 40 percent, approximately, of gun sales. The bill I originally introduced I guess is the gold standard. It covered them all. But in an effort to compromise, Senators MANCHIN and TOOMEY, with considerable courage, worked with us and now individual sales are not covered. But the sales on the Internet and sales at gun shows are.

I say to some of my colleagues who have been allies in the pro-gun control movement: Do not let the perfect be the enemy of the good. This is a strong, good bill. I say to my colleagues on the other side of the aisle, the only objection—the only objection we have heard to this bill, this proposal of Senators MANCHIN, TOOMEY, KIRK, and myself—is that it will lead to registration.

Well, then let me ask or let me refer to my colloquy with the Senator from Texas. Has there been a single step toward registration as this system has been in place since 1999, 14 years? Not one. So why is it all of a sudden that if we extend these to gun shows and Internet sales, registration will come down upon us like a plague within a matter of months? The argument, and it is the only argument made against background checks, that this will cause registration to occur, is a canard, plain and simply, an excuse. Because the opponents cannot argue against the substance, they come up with this fearmongering tactic that this will lead to registration. There is not one jot of evidence that the existing law, the same as the new law we are proposing, has led to that.

I would urge my colleagues to step to the plate. Pass this amendment. I understand the views on the assault weapons ban, which I so strongly support, and the limitation on clips, which I so believe in. They may not get a number of votes. But this one is close. This one is close. In my judgment, this one will save more lives than any other. Let us show the courage, let us show the wisdom, let us show the conviction that doing the right thing is the right political thing, and move it.

One more point. The arguments of reciprocal conceal carry would do devastation to the urban areas of New York. To treat the forests of Wyoming like Times Square or Yankee Stadium would be wrong. I would urge we reject that as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I rise this afternoon to speak about the issue before us, gun violence and the Second Amendment to the Constitution. We have all been enormously saddened by the recent senseless acts of violence that have affected our Nation. In Congress, we have all been deeply moved, and we are all motivated by the tragedies.

However, unfortunately, the legislation currently before the Senate would do virtually nothing to address the causes of this violence. This legislation, in my judgment, would take us down what I would regard as a dangerous path. Rather than focusing on the underlying causes of gun violence, this legislation would place onerous restrictions on law-abiding Americans, who have a right and are exercising their Second Amendment rights.

It should trouble us that the first response to recent tragedies is to curtail the Bill of Rights. These rights were so incredibly vital to the birth of this great Nation. The Founders specifically limited the power of the government to restrict these rights. But this legislation, in my judgment, goes beyond and pushes beyond those constitutional limits. The bill before us would have a number of adverse effects.

For example, it would prevent a Nebraskan from using a neighbor's shotgun to go trap shooting on a nearby farm or an uncle from giving a niece a hunting rifle as a birthday gift without receiving FBI approval. As my colleague from Iowa has pointed out, the Deputy Director of the National Institute of Justice has written that universal background checks can only be enforced if coupled with national gun registration.

This legislation—I agree with the Senator from Texas—would be a first step on the path toward a national gun registry, a far cry from the vision of our Founders, who exercised this very fundamental right to secure our freedom.

The fact is, had this legislation been law, it would not have prevented any of the recent atrocities that have affected families in our Nation.

We will also have the opportunity to vote on a series of amendments. One such amendment we will consider is the so-called assault weapons ban, which would prohibit law-abiding citizens from possessing certain firearms based upon cosmetic characteristics. Once again, this ban would do little to prevent future gun violence.

Furthermore, I find it so incredibly ironic that its proponents think these weapons are a problem in the hands of law-abiding citizens but apparently see no problem with the same weapons being glorified in Hollywood movies and video games. Apparently we should ban these devices in rural Nebraska where we grow up around firearms but allow our children to idolize Hollywood

stars committing mass shootings on the big screen and then try it out for yourself in a graphic video game where the game is interactive, violent, and you are literally shooting at people.

At the end of the day, this legislation is so incredibly flawed that no amount of tweaks or changes can ever possibly improve it. That is why I am a cosponsor of the alternative of the Senator from Iowa, a complete substitute which seeks to address the root causes of gun violence and correctly balances the need to secure our Second Amendment rights.

This amendment focuses on adequate enforcement of the gun laws currently on the books, as well as the mental health needs of our country. We owe it to the victims of gun violence to pass legislation that will actually address the causes of these tragedies; otherwise, it will not stop. As Senators who took an oath to uphold the Constitution, we owe to it all Americans to protect this fundamental right, this right contained in the Bill of Rights that is so vital to the very freedom we enjoy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise to address this issue for 5 minutes.

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

Mr. TOOMEY. Mr. President, first, let me mention I am a gun owner. I have an A rating with the NRA. The Second Amendment is extremely important to me, my constituents, Pennsylvanians generally, to Americans generally.

Let me be very clear about this too. The Second Amendment does not apply equally to every single American. That is not even a controversial notion. The Second Amendment was never meant to apply to young children. Nobody disputes that. The Second Amendment does not apply to people who forfeit their Second Amendment rights by committing crimes for which they are convicted. It cannot apply and does not apply to people who have been adjudicated as mentally dangerous. These are the three classes of Americans for whom the Second Amendment does not apply, as it does and should and must for everyone else.

So the goal Senator MANCHIN and Senator SCHUMER and Senator KIRK and I set out on when we began this process—I want to thank my friend from West Virginia. He has worked harder than anybody on this. Senator SCHUMER has worked very hard as well; Senator KIRK, who from the beginning provided very important leadership on this. The goal was to see if we could find a way to make it a little bit more difficult for the people who have no legal right to have a gun to obtain one. That was the goal. Along the way, we thought that if we can find some ways to better secure the opportunities for law-abiding citizens to exercise their Second Amendment rights, that would be terrific to work into this. We did that as well.

How do we attempt to make it a little bit more difficult for criminals and the dangerously mentally ill to purchase handguns? We do it actually in two ways. One is to strengthen the existing background check system. By strengthening, what I mean is encouraging States to provide the information they already have, and that some do provide but some do not. In other words, the States have records about people who have been adjudicated as dangerously mentally ill, for instance, those people who plead not guilty to a crime by reason of insanity, those people who are deemed to be mentally incompetent to stand trial. We have records at the States of people who have been adjudicated as mentally unfit to have a firearm.

Then, of course, it is States that have the criminal records. So all we are doing is encouraging these States to provide this information so that when a criminal attempts to buy a handgun or a long gun or when someone who is dangerously mentally ill attempts to do so, the background check system can capture them.

That is the first big piece. It does not create a new system. It does not expand in any way the existing system except to encourage States to provide the information they already have.

The second thing we do is we ask to have a background check at gun shows. We already have background checks if you buy from a licensed dealer. In my State of Pennsylvania, anyone who buys a handgun anywhere at any time has a background check. What this would do in Pennsylvania is it would extend background checks for commercial sales which are conducted at gun shows, and for advertised sales over the Internet.

I have got to tell you, there is absolutely no way that this can be construed as an infringement on Second Amendment rights. You do not have to take my word for this. But I would take Justice Scalia's word for this, in the Heller decision, where he quite rightly came to the conclusion, as did a majority of the Supreme Court, a conservative majority came to the correct conclusion in my view that the Second Amendment is an individual right. It is not contingent on membership in a militia, it is not a collective right of multiple people. The Founders did not acknowledge collective rights. It is an individual, personal right. They were correct.

But in that decision, Justice Scalia also observed there is nothing unconstitutional about legislation that would limit or restrict and try to prevent the purchase of firearms by people who do not enjoy this right. So that is what we do.

I know there has been a great deal of concern about a registry. No one would oppose a Federal registry of firearms more than I. There is no need for the government to have one. Only bad things could result. Fortunately, Senator MANCHIN and I are completely in agreement on this. So while it is already illegal, we further strengthen the prohibition against that by stating in our amendment that any Federal employee, not just those who are members of the ATF but any Federal employee who even begins the process of compiling the data that could lead to a registry would be committing a felony subject to 15 years imprisonment.

That is a pretty tough reality, that anyone thinking—even thinking about doing this, I think would weigh very seriously, and thereby, I believe strongly, we preclude the possibility, the danger of an inappropriate registry.

Finally, I mentioned we enhance the opportunity for law-abiding citizens to enjoy their Second Amendment rights. We do it in a variety of ways.

One is we clear up some risks people take, law-abiding citizens who are traveling across multiple States, such as a sportsman who packs a weapon quite properly but who is traveling into a State which has a different regime. We clarify that person is not committing any crimes or violating any laws.

We allow the purchase of handguns out of State. They are subject to background checks. Why not?

Current law prohibits Active-Duty military personnel from buying a weapon in their home States. We repeal that as well.

A similar measure to this—without the benefits to Second Amendment supporters and expansion of background checks—was on the House floor in 1999. That bill was endorsed by the NRA. I voted for it and a majority of Americans voted for it. We did so because it was common sense. This isn't gun control, this is common sense. This is a modest measure to increase the chances of keeping guns out of the hands of people who have no legal right to have a gun.

We are going to have a close vote today. I wish to thank all of my colleagues who considered this and have given us every opportunity to make our case. I wish to again thank Senators MANCHIN, SCHUMER, and KIRK for the very hard work they have done.

I urge my colleagues to support the Manchin-Toomey amendment.

Mr. LEAHY. Mr. President our thoughts and prayers are with the victims and their families of yesterday's cowardly attack. I appreciate the updates I have received from the FBI about the matter and await the outcome of their investigation. The President is right to emphasize that Americans will not be terrorized.

In the aftermath of the explosions in Boston we were reminded once again how Americans come to each other's aid in a crisis. We witnessed citizens and first responders selflessly helping others. Just as first responders in Newtown responded in minutes and went headlong into a situation without knowing what they would encounter, in Boston we saw similar heroism.

First responders risk their lives to protect the public. That is what they do over and over again across the country. I believe that as a result of the bravery and speedy response of first responders in Connecticut, lives may have been saved on December 14. And we remember today that 6 years ago the Nation was stunned by the rampage at Virginia Tech.

Our law enforcement officials deserve our respect and support. Law enforcement officers and first responders risk their lives to protect the public. That is why I find it so disappointing to hear some blame law enforcement for not preventing these tragedies.

The legislation before the Senate today to improve the Nation's background checks system and prosecute gun trafficking would significantly assist law enforcement in their efforts to keep the public safe. I spoke yesterday about the pending amendment, the bipartisan Manchin-Toomey amendment to close the gun show and other loopholes in the background check system while respecting and protecting the Second Amendment rights of responsible gun owners. The Senate has had this amendment before it since last Thursday. I trust the Senate will vote on it today, and I hope the Senate will adopt it.

We have had background checks for decades. These checks are an accepted part of the process of buying a gun. Like millions of other responsible gun owners, I understand that this check is necessary to help keep guns out of the hands of criminals and those who are dangerous to themselves and others due to mental illness.

Since 1998, more than 2 million sales to prohibited people have been prevented thanks to background checks. That is 2 million times a potentially dangerous person trying to get a gun was denied a gun. Is that a good thing, a positive thing, in the interest of safer communities? Of course it is. Who can credibly argue otherwise?

What we are now trying to do is improve the background check system. We all know there is a huge loophole in our background check system. Criminals and others prohibited from buying guns at gun stores can get around the background check requirement by going to gun shows. I know gun store owners in Vermont. They follow the law and conduct background checks. They wonder why others who sell guns do not have to follow these same rules. I agree with these responsible business owners. This loophole needs to be closed.

The Manchin-Toomey bipartisan amendment closes the loophole in a way that does not infringe upon Second Amendment rights. Sales at gun shows and sales using online or print advertising will now be governed by the same requirements as gun stores in Vermont and elsewhere. This will make us safer. It is focused on gun shows and commercial sales, not family gifts or transfers between friends and neighbors. The bill does not require background checks for temporary transfers of guns for hunting or target shooting. Instead, the bill requires background checks for the kind of sales that can be easily exploited by people who intend to do harm.

Why would we not try to plug the loopholes in the law that allow dangerous criminals to buy guns without background checks? This is a simple matter of common sense. The NRA testified in 1999 in favor of mandatory criminal background checks for ''every sale at every gun show.''

This is about plugging loopholes in background checks. No court has held that background checks, which have been with us for decades, violate the Second Amendment. Indeed, when the U.S. Supreme Court expressly held that the Second Amendment provide an individual right in the Heller case, it also said that ''longstanding prohibitions on the possession of firearms by felons and the mentally ill'' do not violate the Second Amendment. No one should oppose this amendment on Second Amendments grounds because it does not undermine the Second Amendment.

Some have expressed frustration about the level of prosecutions under existing gun laws, and some have suggested that instead of making sensible changes to our public safety laws to prevent gun violence, Federal law enforcement officials should focus exclusively on existing laws. I share some of that frustration, but I do not agree it is a valid excuse for Congress to do nothing. Improvements in the enforcement of existing laws and efforts to give law enforcement officials better tools to do their jobs are not mutually exclusive, those efforts complement each other.

I have noted that Americans are looking to us for solutions and for action, not filibustering or sloganeering. This is something we can come together to accomplish. No one can or will take our Second Amendment rights or our guns away. They are not at risk. But lives are at risk when responsible people fail to stand up for laws that will keep guns out of the hands of those who will use them to commit crimes of violence. This is something we can come together and do to make America safer and more secure.

I have also been encouraging the Senator from West Virginia in his efforts. He has shown great leadership, sensitivity, and perseverance. I commend Senator TOOMEY for his willingness to join in this legislative effort. Together, they have done the Senate and the country a great service.

Improving the background check system is a matter of common sense. Senators MANCHIN and TOOMEY have shown that it can be accomplished in a way that better protects our communities and fully respects our Second Amendment rights. I am pleased to support this bipartisan solution.

AMENDMENT NO. 714

Several opponents to the gun violence measure pending have tried to justify their opposition to legislation designed to keep guns out of the hands of criminals by claiming that these measures would not have prevented the tragedy in Newtown or any other mass killings. I think that argument makes no sense.

We should be responding to protect our communities with a broad approach to help law enforcement go after gun traffickers and straw purchasers who arm drug cartels and plug loopholes in our background check system.

In addition to those important steps, the pending amendment to limit ammunition clip size directly addresses some of our most recent gun violence tragedies. It is clear that several victims of gun violence would be alive today if the gunman had been required to pause momentarily to change his ammunition clip. When I decided to call for hearings on gun violence before the first Judiciary Committee several months ago, I wanted the public to hear directly from victims of gun violence. We began our first of three hearings with former Congresswoman Gabby Giffords. She called on us to act in the wake of too many American tragedies and her battle to recover from gun violence is an inspiration to all of us fighting for legislation today.

At that same hearing, her husband, CAPT Mark Kelly, testified about the day his wife was gunned down. He said:

> The shooter in Tucson showed up with two 33-round magazines, one of which was in his 9 millimeter. He unloaded the contents of that magazine in 15 seconds. Very quickly. It all happened very, very fast. The first bullet went into Gabby's head. Bullet number 13 went into a 9-year-old girl named Christina-Taylor Green, who was very interested in democracy and our Government and really deserved a full life committed to advancing those ideas. If he had a 10-round magazine—well, let me back up. When he tried to reload one 33-round magazine with another 33-round magazine, he dropped it. And a woman named Patricia Maisch grabbed it, and it gave bystanders a time to tackle him. I contend if that same thing happened when he was trying to reload one 10-round magazine with another 10-round magazine, meaning he did not have access to a high-capacity magazine, and the same thing happened, Christina-Taylor Green would be alive today.

That was a direct quote from CAPT Mark Kelly's testimony. It is chilling to think that something we could pass today could save the next Christina-Taylor Green.

The Judiciary Committee also heard from Neil Heslin, whose son was murdered at Sandy Hook. He testified in support of limiting high-capacity magazines. We cannot forget his son Jesse or the 19 other precious children who were gunned down in December or the brave educators who sacrificed their lives trying to protect children.

A reasonable limit on the size of ammunition clips is a modest step going forward. This amendment would not apply retroactively. No lawful gun owner will have to turn over anything.

It is a cruel irony that in some States we are more protective of the

deer being hunted than our children. In Vermont, we have very few laws affecting the right to bear arms, but we do limit the ammunition clips used in hunting. It is not a threat to the Second Amendment to limit clip size in hunting, so why is it a threat to limit them when the potential targets are people? The reality is that the Second Amendment is not under threat, but our children are.

I am a responsible gun owner. I have owned and shot weapons with many different styles of ammunition clips, so I understand the issue we are considering. Requiring a gun owner to change clips more often is not too much to ask when we see the human costs of high-capacity magazines in mass shootings. The law enforcement organizations that work on the frontlines in our cities and towns support this amendment. The grieving families are right to raise this issue because even if we save one or two lives with this change, it is worth it.

Just as I said in 1993 when I voted for the Feinstein-DeConcini bill, this amendment is not going to solve all violent crime, but it will make people safer. I believe that limiting the size of ammunition clips going forward could save lives in the next mass shooting. I do not want to wonder if we could have done more when another son or daughter is killed. I will support this amendment. It is the right thing to do for public safety and to honor the young lives lost in Newtown, in Aurora, and in Tucson.

Mr. WHITEHOUSE. Mr. President, I rise today in support of commonsense legislation to address the epidemic of gun violence in America.

In the aftermath of the Newtown tragedy, Americans across the country began a solemn discussion about gun violence, and an emerging consensus has formed around several much-needed reforms.

The Senate Judiciary Committee heard compelling testimony in support of these measures, we debated them, and we reported them to the full Senate. It is time now for the Senate to debate and pass this legislation. We can achieve greater safety in our schools, movie theaters, churches, and malls, and on our city streets, without infringing on anyone's constitutional right to bear arms.

A large majority of the public wants to keep dangerous weapons off the streets and out of the hands of criminals.

The legislation that we are voting on includes several important provisions. First, it would close loopholes that allow millions of gun purchasers each year to evade the background check system without scrutiny. Under current law, a convicted felon, a drug addict, a domestic abuser, or someone who has been determined by a court to be dangerously mentally ill, can easily evade background checks by purchasing firearms at a gun show or online.

The American people understand that allowing so many gun purchasers to evade background check laws does not make sense: Universal background checks are supported by over 90 percent of the public. As President Obama has said, ''How often do 90 percent of Americans agree on anything?''

Second, to stop people from subverting existing gun laws, this legislation clearly outlaws straw purchases, where an individual buys a firearm for someone who cannot legally buy one. It also clarifies and expands existing trafficking laws to give our law enforcement officials the tools they need to combat gun violence.

Third, the legislation includes a commonsense grant program to improve school and campus safety. No parent should have to worry, when they walk their son to the bus stop, or drop their daughter off at her dorm, whether they are safe. I hope we can all agree on the importance of protecting our children.

We will also be considering an assault weapons ban as an amendment. This proposal, which I cosponsor, helps restrict the sort of military-style assault weapons that have no place in a civilian setting.

I know that in the politics of this issue, the assault weapons ban has uphill sledding. But I would certainly hope we can agree on a ban on high-capacity magazines. The full assault weapons ban has the support of the majority of Americans; the ban on high-capacity magazines has even more overwhelming support from the public. In recent polling, 65 percent of Americans said that they support a ban on high-capacity magazines.

It is no wonder that the public overwhelmingly supports this ban. As we heard in testimony before the Judiciary Committee and in other venues, in almost every mass shooting in the past few years, high-capacity magazines led to additional deaths and injuries.

John Walsh, the U.S. Attorney for the District of Colorado, testified that in Aurora the shooter used a hundred-round drum and was able to murder 12 people and injure 58 in a matter of 90 seconds. The carnage only stopped when that ultra-large feeding device jammed.

Captain Mark Kelly testified that in Tucson, the shooter had a 33 round magazine and was able to kill 6 people and injure 12 in a matter of 15 seconds. He was only overwhelmed when he eventually had to change magazines. Nine-year-old Christina-Taylor Green was killed by the thirteenth bullet from that magazine. That little girl might well be alive today if her murderer had to stop to reload after 10 rounds.

We have heard no reasonable justification for why any civilian needs these deadly devices. They are not appropriate for hunting. A number of laws already restrict the number of rounds per magazine for hunting, and most sportsmen would not want to hunt with high-capacity magazines.

These magazines also are not necessary or appropriate for self-defense. Opponents of this legislation talk about the need for high-capacity magazines and assault weapons in nightmare scenarios: society breaking down following a terrorist attack, or natural disaster; or gangs of armed intruders breaking into homes.

But there is no evidence that anyone has been made safer by having access to these magazines, and law enforcement officials and experts have repeatedly pointed to the dangers of keeping them in the home. Even some gun clubs ban their use on the range, because they are so dangerous.

I have also cosponsored an amendment to close the so-called ''terror gap.'' Believe it or not, under the existing law, someone on a terrorist watch list would not be allowed to board an airplane, but there is nothing stopping him or her from buying a gun. This loophole is ridiculous and dangerous, and we should close it immediately.

These proposals are reasonable measures that would make our communities safer from gun violence. I urge the Senate to pass them.

AMENDMENT NO. 715

The VICE PRESIDENT. Under the previous order, there will now be 2 minutes of debate equally divided in the usual form prior to the vote on amendment No. 715, offered by Mr. MANCHIN.

The Senator from West Virginia.

Mr. MANCHIN. If you are committed to protecting Second Amendment rights, as I am, as well as the great citizens of this country, vote for this bill. If you desire for all of our veterans to be treated with dignity and due process when they return from battle, vote for this bill. If you wish to keep criminals and dangerously mentally ill people from purchasing guns at gun shows and on the Internet, you should vote for this bill.

To always remember those 20 babies, beautiful children, the six brave teachers, and to honor the most courageous family members I have ever met in my life, please vote for this bill.

The VICE PRESIDENT. The Senator from Iowa.

Mr. GRASSLEY. I strongly oppose this amendment.

Expanded background checks would not have prevented Newtown. Criminals do not submit to background checks now; they will not submit to expanded background checks.

The Deputy Director of the National Institute of Justice has written background checks will work only if they are universal and are combined with gun registration.

This amendment would start us down the road to registration. It would open, not close, loopholes.

It would require background checks when people advertise a gun for sale in their church bulletins or Farm Bureau newsletter. It subjects people to Federal criminal liability up to 5 years for violations of State or local law, which is unprecedented.

The pro-gun provisions would actually reduce existing protections for law-abiding gun owners.

I urge my colleagues to reject this dangerous and misguided approach.

I yield back the remainder of my time, and I yield the floor.

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

The VICE PRESIDENT. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—54

Baldwin	Harkin	Murphy
Bennet	Heinrich	Murray
Blumenthal	Hirono	Nelson
Boxer	Johnson (SD)	Reed
Brown	Kaine	Rockefeller
Cantwell	King	Sanders
Cardin	Kirk	Schatz
Carper	Klobuchar	Schumer
Casey	Landrieu	Shaheen
Collins	Lautenberg	Stabenow
Coons	Leahy	Tester
Cowan	Levin	Toomey
Donnelly	Manchin	Udall (CO)
Durbin	McCain	Udall (NM)
Feinstein	McCaskill	Warner
Franken	Menendez	Warren
Gillibrand	Merkley	Whitehouse
Hagan	Mikulski	Wyden

NAYS—46

Alexander	Enzi	Murkowski
Ayotte	Fischer	Paul
Barrasso	Flake	Portman
Baucus	Graham	Pryor
Begich	Grassley	Reid
Blunt	Hatch	Risch
Boozman	Heitkamp	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Johnson (WI)	Vitter
Cornyn	Lee	Wicker
Crapo	McConnell	
Cruz	Moran	

The VICE PRESIDENT. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which the Manchin amendment No. 715 was not agreed to.

The VICE PRESIDENT. The motion is entered.

AMENDMENT NO. 725

There is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 725, offered by the Senator from Iowa, Mr. GRASSLEY.

Who yields time?

(Disturbance in Visitor's Gallery.)

The VICE PRESIDENT. There will be order in the Senate. The gallery will refrain from any demonstration or comment.

The Senator from Texas.

Mr. CRUZ. Mr. President, I rise to speak in favor of the Grassley-Cruz substitute.

Now that the previous vote has been taken, I would suggest this is a bill we all should be able to support. This is a bill that provides major resources to prosecuting violent criminals, to going after felons, to going after fugitives, to preventing them from getting guns. It provides resources for school safety. It provides additional resources to improve the background check system and to encourage States to provide more records on mental health illness.

This is a strong law enforcement bill. I know everyone in this body, regardless of party, wants to act decisively to stop violent crime, and it would be a shame if this amendment is subject to a partisan vote which would result in inaction rather than our standing together to put law enforcement resources toward stopping violent crime.

The VICE PRESIDENT. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, the argument we just heard is absolutely upside-down of what that amendment is. This amendment guts the bill, it guts the straw purchasing provisions, it guts the gun trafficking provisions. It totally undermines law enforcement.

Law enforcement strongly supports the next amendment we have—the Leahy-Collins—but all this does, this substitute amendment, is aid Mexican drug cartels, eliminates the tools being used to get law enforcement investigatory leads. It undermines rather than strengthens the current background check.

We talk about do we enforce our laws. If you want to gut our laws, which this one does, don't argue they are not being enforced. This handcuffs law enforcement, helps drug cartels, helps drug syndicates. It is a bad amendment.

The PRESIDING OFFICER (Mr. BROWN). The Senator's time has expired.

The question is on agreeing to the amendment.

Mr. BARRASSO. I 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 amendment.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—52

Alexander	Cruz	Landrieu
Ayotte	Donnelly	McCain
Barrasso	Enzi	McCaskill
Baucus	Fischer	McConnell
Begich	Flake	Moran
Blunt	Graham	Murkowski
Boozman	Grassley	Paul
Burr	Hagan	Portman
Chambliss	Hatch	Pryor
Coats	Heitkamp	Risch
Coburn	Heller	Roberts
Cochran	Hoeven	Rubio
Collins	Inhofe	Scott
Corker	Isakson	Sessions
Cornyn	Johanns	
Crapo	Johnson (WI)	
Shelby	Thune	Vitter
Tester	Toomey	Wicker

NAYS—48

Baldwin	Heinrich	Murray
Bennet	Hirono	Nelson
Blumenthal	Johnson (SD)	Reed
Boxer	Kaine	Reid
Brown	King	Rockefeller
Cantwell	Kirk	Sanders
Cardin	Klobuchar	Schatz
Carper	Lautenberg	Schumer
Casey	Leahy	Shaheen
Coons	Lee	Stabenow
Cowan	Levin	Udall (CO)
Durbin	Manchin	Udall (NM)
Feinstein	Menendez	Warner
Franken	Merkley	Warren
Gillibrand	Mikulski	Whitehouse
Harkin	Murphy	Wyden

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, this amendment is rejected.

Mr. LEAHY. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 713

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 713, offered by the Senator from Vermont, Mr. LEAHY.

Mr. LEAHY. Mr. President, Senator COLLINS and I, as well as other Senators in both parties, worked with law enforcement, worked with the NRA, worked with a whole lot of others to craft this amendment. It gives law enforcement officials the tools they need to stop the all-too-common practices of straw purchasing and illegal trafficking of firearms. This gives us the tools to go after drug cartels that use straw purchasers to get their guns and gangs in big cities that use straw purchasers to get their guns.

It is an important law enforcement measure. Across the political spectrum, law enforcement supports it. Let's stand with law enforcement and vote aye.

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

The Senator from Texas is recognized.

Mr. CRUZ. Mr. President, I rise to speak against this amendment. It is worthwhile to strengthen the protections against straw purchasing and trafficking, but unfortunately this language, in my judgment, is overbroad and in particular has a real risk of criminalizing innocent conduct. For example, if your father asks you to purchase a firearm for him and your father pays you, under this bill both you and your father become felons because it bans any purchase for another person if that individual pays for it. In my judgment, that is overbroad, and that is the reason why in the prior amendment we changed the language to target bad actors and to exclude innocent conduct, to avoid ensnaring those law-abiding citizens with no ill will and inadvertently making law-abiding gun owners into felons.

I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—58

Baldwin	Harkin	Murray
Baucus	Heinrich	Nelson
Begich	Heitkamp	Pryor
Bennet	Hirono	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Kirk	Schatz
Cardin	Klobuchar	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Coons	Levin	Udall (CO)
Cowan	Manchin	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	
Hagan	Murphy	

NAYS—42

Alexander	Enzi	McConnell
Ayotte	Fischer	Moran
Barrasso	Flake	Paul
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker

The PRESIDING OFFICER (Mr. SCHATZ). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

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

Mrs. BOXER. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 719

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 719 offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas.

Mr. CORNYN. My amendment is called the Constitutional Concealed Carry Act because it is designed to protect the fundamental Second Amendment rights of American citizens who are traveling or temporarily away from home while they hold a concealed handgun license.

There is only one State and the District of Columbia that do not recognize some form of concealed gun carry law. In other words, it is part of the public policy of 49 States that concealed handgun licenses may be obtained by lawful owners.

Our amendment would allow persons with concealed handgun permits be allowed to carry those weapons as they travel between jurisdictions and avoid any sort of prosecution. This does not create a national standard. It does not apply to jurisdictions that don't otherwise recognize the right to the conceal carry law. In effect, it would act like a driver's license so the gun owner doesn't have to get a separate license in each State they travel through. For those who believe background checks are important, this is a background check on steroids.

I ask my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. This amendment would wreak havoc in large portions of America—suburban and urban areas. The bottom line is very simple: In Wyoming maybe the conceal carry law works. Every police officer in America, all of them, will say that the conceal carry law would be a disaster in Times Square, the L.A. Coliseum, or in the Dallas, TX, stadium. It would be a disgrace. Police officers would not know who is carrying and who is not carrying a weapon. Because there are no residency requirements, criminals from our States could go to States such as Florida, get a conceal carry permit, and criminals and felons could legally conceal and carry weapons in other States.

We hear a lot of talk about States rights. This is a classic States rights vote. Let Wyoming do what it wants to do with conceal carry, but don't impose that on New York and vice versa.

I strongly, strongly urge that this amendment—which takes one way of life in America and imposes it on all ways of life—be defeated.

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

Mr. CORNYN. Mr. President, 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 the Cornyn amendment.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—57

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Baucus	Grassley	Portman
Begich	Hagan	Pryor
Blunt	Hatch	Risch
Boozman	Heinrich	Roberts
Burr	Heitkamp	Rubio
Chambliss	Heller	Scott
Coats	Hoeven	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Tester
Collins	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Landrieu	Udall (CO)
Crapo	Lee	Udall (NM)
Cruz	Manchin	Vitter
Donnelly	McCain	Warner
Enzi	McConnell	Wicker

NAYS—43

Baldwin	Harkin	Murray
Bennet	Hirono	Nelson
Blumenthal	Johnson (SD)	Reed
Boxer	Kaine	Reid
Brown	King	Rockefeller
Cantwell	Kirk	Sanders
Cardin	Klobuchar	Schatz
Carper	Lautenberg	Schumer
Casey	Leahy	Shaheen
Coons	Levin	Stabenow
Cowan	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murphy	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, if I could have order, we are going to have three more votes tonight, and we are going to finish a number of things that have already been scheduled on this legislation tomorrow. Senator MCCONNELL and I will meet in the meantime to decide our path forward.

So three more votes tonight and then we will finish sometime in the morning.

AMENDMENT NO. 711

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 711 offered by the Senator from California, Mrs. FEINSTEIN.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have watched these votes and I must say I view them with substantial dismay at the lack of courage in this Chamber—courage to stand and say: We have had enough of these killings. We have had enough of the development of highly militarized weapons—easy to shoot, big clips, 100-plus bullets in each, large velocity guns—falling into the hands of grievous killers, juveniles, people who are mentally disturbed. There will be no background checks, apparently, and we have a proliferation of these weapons.

I have a hard time understanding it. We are here on 6-year terms for a reason: to take votes on difficult issues. Everything needs 60 votes today. This is supposed to be a majority body. We have crafted an assault weapons bill to truly represent the people of America. Every single poll has shown support for this.

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

Mrs. FEINSTEIN. Let me conclude by saying this: I know how this is going to end, and the despair and the dismay of families standing out there whose safety we need to protect, and we don't do it—I am very chagrined and concerned. If anybody cares, vote at least to prospectively ban the manufacture, the sale, the importation of military-style assault weapons. Show some guts. Thank you.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I strongly oppose this amendment. This would result in the largest ban of guns in the history of our Republic.

Three studies that the Justice Department sponsored during the previous ban found no evidence it was effective in reducing multiple victim shootings or wounds per victim. It did not stop Columbine. It would not stop Newtown. The ban does not apply to existing weapons such as those used at Newtown, and criminals who would steal such guns would not care the least if they were banned.

We never received an opinion from the Justice Department that such a ban would satisfy the Second Amendment. I surmise they are not able to conclude it is constitutional. A ban on guns based on their looks when more powerful guns are exempt would not satisfy any standard of review. These guns are commonly used, in the words of the Supreme Court, for self-defense. They cannot be constitutionally banned.

This is a slippery slope of compromising the Second Amendment, and if we go down that road, we are going to find it easier to compromise other things in the Bill of Rights.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The result was announced—yeas 40, nays 60, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—40

Baldwin	Harkin	Nelson
Blumenthal	Hirono	Reed
Boxer	Kaine	Reid
Brown	Kirk	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Lautenberg	Schatz
Carper	Leahy	Schumer
Casey	Levin	Shaheen
Coons	McCaskill	Stabenow
Cowan	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murphy	
Gillibrand	Murray	

NAYS—60

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Paul
Begich	Hagan	Portman
Bennet	Hatch	Pryor
Blunt	Heinrich	Risch
Boozman	Heitkamp	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Tester
Collins	Johnson (SD)	Thune
Corker	Johnson (WI)	Toomey
Cornyn	King	Udall (CO)
Crapo	Landrieu	Udall (NM)
Cruz	Lee	Vitter
Donnelly	Manchin	Warner
Enzi	McCain	Wicker

The PRESIDING OFFICER (Ms. HIRONO). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. DURBIN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 720

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 720, offered by the Senator from North Carolina, Mr. BURR.

The Senator from North Carolina.

Mr. BURR. Madam President, I am going to be brief because I do want my colleagues to listen. This is an important amendment.

Today, the VA determination is that if a veteran cannot handle their own finances, then their name is referred to the FBI and they are put on the NICS list. Today, 129,000 veterans are on the NICS list. Yes, there is an appellate process to get off, but the VA provides no help to the veteran. The cost is all incurred by the veteran. Only 200 veterans have applied for that reversal in the decision, and only 6 have been granted. They should never be put on it. A determination that they cannot handle their own finances is not a determination that they are a threat to themselves or to the public.

This bill is very simple. It says that if the VA makes a determination, there has to be a judicial decision to put them on NICS lists. That is the standard everywhere else in the Federal Government.

I urge my colleagues to support this very important piece of legislation.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, when we began this debate, we talked about strengthening the NICS system, we talked about how people who have mental illness should be added to the list so they might not get guns. And here, in one amendment, in one fell swoop, we will take 165,000 people off that list.

Does my colleague, my dear friend from North Carolina, believe every single one of those people should be allowed to carry a gun? Of course not. If there are injustices to some of those folks, then let's have a system that deals with it. But you do not—you do not—in one fell swoop take 165,000 people, all of whom have some degree of incompetence, off the list.

It is unbelievable that at a time when we are supposed to be strengthening the NICS system with people who are adjudicated or judged otherwise mentally ill, we are considering tonight taking a giant step backward and reducing the list. What is America going to think is going on in this body?

I strongly urge a ''no'' vote.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—56

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Paul
Begich	Hagan	Portman
Blunt	Hatch	Pryor
Boozman	Heitkamp	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Sanders
Coburn	Isakson	Scott
Cochran	Johanns	Sessions
Collins	Johnson (WI)	Shelby
Corker	King	Tester
Cornyn	Kirk	Thune
Crapo	Landrieu	Toomey
Cruz	Lee	Vitter
Donnelly	McCain	Wicker
Enzi	McCaskill	

NAYS—44

Baldwin	Harkin	Nelson
Bennet	Heinrich	Reed
Blumenthal	Hirono	Reid
Boxer	Johnson (SD)	Rockefeller
Brown	Kaine	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Udall (CO)
Coons	Manchin	Udall (NM)
Cowan	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

The PRESIDING OFFICER (Mr. DONNELLY). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 714

Mr. BLUMENTHAL. Mr. President, on behalf of myself, my friend, and a great champion, Senator FRANK LAUTENBERG with us today, and others, including my colleague Senator CHRISTOPHER MURPHY, I call up amendment No. 714.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. BLUMENTHAL], for himself, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. MURPHY, Mr. WHITEHOUSE, Mr. Cowan, Ms. HIRONO, Mr. KAINE, Mr. ROCKEFELLER, Mr. MERKLEY, Mrs. BOXER, Mr. CARPER, Ms. WARREN, Mr. LEVIN, Mr. DURBIN, Ms. KLOBUCHAR, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. CARDIN, Mr. SCHUMER, and Mr. HARKIN, proposes an amendment numbered 714.

Mr. BLUMENTHAL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To regulate large capacity ammunition feeding devices)

At the end, add the following:

TITLE IV—LARGE CAPACITY AMMUNITION FEEDING DEVICES

SEC. 401. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by inserting after paragraph (29) the following:

''(30) The term 'large capacity ammunition feeding device'—

''(A) means a magazine, belt, drum, feed strip, or similar device, including any such device joined or coupled with another in any manner, that has an overall capacity of, or that can be readily restored, changed, or converted to accept, more than 10 rounds of ammunition; and

''(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

''(31) The term 'qualified law enforcement officer' has the meaning given the term in section 926B.''.

SEC. 402. RESTRICTIONS ON LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) IN GENERAL.—Section 922 of title 18, United States Code, as amended by this Act, is amended by inserting after subsection (u) the following:

''(v)(1) It shall be unlawful for a person to import, sell, manufacture, transfer, or possess, in or affecting interstate or foreign commerce, a large capacity ammunition feeding device.

''(2) Paragraph (1) shall not apply to the possession of any large capacity ammunition feeding device otherwise lawfully possessed on or before the date of enactment of the Safe Communities, Safe Schools Act of 2013.

''(3) Paragraph (1) shall not apply to—

''(A) the importation for, manufacture for, sale to, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a sale or transfer to or possession by a qualified law enforcement officer employed by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State for purposes of law enforcement (whether on or off duty), or a sale or transfer to or possession by a campus law enforcement officer for purposes of law enforcement (whether on or off duty);

''(B) the importation for, or sale or transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

''(C) the possession, by an individual who is retired in good standing from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device—

''(i) sold or transferred to the individual by the agency upon such retirement; or

''(ii) that the individual purchased, or otherwise obtained, for official use before such retirement; or

''(D) the importation, sale, manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Attorney General.

''(4) For purposes of paragraph (3)(A), the term 'campus law enforcement officer' means an individual who is—

''(A) employed by a private institution of higher education that is eligible for funding under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

''(B) responsible for the prevention or investigation of crime involving injury to persons or property, including apprehension or detention of persons for such crimes;

''(C) authorized by Federal, State, or local law to carry a firearm, execute search warrants, and make arrests; and

''(D) recognized, commissioned, or certified by a government entity as a law enforcement officer.''.

(b) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, is amended by adding at the end the following: ''A large capacity ammunition feeding device manufactured after the date of enactment of the Safe Communities, Safe Schools Act of 2013 shall be identified by a serial number and the date on which the device was manufactured or made, legibly and conspicuously engraved or cast on the device, and such other identification as the Attorney General shall by regulations prescribe.''.

(c) SEIZURE AND FORFEITURE OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 924(d) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''or large capacity ammunition feeding device'' after ''firearm or ammunition'' each place the term appears;

(B) by inserting ''or large capacity ammunition feeding device'' after ''firearms or ammunition'' each place the term appears; and

(C) by striking ''or (k)'' and inserting ''(k), or (v)'';

(2) in paragraph (2)(C), by inserting ''or large capacity ammunition feeding devices'' after ''firearms or quantities of ammunition''; and

(3) in paragraph (3)(E), by inserting ''922(v),'' after ''922(n),''.

SEC. 403. PENALTIES.

Section 924(a)(1)(B) of title 18, United States Code, as amended by this Act, is amended by inserting ''(v),'' after ''(q),''.

SEC. 404. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 501(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)), as amended by this Act, is amended by adding at the end the following:

''(I) Compensation for surrendered large capacity ammunition feeding devices, as that term is defined in section 921 of title 18, United States Code, under buy-back programs for large capacity ammunition feeding devices.''.

SEC. 405. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided.

Mr. BLUMENTHAL. This amendment, very simply, would ban high-capacity magazines of more than 10 rounds which are used to kill more people more quickly and, in fact, have been used in more than half the mass shootings since 1982.

I ask my colleagues to listen to law enforcement, their police, prosecutors who are outgunned by criminals who use these high-capacity magazines. I ask that my colleagues also listen to the families, to Nicole Hockley, whose son, Dylan Hockley, was killed by a man who used a high-capacity magazine. She said of the man who killed her son, he left the smaller capacity magazines at home. He knew the larger capacity magazines were more lethal.

I ask my colleagues to listen to Bill Sherlach whose wife Mary Sherlach was killed on December 14.

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

Mr. BLUMENTHAL. I ask my colleagues to support this amendment.

I yield the floor.

PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I oppose the amendment. In 2004, we had a study by the Department of Justice, which is the last time we had the large-capacity magazine banned. It found no evidence banning such magazines has led to a reduction in gun violence. The study also concluded it is not clear how often the outcomes of the gun attack depend on the ability of offenders to fire more than 10 shots without reloading.

The report found no evidence more people would be alive if a magazine over 10 rounds was banned.

Secondly, there is no evidence banning these magazines has reduced the deaths from gun crimes. In fact, when the previous ban was in effect, a higher percentage of gun crime victims were killed or wounded than before it was adopted.

Additionally, tens of millions of these magazines have been lawfully owned in this country for decades. They are in common use, not unusually dangerous, and used by law-abiding citizens in self-defense, as in the case of law enforcement.

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

Mr. GRASSLEY. I urge its defeat.

Mr. CARDIN. I 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 amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—46

Baldwin	Feinstein	Leahy
Bennet	Franken	Levin
Blumenthal	Gillibrand	McCaskill
Boxer	Harkin	Menendez
Brown	Heinrich	Merkley
Cantwell	Hirono	Mikulski
Cardin	Johnson (SD)	Murphy
Carper	Kaine	Murray
Casey	King	Nelson
Coons	Kirk	Reed
Cowan	Klobuchar	Reid
Durbin	Lautenberg	Rockefeller

Sanders	Stabenow	Whitehouse
Schatz	Udall (CO)	Wyden
Schumer	Udall (NM)	
Shaheen	Warren	

NAYS—54

Alexander	Enzi	McConnell
Ayotte	Fischer	Moran
Barrasso	Flake	Murkowski
Baucus	Graham	Paul
Begich	Grassley	Portman
Blunt	Hagan	Pryor
Boozman	Hatch	Risch
Burr	Heitkamp	Roberts
Chambliss	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Tester
Corker	Johnson (WI)	Thune
Cornyn	Landrieu	Toomey
Crapo	Lee	Vitter
Cruz	Manchin	Warner
Donnelly	McCain	Wicker

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that following leader remarks tomorrow, Thursday, April 18, the Senate resume consideration of S. 649; that the time until noon be equally divided and controlled between the two leaders or their designees for debate on the Barrasso and Harkin amendments; that at noon the Senate proceed to votes in relation to the Barrasso and Harkin amendments, in that order, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate proceed to a period of morning business until 7:30 p.m. tonight with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Iowa.

IMMIGRATION REFORM

Mr. GRASSLEY. Mr. President, at 2:24 a.m. this morning, the Group of 8 finally unveiled their immigration reform bill. Since they began their meetings about 4 months ago, I have complimented them on their commitment to reforming our broken immigration system. I have sought their cooperation to ensure the bill goes through the committee process, and I have argued the bill must be open to amendment during consideration in committee and on the Senate floor. Every Member of the Senate must have an opportunity to read, analyze, and improve the bill.

The bill we received is just under 900 pages, and it tackles some very important issues, including measures on border security, E-Verify and the entry-exit system. It includes the legalization program for people here unlawfully, including DREAM Act eligible students and undocumented workers in the agricultural sector. It attempts to move our system to a merit-based and point system. It revises asylum procedures and the court structure governing immigration appeals. It includes reforms to the highly skilled visa program and seasonal worker guest worker program. It changes the way we implement the visa waiver program, and it includes a brandnew, low-skilled temporary worker program that allows willing workers to enter the country without being sponsored by an employer.

So you can see there is a lot covered in this bill. There are some new concepts. Yet the majority seems to want us to push this bill through the committee process and are intent on getting it to the floor by June. The sponsor of the bill, the senior Senator from New York, said he hopes the bill will be done in 8 weeks.

On Friday, Secretary Napolitano is scheduled to appear before the Judiciary Committee. It is my intent to dig into the details of the bill with her to understand the mechanics and how the bureaucracy will handle these changes. The Secretary had better have answers, especially since this may be the only time we hear about how the administration will implement the major overhaul.

The committee will then have a hearing on Monday to discuss the bill. However, the topics will be broad and all encompassing, I have been told. We have experts who need to be heard on this bill. Most importantly, because cost is a big factor around here, we need to hear from the Congressional Budget Office. Knowing how much this bill costs taxpayers and whether it will actually be budget neutral is a critically important matter.

Let me reiterate my desire to work on this bill. I think we need changes to our immigration system and to approve legal avenues for people to enter and remain in the United States, but this is not something to be rushed. We have to get this right; otherwise, the goal of the bipartisan group to solve the problem once and for all will not end. We have a long road ahead of us in order to pass this legislation to reform our immigration system. We cannot tolerate anything less than a transparent and deliberative process to improve the bill.

So let me get back to the point I made just a few seconds ago. This is something that cannot be rushed. We have to get it right. Let me say why I emphasize that.

There are only a few of us in the Senate who voted on the 1986 immigration bill. We thought we did it right. We thought by making it illegal, for the first time, for employers to hire undocumented workers—and have a $10,000 fine if they did—would take away the magnet that would bring people across the border so readily. Obviously, they come for a better life for themselves, and who can find fault with people who have good spiritual values, good family values, and good work ethics wanting to improve themselves. That is what America is all about. But entering the country illegally is not something a country based upon the rule of law can tolerate.

Anyway, we made it illegal in 1986, and then added that fine. We didn't anticipate a whole industry of fraudulent documents, so that if someone goes to an employer and says they are here lawfully and shows them a passport that looks like it is the real thing, the employer cannot then be fined $10,000 for hiring them. So we thought we took away that magnet at the time and that we might as well legalize the 3 million people who were here. We did that based on the proposition we were fixing this thing once and for all. But we know what happens when we make it legitimate to violate the rule of law. Instead of 3 million people, there are now 12 million people here in the country undocumented.

So when I read the preamble of the document put out by the Group of 8—and I am not finding fault with this—they make it very clear: We intend to—and I am paraphrasing it—fix this system once and for all so it never has to be revisited.

That is exactly what we thought in 1986. Well, we were wrong. So that is why I come to the floor tonight to plead, as I did, about a 900-page bill that just came out at 2:24 this morning, and presumably the Secretary of Homeland Security is coming before our committee in less than 48 hours to answer our questions. I wonder if she can fully understand it so she can answer our questions.

I think it is a legitimate question when the Group of 8 comes up with a proposition that we are going to fix this thing once and for all. Well, I hope they have a pattern to do that, and I hope they don't make the same mistake we did. But rushing this along has a tendency to be an environment for a screw-up like we had in 1986. We spent weeks and weeks on legislation to get it right, and we didn't get it right.

I yield the floor.

REMEMBERING ANTHONY LEWIS

Mr. LEAHY. Mr. President, Today I would like to pay tribute to Anthony Lewis who passed away on March 25. As a reporter covering the Supreme Court and through his books, including ''Gideon's Trumpet,'' Mr. Lewis shaped the way millions of Americans understand the role of the judiciary in safeguarding our democracy. He was truly an iconic figure in American journalism and he will be greatly missed.

Reading Anthony Lewis changed the way so many of us thought about justice in this country. He brought legal decisions to life and made clear the impact the law has on our lives. He made us aware of the humanity behind the technical legal arguments. Nowhere did he do this better than in ''Gideon's