Amendment to legally own and responsibly use a firearm in America. I understand that, and I will fight to protect it. But the law also says if you are a convicted felon or someone so mentally unstable you should not own a firearm, you cannot buy one, not legally, in this country.

There are a lot of sportsmen and hunters in my home State of Illinois. I know many of them. They are in my family. I have met them, I have talked to them. They get it. They want their Second Amendment rights protected, but they do not want to believe for a minute that a firearm is going to be sold to someone who is going to use it in a crime or to someone who is so mentally unstable that they cannot handle it. That is what the Manchin-Toomey amendment was all about. We needed 60 votes, we got 55.

We lost four votes on this side of the aisle, the Democratic side. We picked up four votes on the other side of the aisle. Let me commend my colleague, my Republican colleague, MARK KIRK, who joined me in voting for this measure. It was truly a bipartisan effort from those Senators who crafted the bill and voted for it, but we fell five votes short of breaking a Republican filibuster.

The issue of gun violence is not going to go away. We are losing more Americans every day to this gun violence. Just this morning, the Chicago Tribune reported that 2 people were killed and 11 wounded in shootings last night in Chicago.

Chicago is a wonderful city; it is a great city. I am proud to represent it and proud to spend much of my time there. But I am saddened by the gun violence that takes place there and in all the major cities across America.

Since 26 schoolchildren and 6 teachers were killed in Newtown, CT, on December 14, America has been fixed on gun violence. Just the images of those beautiful little boys and girls from their first grade class, killed in their school by a man firing away repeatedly with a weapon—it is just heartbreaking. I met some of those parents. They have come by my office. They showed me the pictures of their kids. There was not a dry eye in the room—beautiful little boys and girls, gone.

We have to ask the question: Can we do anything about it? Should we do anything about it? Will we do anything about it?

The sad reality is, since that day, that horrible day in Newtown, CT, when that massacre occurred, more than 4,000 Americans have been killed by guns. Think about that. More than 4,000 Americans have been killed by guns. If you read Mr. Nocera's report in the New York Times, you can see the devastating loss our Nation suffers every single day.

Sadly, America just about leads the world when it comes to gun violence and gun death. It does not have to be that way. This past weekend the Chicago Tribune published an article looking at the problem of straw purchasing. That is one of the main ways that convicted felons and gang members get their guns in Chicago.

The article said many straw purchasers see the opportunity as easy money and a victimless paperwork crime. In fact, straw purchases lead to serious crimes and killings. They are the primary factor behind gun violence in the city of Chicago.

What is a straw purchase? That is when a person who can legally purchase a gun buys one to either give it or sell it to a person who is going to use it in the commission of a crime. It happens a lot. Almost 10 percent of all the firearms confiscated in the commission of a crime in Chicago over the last 10 years—almost 10 percent of those guns came from the State of Mississippi. Mississippi. Why? It is because you can show a driver's license in Mississippi and buy a gun. In fact, you can buy a trunk full of guns and you can head out on the interstate, headed for some alleyway or crackhouse in or near Chicago, make your sale that night, and come away with a lot of money. That is what straw purchasing is all about.

One of the provisions in the law which I cosponsored, which was a bipartisan provision, along with Senator PATRICK LEAHY, Democrat of Vermont; Senator SUSAN COLLINS, Republican of Maine; Senator GILLIBRAND of New York, and myself, as well as my colleague, Senator MARK KIRK, Republican colleague—we made this a bipartisan effort to say if you are going to buy a gun to give it or sell it to someone who is going to commit a crime, you are going to commit a Federal crime yourself if you do it, with up to 15 years in prison, real hard time for a real crime. It was defeated. The gun lobby opposed it. Why? Was it to sell more guns? This doesn't help a sportsman or a hunter, for someone to buy a gun so someone else can commit a crime with it, and yet they defeated it. That is the reality of what we are up against, but it is a reality that can change.

Senator KIRK named this provision in the bill after a recent gun victim in Chicago, 15-year-old Hadiya Pendleton. She was a beautiful little girl who came out for the time of her life to be at President Obama's inauguration in January. She went back to Chicago, and a couple of weeks later she was gunned down while standing at a bus stop outside of her school.

I cannot believe people voted against the measure to stop straw purchasing and to make these people who buy these guns and put them into the flow of deadly crime across America accountable.

Well, people are speaking out now in a way they never have before. Mothers, doctors, mayors, law enforcement, and family members of victims are no longer going to sit down and be quiet; they are going to speak up. This coalition has been turning up the heat on Members of Congress, and I know it has received a lot of publicity.

In a democracy, elections count. We have to make sure the people who are elected want to have gun safety in this Nation. We need real reform when it comes to gun violence and gun safety. We cannot just walk away from the daily toll of shootings across America. Instead, we need five more votes on the floor of the Senate.

People say: Well, the House of Representatives will never consider this measure.

Well, maybe they won't, and maybe the people who believe this is important for the future of their families and our country will remember that in the next election. That is what democracy is all about.

Some Senators have claimed they voted for an alternative—the so-called Grassley alternative—and therefore they are really for gun safety. Make no mistake about it—that Grassley amendment would have actually removed tens of thousands of mental illness records from background check databases, and it would have made it nearly impossible to convict straw purchasers. Only the gun lobby would call that an improvement to the current system.

There is no piece of legislation, no bill or law that can end every act of violence. We are duty and morally bound to do everything in our power to keep America safe. When we think of the tragedy in Newtown and the tragedy that affected 4,000 gun victims since Newtown, we have no choice but to move forward as a nation in a sensible way. We need to protect Second Amendment rights, but we also need to keep guns out of the hands of convicted felons and mentally unstable people.

I want to close by extending my sympathies to the victims and family members in Illinois and across the Nation who suffered from gun violence. I am sorry this continues. It is time for Congress to act and act quickly.

SEXUAL ASSAULT IN THE MILITARY

Mr. DURBIN. Madam President, about an hour ago I was on the telephone with Secretary of Defense Chuck Hagel. It was a somber conversation. We were talking about the most recent disclosure yesterday of sexual assault in the military. The Secretary said he was beside himself with the knowledge that this continues and that he was going to do something about it. I trust that he will.

Last night we learned of the latest and most reprehensible incident. The Army is investigating a sexual assault prevention and response coordinator at Fort Hood, TX, for being engaged in abusive sexual contact and other abusive crimes.

Secretary Hagel has directed rescreening and retraining of all sexual assault prevention coordinators and military recruiters. I know he is upset

about this; I could hear it in his voice. I join him in that response. He understands this is a pervasive crisis that threatens the moral underpinnings of our military. At risk are core values of trust, discipline, and respect that every one of our servicemembers expects and deserves to protect each other and ultimately to protect America.

Next Wednesday the Army will appear before my Appropriations Subcommittee on Defense. We will be asking some hard questions: What has gone wrong? Why are so many men and women charged with stopping sexual assault being found guilty of it themselves? This is a serious issue.

According to the Pentagon survey, there were 26,000 sexual assaults in the U.S. military last year. That is a 35-percent increase since 2010. That is more than 70 service women and men sexually assaulted every single day in our military, and that is unacceptable. We also know that only a fraction of those incidents are reported. Fewer than 3,400 incidents a year, in fact, are reported to authorities. In nearly 800 of those instances, the victim seeks help but declines to file a formal complaint.

I commend every one of those men and women who had the courage to come forward and name their accused. It is an unimaginably tough thing to do, but it is the right thing for them and it is the right thing for our military. Nevertheless, we have very far to go before we can say with confidence that the system is working to prevent these incidents, protect the victims, and prosecute the perpetrators. For instance, last month a U.S. commanding general based in Italy overturned a military jury's conviction of an officer charged with aggravated sexual assault—overturned it. That sent a chill through the ranks and caused increasing fear among victims that when they had the courage to step forward, ultimately nothing would happen.

I appreciated that Secretary Hagel immediately called for a change in the Uniform Code of Military Justice. I know that Senator CARL LEVIN, Senator JIM INHOFE, and the Armed Services Committee are working to act swiftly on those recommended reforms. They have my full support.

I also wish to commend some of my colleagues who have really stepped up on this issue. Senator KIRSTEN GILLIBRAND of New York, a member of the Armed Services Committee, has shown real leadership, as have Senator PATTY MURRAY, chairman of the Budget Committee, and Senator KELLY AYOTTE. They came together to introduce a bill I support, S. 871, the Combating Military Sexual Assault Act. I also commend Senator CLAIRE MCCASKILL, who has been outspoken in the Senate Armed Services Committee on this issue.

The bill I am talking about would provide victims with a special victims' counsel to assist them through the process, and it would strengthen the military prosecution system and ensure that the Guard and Reserve have response coordinators available at all times regardless of their duty status. We also have to ensure that each service has a robust investigative team with real expertise when it comes to sexual assault.

These are just some of the many reforms the Pentagon must work on with Congress to make a difference. I am committed to working with Secretary Hagel and the entire Pentagon leadership to ensure that every servicemember can serve free of incidents of violence and trauma like the one that was reported this week. I urge all of my colleagues to support these reforms for our servicemembers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I wish to thank the distinguished Senator from Illinois for his statement. We serve together on the Judiciary Committee. I hope that in that committee as well we can work on ways to improve the prosecution—particularly of rape offenses—within the military by the Department of Justice.

We need to break through the agreement that now prevents the Department of Justice from prosecuting those crimes for the crimes they are simply because they take place in the military.

THE IRS

Mr. WHITEHOUSE. Madam President, I am here to speak today because Washington, DC, and the rightwing outrage machine are all abuzz about the scandal that the IRS appears to have targeted organizations for inquiry based on tea party affiliation. Obviously, that is wrong, but let's not forget that is not the only IRS scandal—that is not the only scandal in town. There are two IRS scandals. The other is the IRS allowing big, shadowy forces to meddle in elections anonymously through front groups that file false statements with the IRS.

Let's go through this. Let's begin with the principle that it is pretty clear that Americans have a strong democratic interest in knowing who is trying to influence their vote in elections. That is kind of democracy 101.

Even the Supreme Court, which can hardly agree 8 to 1 on what time it is, agreed 8 to 1 that knowing who is trying to influence our votes is really important. Here is what they said: ''Effective disclosure'' would ''provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters.'' That is very much a part of the democratic process.

Some folks don't want us to know who they are when they meddle in our politics, such as big companies taking positions that would annoy their shareholders or their customers and secretive billionaires who want influence without accountability. They want to pull the strings behind the scenes. It also includes polluters, Wall Street, Big Oil, and other folks the public is fed up with. They all have lots of reasons for wanting to stay secret.

The law in America requires lots of disclosure, and the Supreme Court has emphasized the importance of lots of disclosure.

What is a company or a billionaire trying to hide their influence-seeking going to do? How does the secret money get in? Well, it is easy. They create a front organization, usually with a phony-baloney happy name, and hide behind that—except it is not quite that easy. There are not that many types of organizations that can hide their donors that way. The most commonly used is called a 501(c)(4), which is a tax-exempt, nonprofit form of corporation that is regulated by—guess who—the IRS.

There is one big problem for people wanting that secret influence in politics; that is, that kind of organization, the 501(c)(4), needs to be set up under the law ''for the promotion of social welfare''—indeed, the law says ''exclusively'' for the promotion of social welfare. According to the IRS's own regulations, ''The promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office.'' So that is a problem.

Well, the first kind of miniscandal is that the IRS has decided that an organization is organized exclusively for the promotion of social welfare if it is primarily engaged in social welfare activities. By ''primarily,'' they mean 51 percent, so the other 49 percent can be purely political. So ''does not include direct or indirect participation in political activity'' has been turned into ''actually does include but up to 49 percent,'' which is nonsensical. As I said, that is a miniscandal of its own.

Let's go on. The IRS allowing a bunch of political operatives to form nonprofit groups that don't disclose their donors and then collect millions of dollars and spend them on elections in contravention of a clear statute and seemingly in violation of their own rules also requires that they usually make some false statements. That is where the scandal really worsens.

There is a form called the 1024 form that is the application form for 501(c)(4) status. If we go to that form, we will see question 15. Question 15 asks:

> Has the organization spent or does it plan to spend any money attempting to influence the selection, nomination, election or appointment of any person to any Federal, state, or local public office or to an office in a political organization?