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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Holy God, friend unseen, we lean on Your everlasting arm. Help our Senators throughout life's changing seasons. When they are discouraged, fill them with Your faith. When they are oppressed, empower them to persevere with Your might, for You are our strength, our rock, our all. Remind them that any effort You require of them will ultimately have a positive effect. Give them the spirit of wisdom so that they will know You better. Lord, guide them so that they will find a way to unite in producing creative legislation.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BRIAN SCHATZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE:
PRESIDENT PRO TEMPORE,
Washington, DC, April 11, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Sen-

ator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will resume consideration of the gun legislation. The time until 11 a.m. will be equally divided and controlled between the two leaders or their designees. At 11 o'clock there will be a cloture vote on a motion to proceed to S. 649, which is the gun safety legislation.

If cloture is invoked, I hope we can reach an agreement to begin debate on the bill today. We have people waiting in the wings to offer amendments. The first amendment that will be offered is one that has been being negotiated for quite some time between Senator MANCHIN and Senator TOOMEY and Senator KIRK. I have had calls from my Republican colleagues indicating they have some amendments they want to offer. So let's get on the bill. Let's not waste 30 hours. I hope that can happen so we can start legislating today.

GUN SAFETY

Mr. REID. Mr. President, life can change in a moment. In Carson City, NV, a little over a year ago—actually, time goes quickly; it was in September of 2011, September 6—shortly before 9 o'clock in the morning, a deeply disturbed man with an automatic weapon stepped out of his car outside of a Carson City, NV, restaurant. In the few brief seconds that followed, he fired

nearly 80 rounds from an automatic weapon, spraying bullets over the parking lot and into an IHOP restaurant that was packed with customers for breakfast. He killed four people instantly, wounded seven others, and then he took his own life after that. That took 85 seconds. In those 85 seconds, 5 lives ended, and countless more were altered forever.

Three Nevada Army National Guardsmen were on their way to work that morning: 31-year-old SFC Miranda McElhiney, 38-year-old SFC Christian Riege, and 35-year-old MAJ Heath Kelly. Florence Donovan-Gunderson, who was eating breakfast with her husband, was also killed—murdered.

In 85 seconds, Carson City joined the likes of Tucson, AZ, Fort Hood, TX, Blacksburg, VA, Columbine, CO, and scores of other cities and towns in America rocked by mass shootings in recent decades. And as were those other cities and towns, Carson City was left asking, Why? Maybe we will never know.

The gunman had been diagnosed earlier with schizophrenia. He had been involuntarily committed by law enforcement officials to a mental institution. He recently confided to a priest that voices he heard in his head told him to continue to do bad things. A lot is not clear.

What is clear is how the shooter obtained two assault rifles, two handguns, and almost 600 rounds of ammunition he took to the IHOP that day. I don't know—no one really knows—what happened. It is not clear what happened. Where did he get those weapons—two assault rifles, two handguns, and about 600 rounds of ammunition that he took with him to the parking lot to start shooting people?

Even though all of that is not clear in terms of how he obtained those assault weapons, this much is clear: We have a responsibility to do everything in our power to keep guns out of the hands of those who suffer from mental

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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illness. I think it is clear we mean severe mental illness. Within our families we all have individuals who have periods of time when they are depressed. We must keep weapons out of the hands of those with illnesses that make them a danger to themselves and others. We have a responsibility also to keep the guns out of the hands of criminals—convicted felons.

The measure before the Senate today would institute universal background checks that would prevent people with severe mental illness from buying firearms—those with severe mental illness; I want to make sure we stress that—and criminals. This legislation would also crack down on anyone who buys a gun to funnel it to criminals and it would give schools the resources to improve security to keep children safe.

This bill won't stop every madman determined to take innocent lives. I know that. We all know that. Nor is this bill the only suggestion to prevent gun violence. In the coming days we will debate other proposals to make Americans safer.

An assault weapons ban will be debated and voted on. Improvements to our mental health system will be debated and voted on. A ban on high-capacity clips such as those used to kill four people in Carson City at the IHOP, and how the man in Columbine, CO, was able to get a magazine with 100 bullets in it—that is the only reason the people in Colorado weren't massacred even more. The gun jammed.

There are powerful feelings about each of the proposals I have mentioned, both strong support and strong opposition. But whichever side one is on, we ought to be able to agree to exchange thoughtful debate about these measures. Let's engage in it. We ought to be able to agree to a careful examination of the culture of violence that is growing in this Nation.

I am pleased a number of reasonable Republicans have joined Democrats in welcoming this debate saying they are not going to debate cloture. I hope we have enough to have cloture invoked. I feel fairly confident that, in fact, is the case.

As I have indicated for the last many weeks, we are going to have an open amendment process, as much as possible, on this bill. As always, the process will depend on the goodwill of all Senators. Somebody could come and do all kinds of things to stop us from doing anything on the bill. I hope that is not the case.

Once we are on the underlying bill, the first amendment, as I have indicated, will be on a substitute compromise background check proposal offered by Senators MANCHIN, TOOMEY, KIRK, and SCHUMER. I thank the Senators for their diligent work on this issue. They have been working a long time.

I am hopeful we will be able to debate and vote on a reasonable number of amendments offered by Senators who feel passionately about reducing gun

violence or respecting Americans' second amendment rights. I also respect those who want to weaken the laws that now exist. They have a right to try to do that. But three soldiers—Miranda, Christian, and Heath—and Florence, who was not a soldier but was one of those killed—deserve some attention. There were seven people who were hurt as a result of these bullets as well as those killed. That was a terrible day in Carson City. Each one of them deserves a thoughtful debate, and they deserve votes.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GUN SAFETY

Mr. McCONNELL. Mr. President, today the Senate will vote on whether to invoke cloture on proceeding to S. 649. I will vote against invoking cloture and I wish to explain why.

I believe the government should focus on keeping firearms out of the hands of criminals and those with mental issues that could cause them to be a threat to our society. The government should not punish or harass law-abiding citizens in the exercise of their second amendment rights. Unfortunately, S. 649 has the focus entirely backwards.

For example, the background check portion of S. 649 is Senator SCHUMER's bill that the Judiciary Committee reported out on a party-line basis. The aim of that bill, from its plain terms, could not be more clear. Section 121, the purpose section, provides that the aim of the bill is to require Americans to undergo background checks for "all sales and transfers of firearms." If they don't, it is a Federal crime. Again, the requirement applies to all sales, and even transfers, of all firearms. And with very few exceptions, that is exactly what S. 649 does. The next section of the bill makes plain why that overly broad language is so problematic.

That section, section 122, provides that it is "unlawful" for any private party to "transfer a firearm to any other person" without first turning over that firearm to a commercial firearms dealer and having that dealer perform a background check. There are a few limited exceptions such as for gifts between immediate family members and inheriting a firearm. But that is it. In fact, the bill makes clear that transfer means not just sale but a "gift, loan" or any "other disposition" of that firearm.

So under the Schumer legislation, the following offenses would now be Federal crimes absent surrendering the firearms and conducting a background check. Federal offenses: An uncle giving his nephew a hunting rifle for Christmas; a niece giving her aunt a

handgun for protection; a cousin loaning another cousin his hunting rifle if the loan occurs just 1 day before the beginning of hunting season; or one neighbor loaning another a firearm so his wife can protect herself while her husband is away.

The people I am describing are not criminals—they are neighbors, friends, and family—and the scenarios I am describing are not fanciful. They happen countless times in our country. But the Schumer bill would outlaw these transfers and it would make people such as these criminals.

But there are other problems with the legislation from the Senator from New York. Under his legislation, it is a crime for someone who lawfully possesses a firearm not to report a lost or stolen firearm to both the "appropriate local authorities," whoever they are, and the Attorney General within 24 hours. People should report firearms that are lost or stolen, but are we really going to make their failure to do so within 24 hours a Federal crime that is punishable by up to 5 years in prison? What if the person thinks the firearm is misplaced, not lost or stolen, but the person is actually wrong about that? And what if the person comes to the realization after 2 days instead of 1, and if they report the lost or stolen firearm to their sheriff—assuming he is one of the undefined "appropriate local authorities"—why is it a crime if they don't report it to the Attorney General?

Why would the provision target only those who "lawfully possess" firearms, rather than criminals who do not lawfully possess them?

I could go on and on and list other problems with S. 649, but I think I have made my point. This bill is a clear overreach that will predominantly punish and harass our neighbors, our friends, and our families. To protect the rights of the law-abiding citizens of the Commonwealth of Kentucky and other States, I will oppose invoking cloture on S. 649.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SAFE COMMUNITIES, SAFE SCHOOLS ACT OF 2013—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 649, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 32, S. 649, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes.