

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.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, we are on the verge of a historic vote that will determine whether we make America safer and assure that we do everything possible as Senators and citizens to ensure there are no more Newtowns.

On the evening of December 14, when we left the firehouse at Sandy Hook, there was a vigil at a church in Newtown, St. Rose of Lima, presided over by Father Bob, who is Monsignor Robert Weiss. It was a very moving and powerful experience. The church was filled. People stood at the windows to hear what was going on.

The Governor spoke and so did I. I said that evening: The world is watching Newtown. And, in fact, the world was watching Newtown, as we knew from the horror of that afternoon, when many of us arrived at the church, and first at the firehouse, to see families emerging and learning for the first time that their children, their babies, would not be coming home that evening. It was an experience that will stay with me forever. The sights and sounds of that afternoon, filled with grief and pain, will never leave me.

The world was watching Newtown that day and that evening and has watched Newtown and Connecticut in the days and months since, and I have been privileged to spend many hours and days and weeks and these past months with the families.

The world has watched the families, and it has seen in them and in Newtown—a great community, a quintessential New England town—strength and courage that was as unimaginable as the horror of that day, strength and courage that represents what is good about America and what is strong and courageous about our Nation.

The world has watched Newtown and the families of Newtown and it has watched Connecticut. Now the world is watching the Senate. It is watching the Senate to see whether democracy works. It sounds simple, but it is true. Will democracy work to reflect the majority of the United States of America, the majority of our people who say we need to do something about the guns. That is what the families said to me that day and in days since and what people in Connecticut and across the country have said to their Senators: We must do something about gun violence.

I remember talking to one of the families that evening and saying: When you are ready, we ought to talk about what we can do in Congress to stop gun violence. She said to me: I am ready now.

The Senate must be ready now to act. It must keep faith with those fam-

ilies and victims—as the world watches—with Benjamin Andrew Wheeler, age 6. His father David is here today, and Benjamin is here in spirit as we decide in the Senate whether we will move forward toward progress.

Ana Grace Marquez-Greene, also age 6. Her mother Nelba is here today. Ana is with us in spirit.

Dylan Hockley, age 6, whose mother Nicole is here, is also here in spirit.

Daniel Barden, age 7. His mother Jackie and his father Mark are here.

Jesse Lewis, age 6. His father Neil Heslin is here.

Mary Sherlach, one of the six educators killed at Sandy Hook Elementary, whose husband Bill is here—Jesse and Mary are here with us too.

We know compromise and action are possible because two of our colleagues have forged a bipartisan compromise that will enable us to come closer. It is imperfect. It is less than what I would have preferred in achieving universal background checks. It is a starting point. It is a step in the right direction, and it will help us achieve a larger bipartisan compromise because background checks are only one part of a comprehensive strategy that must include a ban on illegal trafficking, strengthening school safety, as well as mental health initiatives and a ban on assault weapons and high-capacity magazines. I will be privileged to spearhead that effort on high-capacity magazines—hopefully next week—after today's vote, along with colleagues such as DIANNE FEINSTEIN, FRANK LAUTENBERG, and my colleague, CHRIS MURPHY.

Today, let us decide, as the world watches, there will be no more Newtowns. That is what the families want. That is what America wants. Let us resolve that we will make democracy work as we go beyond this first step and decide to proceed on a bill that also is imperfect but provides a starting point, provides a way forward, so we can make our communities safer.

The families of Newtown have performed an extraordinary service for our Nation. Not only has the world watched and been inspired by their strength and courage, but they have turned the tide. They have visited with our colleagues and they have impacted this process more profoundly and more directly than any other single group. They have shown we can break the stranglehold of special interests and the NRA, that speaking truth to power still works. To them we owe a special thanks. To them, as a nation, we owe a debt of gratitude for the lives that will be saved, for the futures that will be given. Even if their children and their loved ones will not enjoy that future, they have given futures to countless Americans who will be saved from the scourge of gun violence.

To them I say thank you. They are in this building, and their children, their loved ones, are with us in spirit as we take this historic step.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I am honored to be on the floor this morning to begin today's debate on this historic gun violence measure with my colleague Senator BLUMENTHAL. I join with him in my awe of the Newtown families who are here this week. People have watched them on the news as they have gone from office to office and told the story of their loved ones. Nobody can paint a picture better as to why we need to act next week than the families of those people who lost their lives in Newtown.

There are so many stories they can tell better than anyone else. They can tell the story of their lost first graders, but they can also tell the story of the five little boys and girls who escaped that morning, who escaped when the shooter went to reload and there was a brief period of time where some kids could run out of one of those first-grade classrooms.

Better than anyone else, these families can posit as to whether their little boys and girls would still be alive if the shooter walked in with 10-round clips rather than 30-rounds clips, if he had to exchange magazines 15 times rather than 5 or 6 times. Nobody can tell that story better than these families.

What I have tried to do over the course of the last couple days is to help these families tell the story of their loved ones but to also paint a broader picture to talk about the 30 lives every day that are ended by gun violence. I think we need to talk about the victims and allow for the voices of those victims to be part of the debate, because while the tragedy in Newtown has gotten the headlines and the highlights and is certainly the reason we are standing here today, more people than were killed in Newtown die every day in this country from gun violence—on the streets of Washington and Hartford and Bridgeport and Baltimore—all across the country.

These victims need to be our imperative, whether they be the 6- and 7-year-old kids and the teachers in Newtown or the 25-year-olds and 17-year-olds who are dying every single day across our country. It has to end. The answer cannot be, as it has been for 20 years, that we are going to do nothing. So I wish to take a few minutes to continue telling these stories this morning.

I wish to begin with Dylan Hockley. Dylan's mother has probably been one of the most articulate spokesmen for this cause. His parents Nicole and Ian have been amazing in their ability to grieve and also to come down to Washington and argue their cause.

Dylan loved video games. He loved jumping on trampolines. He loved watching movies. He was autistic, but he was doing so much better. He was so proud of the fact that he had learned how to read, and he was taking out books every day from the library to bring home. His parents chose Sandy Hook Elementary School because of its great autism program.

I spoke yesterday about his paraprofessional, his special education aid, who was so wonderful to assist him in doing better every single day. Because of his autism, he was a child who loved routine and repetition, and there were a few movies he would watch over and over and over again—"Up," "WALL-E," "The Gruffalo"—and he would find those portions of the movies he loved so much. He would sit in front of the TV with his headphones on rewinding those portions over and over and over again, and every single time he watched those movies, he would laugh over and over and over again.

His parents have created an organization called Dylan's Wings of Change. It is a memorial fund to benefit children with autism. It is just one of a multitude of efforts that have flowed forth from this tragedy. Dylan's life was ended, but this fund is going to help make sure other kids like him have the chance to lead great, normal lives, even though they deal with complex problems such as autism.

Mr. DURBIN. Would the Senator from Connecticut yield for a question?

Mr. MURPHY. I would be happy to yield.

Mr. DURBIN. Mr. President, I wish to commend the Senator from Connecticut, Mr. MURPHY, as well as Senator BLUMENTHAL. In the last 2 days they have come to the floor many times leading the floor debate and discussion on the pending legislation we will vote on soon relative to guns and gun safety. It is appropriate that they are here because, being the Senators representing Newtown, CT, they have personal attachment to the families who have weathered this tragedy.

This morning I met with those families in my office. Tears were shed, as you might expect. These families have lost little children like Dylan and so many others. It is a loss they will feel for a lifetime, but in their grief, they have come forward and shown extraordinary courage to walk through the corridors of power in Washington to bring a simple message: that they do not want this to happen to any other parent.

I thank Senator MURPHY and Senator BLUMENTHAL for reminding us that we have the power, we have been given the power by the people we represent to make this a safer nation for families, for children, for schools, and for communities across the board. Soon we will have a vote. We are hoping—I think that is a positive hope—that enough on the other side of the aisle will step forward to defy the filibuster that has been threatened and bring this matter to the floor for a vote.

I know Senator MURPHY and Senator BLUMENTHAL have come to the floor for the last day and a half and more to dramatize that issue. What I found interesting, and I would like to ask the Senator from Connecticut to comment on it, is the promise of this community. They gave me a list of things and said: This goes beyond guns and gun

safety. I would ask the Senator if he could address this promise that came out of Newtown, CT, after the terrible tragedy on December 14.

Mr. MURPHY. I thank the Senator for his career fighting on behalf of legislation that will address gun violence. The summation of all of that work hopefully will be with us this week and next week.

I thank the Senator for his question about the Sandy Hook promise. The Sandy Hook promise, which has been signed by tens of thousands of people all across the country, came out of this tragedy because there was a recognition, as you said, that this was not a sprint, that this was a marathon, that the promise we needed to make to each other in the wake of this horrific tragedy was not just that we were going to do everything within our power, our individual powers to try to reduce the incidence of gun violence—and as Senator DURBIN points out, we have more power, the 100 of us, than almost anyone else, and shame on us if we do not use it. But the Sandy Hook promise is that there are so many other things that you can do: that you can make smaller commitments in your communities to build bigger and better systems of mental health; that you can try to forge atmospheres in schools that are more inviting, that are more positive; that you can, frankly, just be nicer to your neighbors, you can be more thoughtful in your everyday interactions, knowing there could be some tragedy around the corner that takes your neighbor away from you; make sure you say everything you want to say to that person.

So this promise—a promise to do everything within our power to try to make sure this never happens again, but to bring a new level of positivity to our world in the wake of this awful violence, is one of the most important things that come from it.

We are so grateful that these families are here not just challenging us to pass specific pieces of legislation but also to make our lives change in the wake of this situation.

Mr. DURBIN. I would like to ask if the Senator would yield for a further question through the Chair.

One of the issues the Senator just raised is one I would like to have him expound on; that is, the issue of mental illness and mental health. I think this is something in my lifetime on which we have seen dramatic progress made, not just in the treatment of mental illness but in our attitude toward mental illness.

There was a time in the history of this country and this world when mental illness was viewed not as an illness but a curse. The people who were afflicted by it were often shunned and institutionalized and treated very badly because it was considered to be something incurable and they had somehow been cursed. That was their plight on Earth. Thank goodness that has changed and we now have a more posi-

tive attitude toward dealing with mental illness.

I might say I have read—I believe it is accurate—more than half the people in America suffer from some form of depression. It is very common in most families. It is treatable. Most mental illnesses are treatable. Most victims of mental health illness are people who are peaceful, God-fearing, loving people who need understanding and help. They are no threat to anyone. More often, they are the victims of violence rather than the perpetrators of violence.

One person in the community of Newtown who stepped up and clearly was unstable and used those firearms on December 14 to kill innocent people has caused us to step back and take a look at the issue of mental illness as it relates to guns and firearms. I think what we are trying to do in this legislation is to say: If your mental illness has reached such an extreme, if you are so unstable or threatening that you need to be watched in terms of purchasing firearms, let's make sure the records are there.

But I hope—I know the Senator agrees with this—I hope we will not allow this discussion to take us away from the beginning part: that treating mental illness and helping people is the right thing to do, not shunning them, not pushing them aside from the rest of the mainstream, but understanding that treatment of mental illness makes us a better people, gives them a better chance at life. It is that small, small minority of those suffering from these afflictions who need to be monitored in terms of the use and purchase of firearms.

Mr. MURPHY. I thank the Senator for that comment. As he knows, there is absolutely nothing inherent in mental illness that creates a connection to violence. As the Senator said very correctly, people with mental illness are much more likely to be the victims of violence than to perpetrate a crime. The great irony coming out of this debate could be that if we make the awful mistake of equating violence with mental illness, then we will frankly make it harder for people to go out and seek treatment, not easier.

Adam Lanza was a deeply disturbed individual. His mother made awful mistakes, but she was certainly trying to figure out a way to get him help. The fact is that there are far too many families out there who do not have places to turn for treatment. That is the right thing to do independent of this debate today. We should absolutely be talking about the comprehensive commitment to ending gun violence, but the reality is that today there are way too many families who hit brick walls in trying to find mental health treatment for children.

If we were to go through this debate and somehow stereotype people with mental illness as prone to violence, then it would, frankly, create more barriers. There is a proposal out there from one of the gun lobby groups to

create a registry of everyone with mental illness across this country. It is an absolutely ludicrous idea, especially when this very same group opposes keeping a registry of everyone with guns in this country.

I take the Senator's concerns to heart.

This was a very serious incident in Newtown, but it should not cause us to take steps backward in terms of the support we give families who are looking for help for their loved ones.

Mr. DURBIN. Mr. President, the last point I would like to make is that included in the bill that came before us is not only an opportunity to change some of the circumstances that might have saved lives in Newtown but also to address some underlying issues of gun violence that is not resulting in a mass killing but the killing on a day-to-day basis of innocent people.

A measure I have joined Senator LEAHY, Senator KIRK, and Senator COLLINS in introducing relates to straw purchases. These are purchases by some individual who does not have a problem in their background that would disqualify them from buying a gun. They buy a gun and then turn it over to someone who has a problem. This straw purchase or third-party purchase happens way too often.

In the city of Chicago, where we are making progress toward reducing gun violence and murder, in a recent survey of the crime guns confiscated in the last 10 years, 9 percent of them in the city of Chicago came from the State of Mississippi. The State of Mississippi is not contiguous to Illinois. It is a long way away. But clearly someone had started an industry of buying guns easily in Mississippi and moving them up the interstate system all the way to Chicago and selling them to the gang bangers and the thugs and criminal elements in this city.

Another 20 percent of the guns came from one gun shop outside the city of Chicago, in the suburbs. We know exactly where it is—it is in Riverdale, IL. That has become the venue of choice for girlfriends to go buy a gun for their boyfriends, who are going to use them to kill somebody. Well, the provision in the law we are going to try to bring to the floor in the base bill says that this will now be a stiff Federal crime—a hard-time Federal crime—to buy a gun that you knew or should have known was going to be used in the commission of a crime. So although it does not directly affect the circumstances of the tragedy in Newtown, it really does hold out promise to reduce some of the other deaths.

Yesterday the Senator gave us a chart that showed how many have died from gun violence since December 14. It was a big chart with a lot of faces on it of people who had died. I thank the Senator for what he has done in terms of what has affected Newtown, but I also thank him for supporting this underlying legislation.

I think this chart is now being shown here. I hope we keep in mind that gun

safety and reducing gun violence means start with the massacres, the tragedies that have stricken us, but also go beyond that and find a way to make the streets safer for Hadiya Pendleton, a high school girl who came up from Chicago for the inauguration, could not have had a happier day, and then 10 days later was gunned down in a park next to her school in the city.

So we want to make this a comprehensive and a balanced, common-sense approach to gun safety. I thank the Senator from Connecticut for that.

Mr. MURPHY. I thank the majority whip. Just to add to his last comment, my constituents are amazed that we do not have a Federal law banning gun trafficking today. They are amazed that if you go into a store and buy guns legally and then walk outside that store and sell them to people who are prohibited, that you have not committed a Federal crime. There is an assumption that the Federal Government would disallow that. We have not. But hopefully at the end of this debate we will. I thank Senator DURBIN for all of his fantastic work on that issue.

Let me tell a few more stories. I want to get to Senator DURBIN's point and tell some stories about the victims of urban gun violence as well, but let me tell one more story from Newtown.

This is the story of our heroic principal. Dawn Hochsprung was the principal at Sandy Hook Elementary School. People have heard a lot about her because she was perhaps the first to die that day. When the bullets started flying, when she heard the gunman enter through the front door, she ran straight to him. Some of the investigators have posited, given the way the crime scene shook out, that she may have even lunged for the gunman to try to stop him before he turned the corner to the first grade classrooms. She was unsuccessful. She was killed—perhaps the first that day.

The irony surrounding this day is multifold, but part of it involves the fact that one of her most recent proudest accomplishments as principal of that school was the establishment and integration of a brandnew security system, one that made sure every visitor who entered that school after 9:30 had to buzz in, had to talk to the security people, the front desk people, before they entered the school. That does not work too well when the person trying to gain entry does not need to press the buzzer but instead can take an AR-15, which sprays six bullets a second, and just knock out all of the windows.

She was a passionate educator. She dove into her work at Sandy Hook. She was one of those folks who did not sit in their office. She was out amongst the hallways at all times trying to make that place a much more positive environment.

She grew up in Connecticut. She lived in Woodbury, CT, with her husband and her two daughters and three stepdaughters. She grew up loving the outdoors. Her friends recalled that

Dawn Lafferty at the time was a tomboy who loved sports in high school. She wasn't a top-level athlete, but that didn't stop her.

One of the most amazing stories I have heard about Dawn was that when she was in school at Naugatuck High School, she wanted to run with the boys track team. She wanted to run sprints. She wasn't allowed to do that. She protested to the coach, the administration, and they still said she couldn't run sprints with the boys track team. She took her case to the school board—as a high school student—and won her case. When she came back to her high school, she didn't just run sprints with the boys, but she recruited other girls to run sprints with her. She was a born leader.

Perhaps we may take some solace in the fact that so many of these other kids here—Dylan, Chase, Benjamin, Jesse, and Ana—were leaders too. They were going to do amazing things with their lives. At least we were able to know with Dawn what her true potential was. We saw that potential in the wonderful school she built.

I just spoke about Dylan. Dylan's parents came from England all the way to Sandy Hook, CT, for this school because of the programs Dawn built there. If they ever had any doubt as to whether they had chosen the right leader, they were confident of this when she ran to the gunman to try to stop the carnage from becoming worse.

Let me speak about one more little girl, age 6, Madeleine Hsu. Madeleine was, again, one of the youngest victims that day. She was a shy and relatively quiet 6-year-old, but there were certain things that would make her light up. A lot of these kids loved animals. Madeleine loved dogs. She lit up around dogs. They were her passion. She was an avid reader, and she loved running and dancing. More than anything else, she loved to wear bright, flowery dresses which matched her personality. She shared a bed with two of her sisters. They had their own rooms, but they loved each other so much, they chose to sleep together at night. They miss her dearly.

As Senator DURBIN pointed out, 20 kids and 6 adults were killed in Newtown that day; 2 others, Adam and Nancy Lanza—28 total. This is less than the average number of people who are killed by gun violence across this country every day. We deserve to talk about them as well.

Before I leave the floor today, I would like to talk about a couple of the most recent victims of gun violence. One can't even really read this poster Senator DURBIN referred to because each one of these little dots is an individual figure representing people who have been killed in this country since December 14. The 28 people from Newtown aren't even on this chart. We are speaking about 3,800 people who have died as a result of gun violence.

Some of these people died because they were possibly doing something

wrong or in the midst of an activity they shouldn't have been a part of. However, Chuck Walker was 15 years old and walking on his way to visit his girlfriend to deliver some new shoes he purchased for her. He was bringing a gift to his girlfriend. His family said this was a kid who never, ever was in trouble. He was walking to visit his girlfriend, and he was gunned down on the streets of Hillcrest Heights, MD, in an apparent robbery.

Marckel Worman Ross, who was 18 years old, on September 11, 2012, was walking to school. He was a member of the track team, ROTC, and was thinking about a career in the military. He was found in his school uniform still holding his backpack. It was a random act of violence on the way to school.

Moses Walker was older—40 years old. He was a police officer. He had just finished his shift in August of 2012. He was four blocks from his police station, and he was gunned down—1 year away from retirement. He was very active in his community, not only a great police officer but served as deacon of his church. He was remembered as a courteous, polite, and humble police officer—gunned down four blocks from his police station.

These are the tragedies bringing us here to the floor today. As we have this debate, we should remember that every day 30 people across this country are dying from guns. We have the power to do something about it.

I am as pleased as Senator BLUMENTHAL about the compromise brought to this floor by Senators MANCHIN and TOOMEY. It is not perfect, but it is important. It is important because it will make our streets safer and ensure fewer criminals across this country have access to guns. It is a platform for more next week, but it is a very important start.

I will be back to the floor later today and next week to speak about more of these victims.

I yield the floor.

Mr. GRASSLEY. Mr. President, earlier I met with families from Newtown, CT, to discuss the legislation we are currently debating. It was emotional and difficult for all of us. I thank them for sharing their stories of their loved ones and their concerns with me. I hope my colleagues will also consider meeting with these families.

At the meeting, they called for a debate on the legislation, a debate we are having. Nonetheless, we are in the unusual position of being asked to take a leap into the unknown. We are being asked to vote to proceed to an uncertain bill. That bill is not even the bill that we would likely consider if the motion to proceed were successful. The language on background checks would change. We have not seen the actual new background check language. But we are being asked to proceed to the bill anyway. What we do have is a summary of the proposed background check language. That summary raises questions. For instance, the summary

states that the background check language applies to sales at gun shows and online. Is a background check required if someone sees a gun at a gun show, then proceeds to purchase the gun outside the gun show, maybe even in a parking lot? What if someone at a gun show trades but does not sell a gun? And it applies beyond gun shows. If a private person advertises a gun, then the transfer would have to go through a licensed dealer, at a price. So if someone takes out an ad to sell their gun in the local Farm Bureau newsletter or in their church bulletin, they would have to find a licensed gun dealer to conduct a background check before sale could go through.

That is quite a limitation on private sales and ownership of guns. And it takes time in many places in this country to find that gun dealer to conduct that background check. The summary is not specific: which private sales would be exempt from the bill's background check requirements? The summary states that background checks are "required for sales at gun shows and online while securing certain aspects of 2nd Amendment rights for law abiding citizens."

That should cause everyone concern. If the background check language secures "certain aspects of 2nd Amendment rights," then what aspects of second amendment rights of law abiding citizens does it not secure?

The summary says that the new language exempts "temporary transfers." What is the difference between a "temporary" and a permanent transfer? How would a law-abiding citizen know whether the transfer would be considered to be "temporary"? What if the person making the transfer thought at the time it was made that the transfer would be temporary but later decides that it should be for a longer time?

And the summary claims that it will close the "gun show and other loopholes." What "other loopholes"? We should be skeptical about what rights could be infringed based on that claim. It is important to understand that there is no such thing as a "gun show loophole." Under existing law, background checks are required for gun purchases from a federally licensed firearms dealer. This is true whether the purchase is made at a gun show or any other location. Also, under existing law, gun purchases made through someone who is not a federally licensed firearms dealer do not require a background check.

This is true whether the sale is made at a gun show or not. Whether a sale is made at a gun show is therefore irrelevant to whether a background check is required. There is one rule for sales from licensed dealers and another for private sales. But under the new language, not all private sales will be treated the same. Some private sales will require background checks and others will not. That distinction will create, not close, a loophole. No longer would all private sales be treated the

same. Some private sales will require background checks and others will not. There will be political pressure then to say that all private sales should be covered—universal background checks, in other words. And we heard testimony in the Judiciary Committee, and the Deputy Director of the National Institute of Justice has written, that universal background checks can be enforced only if gun registration is mandated.

Now it has been said on the floor recently that background check legislation cannot lead to gun registries because Federal law prohibits that. But current Federal law can be changed. And the language currently before us requires recordkeeping, a step toward registration. Although the sponsor of that language said that the bill expressly provided that no registry could be created, the bill contains no such language at present. The sponsor was misinformed about his own bill. He admitted that the current background check language was not yet ready for consideration and needed clarifications that so far have not been forthcoming.

We should have answers to these and other questions before we should proceed to the bill.

And we should be wary of going to a bill when various senators have announced their intention to offer amendments to that bill that in my judgment raise serious constitutional questions under the second amendment.

Mr. President, how can we responsibly proceed to a bill that contains language that even its sponsor admits is not ready for consideration?

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEAHY. Mr. President, would the Senator yield?

Mr. LEE. I yield to the Senator.

Mr. LEAHY. Mr. President, I ask unanimous consent that upon the conclusion of the comments by the distinguished Senator from Utah, I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEE. I appreciate the cooperation and friendship of the senior Senator from Vermont.

Mr. President, yesterday on the floor I discussed an initiative I launched this week called Protect2A to give voice to the millions of second amendment supporters around the United States who are very concerned about Congress enacting any new gun control measures.

I am pleased to announce that we now have over 3,000 responses from citizens all across this country who are sharing their stories, their experiences, and their opinions about why they feel we should do everything in our power to protect their second amendment rights. I had only a brief time to share some of those stories yesterday and wish to use a few minutes today to share a few more.

Kathy from the State of Virginia writes:

My husband and I are senior citizens. He is a veteran of the U.S. Army. Over the past several years, we have seen our constitutional rights trampled and twisted, until we no longer trust that our government has our well-being as its primary concern. Last year, for the first time in our lives, we bought a gun, not only to ensure our safety against criminals, but to protect and defend our God-given rights as citizens. The most basic right of all mankind, the right to life itself, no longer exists in this country. Protecting our rights, the few the government has left us, is of the utmost importance to us and we will do everything necessary to hold onto those rights, regardless of the source of the threats against them. God bless America.

Emily from Pennsylvania writes:

I am 19 years old and I want to protect myself as soon as I am legal to. As a young female living in Allentown, PA, I don't like walking in the city because I'm afraid of something happening to me. I believe in the power of the Constitution and especially my second amendment rights. I am a strong conservative who believes that the Constitution is our guiding power and not the cronyism that seems to blanket DC. The founding fathers knew what they were doing. As soon as I am legal, I want to take gun safety classes and purchase a handgun of my very own. I like to think that I can protect my own life as well as another person whose life may be in danger. Gun control doesn't solve anything. Criminals will get guns no matter what. I want to be able to protect myself as well as someone else. Please don't take away my second amendment rights.

Well said, Emily.

William from Connecticut submitted the following statement:

On Tuesday, February 11, 2003, my brother was confronted by three armed thugs in a parking lot. Out of their stolen car, with a stolen shotgun, they tried to rob him. Much to their surprise, my brother had his legally owned pistol (with a legal carry permit). He thwarted this and saved his own life and held them at bay until the police arrived. Without this second amendment he would've been another victim to the growing street crime that these bills do not address.

These are the rights we are trying to protect by requiring a 60-vote threshold on any new gun control legislation. In so doing, we are trying to prevent the ability of Members to push through legislation before anyone has had time to read and evaluate the language and then tell the American people what that language means for them, what the language would mean for their rights. Unfortunately, this is exactly what we are faced with today.

Yesterday Senators TOOMEY and MANCHIN announced a new proposal that is widely expected to replace the current language on the background checks in this bill. Yet, as of this morning, this very moment, not a single Senator has been provided the legislative text of this provision. Because the background check measure is the centerpiece of this legislation, it is critical that we all know what is in the bill before we vote on it.

As I have argued on this floor, in the national media, and back home in my home State of Utah, we should not be legislating by negotiating closed-door, backroom deals away from the eyes of the American people. We should not be

voting before we read and understand exactly how these proposals will affect the rights of law-abiding citizens and whether we can say with any level of certainty they will reduce crime. This is exactly why we need more debate and why I ask my colleagues to vote no on cloture—so Senators and the American people may fully understand the consequences of this legislation.

To be clear, the vote we will have this morning will be to end debate on whether the Senate should take up a bill, the very heart of which is being concealed from the Senate and concealed from the American people as of this very moment. Proponents say the people deserve a vote. Don't they deserve to know what they are voting on? I think they do.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am about to suggest the absence of a quorum for about 1 minute and ask unanimous consent that upon coming out of the quorum, I be recognized.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, earlier this week I spoke about the need for the Senate to consider legislation to help increase Americans' safety by reducing gun violence. I came to the floor of the Senate and I urged my fellow Senators to abandon efforts to filibuster proceeding to this bill. The Senate should not have to overcome a filibuster to respond to the call for action in response to the violence they are experiencing.

I have the privilege of being the longest serving Member of this body. I have watched debate on so many issues. If there were ever an issue where all 100 of us should vote yes or no it is here.

I was encouraged by the comments of a number of Senate Republicans that they are prepared to debate this matter and will not support this wrongheaded filibuster. Even the Wall Street Journal editorialized against this filibuster yesterday in a lead editorial entitled "The GOP's Gun Control Misfire." I do not agree with much of that editorial, but I would quote this:

If conservatives want to prove their gun-control bona fides, the way to do it is to debate the merits and vote on the floor.

Senators should understand what is in this bill that a small minority of Republicans are seeking to prevent the

Senate from even considering. The bill has three parts. None of them threaten the second amendment rights, none of them call for gun confiscation or a government registry. In fact, two of the three parts have always had bipartisan support. With regard to the third component—the provisions closing loopholes in our current background check system—Senators MANCHIN and TOOMEY yesterday announced they are going to have a bipartisan amendment for this component as well.

Since the beginning of the 113th Congress, in the months since the tragedy in Newtown, the Judiciary Committee held three hearings and four mark ups focused on the issue of gun violence. The Committee voted in favor of the Leahy-Collins gun trafficking proposal that is now part of the legislative package the Majority Leader created to allow for Senate consideration. I described our legislation in some detail on Monday. I thanked our Ranking Republican on the Judiciary Committee, Senator GRASSLEY, for working with us and supporting our gun trafficking bill. I commended Senator COLLINS, who has been my partner as we have moved forward with legislation to combat illegal gun trafficking and straw purchasers who obtain firearms to provide them to criminals and gangs. We have been joined in that bipartisan effort by Senators DURBIN, GILLIBRAND, KIRK, KLOBUCHAR, FRANKEN, BLUMENTHAL, SHAHEEN and KING. A bipartisan majority of the Judiciary Committee voted for the Stop Illegal Trafficking in Firearms Act.

Our bill is intended to give law enforcement better and more effective tools. 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.

Straw purchasers circumvent the purposes of the background check system. Straw purchasing firearms is undertaken for one reason to get a gun into the hands of someone who is legally prohibited from having one. 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.

Yesterday, Senator COLLINS, the senior Senator from Maine, and I were able to announce another step toward consensus. We had previously been engaged in discussions with law enforcement and victims groups. More recently we have been engaged in discussions with the National Rifle Association. We have agreed on modifications to the Stop Illegal Trafficking in Firearms Act. They address all of its substantive concerns while doing as we have always wanted to do—providing law enforcement officials with the tools they need to investigate and prosecute illegal gun trafficking and straw purchasing.

Senator COLLINS and I are both strong supporters and advocates of second amendment rights for law-abiding Americans. We also agree that our law enforcement officials deserve our support in their efforts to keep guns out of the wrong hands. We worked with the NRA and are confident that nothing in our bill infringes on the Second Amendment rights of lawful gun owners and purchasers, while still providing a strong new set of tools for law enforcement officials.

We protect legitimate sales and do not place unnecessary burdens on lawful transactions. We are pleased that the NRA agrees with us that this legislation is a focused approach to combat the destructive practices of straw purchasing and firearms trafficking while protecting the Second Amendment rights of Americans. Having now worked out differences with the NRA on our bipartisan legislation that would help keep guns out of the hands of dangerous criminals and individuals with severe mental illnesses, and give law enforcement the tools they need to investigate and prosecute these crimes more effectively, it seems absurd that some Senators nonetheless persist in filibustering consideration of our bill.

The American people expect us to stand and face our responsibilities. Whether we like having to vote or not, we have taken an oath of office to uphold the Constitution, to uphold our laws. Congress has to confront the serious role that straw purchasing and gun trafficking play in supplying criminals with firearms for illegal purposes. It is not enough to stand on the floor of the Senate and say you are pro law enforcement. Let's take as a given everybody is pro law enforcement, but then give law enforcement the tools they need. The bipartisan Stop Illegal Trafficking in Firearms Act will create specific Federal criminal statutes prohibiting the trafficking and straw purchasing of firearms, and also strengthens other law enforcement tools to assist those investigating these crimes. This is a common sense response to help in the fight against gun violence.

This is a commonsense response to help in the fight against gun violence, and it will help law enforcement. That is why law enforcement strongly sup-

ports our bill. Yet some are seeking to filibuster it. Let them go to law enforcement groups and say they are trying to block them and take away the tools they need to keep every one of us safe.

Our bill protects Second Amendment rights of lawful gun owners, while cracking down on criminals and those who would assist them. The bill does not create a national firearms registry, nor does it place any additional burdens on law-abiding gun owners or purchasers. It sends a clear message that those who would buy a gun on behalf of a criminal, a member of a drug cartel, or a domestic abuser will be held accountable. That is why our bill is strongly supported by law enforcement. Yet that is what some are seeking to filibuster. Congress should be confronting the serious role that straw purchasing and gun trafficking play in supplying criminals with firearms for illegal purposes, not ducking the issue.

Senators are filibustering a bipartisan proposal that received bipartisan backing of the Senate Judiciary Committee to provide some Federal assistance to schools to create safer environments for children and young people. There is nothing unconstitutional about that. We should proceed to consider it and I would hope pass it so that more school resource officers can be hired and more can be done to help and protect our young people who are in schools around the country, where there are supposed to be.

Finally, it is hard to understand how improving our background check system and plugging some of the loopholes in it that allow those who are by law prohibited from purchasing guns because they are dangerous criminals or dangerous to themselves and others because of mental illness justifies a filibuster. We have had background requirements for gun purchases for decades. We have had a background check system for decades. We have improved it repeatedly over time.

I know gun store owners in Vermont. They follow the law and conduct background checks to block the conveyance of guns to those who should not have them. They wonder why others who sell guns do not have to follow these same protective rules. I agree with these responsible business owners.

As I said, Congress should be confronting the serious role straw purchasing and gun trafficking play in supplying criminals with firearms for illegal purposes, not ducking the issue. Stand up and be counted. Stand up and be counted. Don't give speeches saying you are in favor of law enforcement but we are going to take away tools law enforcement needs. Stand up and be counted. Stand up and be counted. If we can all agree that criminals and those adjudicated as mentally ill should not buy firearms, why should we not try to plug the loopholes in the law that allow them to buy guns without background checks?

If we agree the background check system is worthwhile, should we not

try to reform its content so it can be more effective? What responsible gun owner objects to improving the background check system? Stand up and be counted.

At our January hearing I pointed out that Wayne LaPierre of the NRA testified in 1999 in favor of mandatory criminal background checks for, as he put it, "every sale at every gun show." He went on to emphasize the NRA's support for closing the loophole in the background check system by saying—in what has become an oft-quoted remark—"no loopholes anywhere for anyone."

Well, of course, it is common sense to close the gun show loophole. The Senate voted to do so in 1999. We should vote to do so again. This time we should get it enacted. One of the ways to do so is with the bipartisan proposal from Senators MANCHIN and TOOMEY to improve the law, if we are able to stop this ill-conceived filibuster and get to the bill.

Americans across this great country are looking to us for solutions and for action, not filibustering or sloganeering. Americans are saying: Stand up and be counted. I opened our first hearing on these issues in January, asking Senators on both sides of the aisle to join in the discussion as part of a collective effort to find solutions to help assure that no family, no school, no community ever has to endure the kind of tragedy the families at Newtown and Aurora and Oak Creek, Tucson, Blacksburg or Columbine had to suffer.

As I emphasized throughout the committee process, the second amendment is secure. It is going to remain secure and protected as part of my oath of office as a Senator. In two recent cases, the Supreme Court has confirmed that the second amendment, as the other aspects of our Bill of Rights, secures that fundamental individual right. Americans have the right to self-defense. They have the right to have guns in their homes to protect their families. No one is going to take away these rights or these guns. That second amendment right is the foundation on which our discussion rests. They are not at risk. But we cannot close our eyes to what is at risk: lives are at risk when responsible people fail to set up the laws to keep the guns out of the hands of those who will use them to commit mass murder.

So I ask my fellow Senators to focus our discussion and debate on these proposed statutory measures intended to better protect our children and all Americans. Ours is a free society, an open society, a wonderful society. We should be coming together as elected representatives of all of the American people to consider how to become a safer and more secure society. I would have hoped all Senators from both parties would join together in good faith to strengthen our law enforcement efforts against gun violence and to protect public safety. Let's focus on our

responsibilities to the American people.

We are the 100 Senators elected to represent more than 314 million Americans. That is an awesome responsibility. Let's stand up to that responsibility. We are accountable to those people. We are not accountable to special interest groups on either the right or the left. We are accountable to the more than 300 million Americans. Special interest lobbies on either the left or right should not dictate what we do. We do not need a lobby's permission to pass laws to improve public safety. That is our responsibility.

I urge Senators to be less concerned with special interest scorecards and more focused on fulfilling our oath to faithfully discharge the duties of our office as Senators.

I consider myself a responsible gun owner, but I am also someone who cherishes all of our constitutional rights. As a Senator who has sworn an oath to uphold those rights, as a father and a grandfather, and as a former prosecutor who has seen the results of gun violence firsthand, I have been working to build consensus around commonsense solutions. I am prepared to debate and vote on the measures before us. I challenge other Senators to do the same. Do the same. Stand up and be counted. Stand up and be counted.

A filibuster says you are not willing to take a stand; that you vote maybe. Stand up and be counted. Have the courage. Stand up and be counted. Then let us work together to make all Americans safer.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, yesterday I had the solemn privilege of meeting with some of the families who lost loved ones in the Sandy Hook shooting. As a father, I can hardly begin to comprehend the enormous grief these individuals have suffered, losing such a young child or a spouse or a mother in an act of what would appear to be just senseless violence. Burying your child is something no parent should have to do.

The families and friends of the victims at Sandy Hook are owed the dignity and respect of a transparent, good-faith effort to address gun violence. I do believe there is common ground upon which Republicans and Democrats can come together. The issue of mental health of the gun owner is that common ground for me, along with enforcing current laws that are on the books.

If there is one thread that connects the horrific series of gun violence epi-

sodes in our country, particularly in recent times, it is the mental illness of the shooter. In every case, the perpetrator's mental illness should have been detected. In some instances it was detected but not reported. These individuals should never be allowed access to a gun. This is actually something we can and should do something about. We need to make sure the mentally ill are getting the help they need, not guns. As I said, this is something I believe all of us can agree on.

In response to the tragedy at Virginia Tech in 2007, the Senate and the Congress unanimously passed a measure to bolster mental health reporting requirements on background checks.

Some States, such as mine, Texas, have received high marks for their compliance. But many States have essentially been noncompliant, and the Department of Justice has failed to adequately back implementation of the law. So essentially the law that we passed in the wake of the Virginia Tech shooting to require reporting of people who are actually adjudicated mentally ill in their respective States is not working the way it should. Rather than string along an ineffective program, I think this is a wonderful opportunity for us to fix it. And we should fix it.

I want to say a word, though, about symbolism versus solutions. I am not interested in Congress voting on a measure that would have no impact on the horrific violence we have seen in recent months. I am not interested in a symbolic gesture which would offer the families of the Sandy Hook shooting no real solutions. They told me they are not political. They don't come with an agenda. They are not asking us to pass a specific piece of legislation. They just want to know that their loved one did not die in vain, and that something good can come out of this terrible tragedy.

So I think dealing with this mental health reporting issue is a common ground we could come together on. But we also need to make sure we are not just going to pass additional laws that will not be enforced. What possible solace could that be to these families, for Congress to pass additional laws that will never be enforced?

Take, for example, the National Instant Criminal Background Check System—the NIC system, as it is called—which flags people who lie on their background check. The annual number of cases referred for prosecution fell sharply during the first 2 years of the current President's term of office. Indeed, there was a 58-percent drop in referrals and a 70-percent drop in prosecutions for people who lie on the background check. We can fix this.

Let's make sure that guns aren't getting into the hands of people who we all agree should not have them. We could be doing this right now with broad bipartisan support.

Let me conclude with a couple of observations about where we find ourselves with an 11 o'clock vote on an un-

derlying bill which remains controversial and which I think the majority leader and all of us know has very little chance, if any, of going anywhere.

We heard yesterday that our colleagues from West Virginia and Ohio have come together on a bipartisan background check bill. I asked my staff as recently as on my way over here whether the language had been released so we could actually read it and find out what is in it, and it has not. We have no commitment in front of the Senate by the majority leader that there will be a robust debate and amendment process, because there are a lot of amendments that need to be offered to whatever that so-far-unwritten bill says, I am sure. And we need to have a full, robust, transparent discussion of this issue in front of the American people.

So I am not going to vote to proceed to a bill that has not yet been written, no matter how well intentioned it may be. We need to make sure that what we do is address the cause of this violence, and to come up not with symbolic gestures that will have no impact or to pass other laws that will not be enforced but to come together with real solutions. Rather than put on a show and pat ourselves on the back and call it a day, let's do something good to make sure we have done everything in our human capacity to prevent another Sandy Hook. This is what these families want. This is what they deserve. And this is what the American people deserve.

This calls on the Senate to exercise its historic and its central role in bringing all sides together to try to come up with solutions. But if we can't do that here, if we can't do that now, when will we ever address this tragedy?

The President has told some of these victims' families that this side of the aisle doesn't care about their loss. That is not true. That is false. The President is wrong. All of us care about these families. All of us should care about violence in our communities, and we should try to work together to find ways to address this—not in a symbolic sort of way but in a real way that offers a solution and maybe a little bit of progress on this issue that would allow these families to say, no, my loved one did not die in vain; something good came out of this. We want to work together to find real solutions to this type of senseless, incomprehensible violence that has taken too many lives. I hope we will.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.



## CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending motion to invoke cloture.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the 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 for every firearm sale, and for other purposes.

Harry Reid, Patrick J. Leahy, Robert Menendez, Sheldon Whitehouse, Jeff Merkley, Christopher A. Coons, Benjamin L. Cardin, Barbara Boxer, Debbie Stabenow, Kirsten E. Gillibrand, Richard J. Durbin, Patty Murray, Jack Reed, Dianne Feinstein, Richard Blumenthal, Christopher Murphy, Elizabeth Warren

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to 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 shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 68, nays 31, as follows:

[Rollcall Vote No. 95 Leg.]

## YEAS—68

Alexander	Franken	Merkley
Ayotte	Gillibrand	Mikulski
Baldwin	Graham	Murphy
Baucus	Hagan	Murray
Bennet	Harkin	Nelson
Blumenthal	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Heller	Rockefeller
Burr	Hirono	Sanders
Cantwell	Hoeven	Schatz
Cardin	Isakson	Schumer
Carper	Johnson (SD)	Shaheen
Casey	Kaine	Stabenow
Chambliss	King	Tester
Coburn	Kirk	Toomey
Collins	Klobuchar	Udall (CO)
Coons	Landrieu	Udall (NM)
Corker	Leahy	Warner
Cowan	Levin	Warren
Donnelly	Manchin	Whitehouse
Durbin	McCain	Wicker
Feinstein	McCaskill	Wyden
Flake	Menendez	

## NAYS—31

Barrasso	Boozman	Cornyn
Begich	Coats	Crapo
Blunt	Cochran	Cruz

Enzi	McConnell	Rubio
Fischer	Moran	Scott
Grassley	Murkowski	Sessions
Hatch	Paul	Shelby
Inhofe	Portman	Thune
Johanns	Pryor	Vitter
Johnson (WI)	Risch	
Lee	Roberts	

## NOT VOTING—1

Lautenberg

The ACTING PRESIDENT pro tempore.

On this vote, the yeas are 68, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, I appreciate everyone's cooperation. I am glad we were able to get cloture on this legislation. This legislation and this vote that just took place are, of course, important for our country, especially for the people from Connecticut who have lived through their tragedy. But it is also important for this body, this Senate. There have been many things written in the last several months about how the Senate cannot operate. And I so appreciate the Members on the other side of the aisle—especially JOHN MCCAIN on a Sunday show who said: I don't think there should be a filibuster on this. JOHN MCCAIN is a leader and has been a leader in this country for 31 years and people respect his opinion. I am grateful to all Republicans who joined with us to allow this debate to go forward.

The hard work starts now. As everyone knows, because we have all heard this on a number of occasions, the first amendment is going to be one that has been worked on for weeks by Senator MANCHIN, Senator TOOMEY, and Senator KIRK. That will be the first amendment. We expect to lay that down later today. I hope there will be no efforts to continue this filibuster with the 30 hours. There is no reason we shouldn't get to legislating.

We have an important lunch, as everyone knows. We are going to finish that lunch, and I hope we can come back and lay down this amendment and start some debate on it. I have indicated to Senators TOOMEY and MANCHIN—they want to spend a lot of time because they have to get prepared for what they are going to do beginning Tuesday morning—and I said that is fine. In the meantime, there are other things we can do on this legislation.

We know there are other amendments, and I hope no one is going to say, Well, I am going to filibuster every amendment that is offered. That defeats the whole purpose of why we are here. We can't allow that to happen. It would be such a shame if that, in fact, did happen.

We are going to have an open amendment process, meaning Senators are going to be able to offer amendments. One thing we can't do is have pending scores of amendments and we are not going to do that. We need to make this debate so people understand what is going on.

There are certain things we are going to have to vote on here. We are going to have to vote on the Manchin-Toomey amendment. We are going to have to have a vote on assault weapons. Some people love it, some people hate it, but we are going to have to have a vote on it. We are also going to have to have a vote on the size of clips or magazines. Those are the only votes I am going to make sure we have. Other than that, we should have amendments. If people think the present law is too weak, they can change that or if people think it is too strong, have some amendments to change that. We cannot have just a few Senators spoiling everything for everyone here. This is the time we should lay down amendments and see if we can pass them. We can set up procedures here, as we have done, to make sure everyone is heard.

I can remember when I had to meet with the families from Newtown. To be very honest, I didn't want to, but I did. I met them over here in room 219. That was a hard meeting, because everyone knows how I have approached things in the past with regard to these matters now before us. I am like virtually everyone in America: The events of the last few months have been very tragic—people going to a movie theater to watch a movie and they are gunned down, and more would have been gunned down but for the fact that the man's 100-clip magazine jammed. Newtown, we have all seen the pictures that are not here today of those babies who were shot, more than once. So America has a different view of this violence than they did just a little while ago.

We all believe in the Constitution. We all know what all of these amendments are about and what they are supposed to do and we are going to make sure that during this debate we keep the Constitution in mind.

The families of the most recent tragedy in Newtown deserve a debate, because these people from Newtown who are the survivors of this tragedy are representing everybody in America. That is why we need this debate. The Senate is going to give these family members, friends, and people who live in Newtown, no matter how long it takes, the ability to see how people stand on these issues. So the Senate is going to give them votes. We hope it will be sooner rather than later, but we are going to work through this.

Senators on both sides have amendments they want to offer. We have our most experienced Senator, who has been here longer than anyone else, managing this bill, Senator LEAHY of Vermont. He has always been a fair man and he will continue to be. He knows there are a few amendments that have to go forward, but after that we are going to be as deliberative as we can to make sure people have the opportunity to offer amendments.

I repeat, after we get through the Manchin-Toomey amendment, the assault weapons, and the high-capacity

magazines, we are going to make sure everyone has the opportunity, and the Republicans can catch up. We can have the first amendment, the Toomey-Manchin amendment—I don't know if it is a Democratic amendment or a Republican amendment, but that is the first one we are going to do. After we get through these two things, we will have the Republicans. If they are two or three behind, they can catch up with us and then we can alternate back and forth. Even though there is no rule requiring it, that is the best way to move forward.

I am grateful to everyone we are here and able to start legislating on this issue that has caught the attention of the American people and, frankly, the world.

#### ORDER FOR RECESS

Mr. President, we are having a joint meeting. I ask unanimous consent the Senate recess from 12:30 until 2:30 today to allow for a joint caucus meeting, and that all time during recess and morning business count postcloture on the motion to proceed to S. 649.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, before I make a statement relative to an unrelated issue, I just want to say a very quick word about the historic vote that took place a few minutes ago on the floor of the Senate. I believe we had 16 Republicans who joined us in an effort to proceed to a bill that will initiate a debate—one of the first in years—on the floor of the Senate about gun safety in America.

I salute those Members of the Senate from both sides of the aisle who supported that motion to proceed, but especially from the other side. I know it took a great deal of courage, political courage, for them to step up and to at least initiate this debate. I will tell you, there were those among them—some 13—who signed a letter saying: We are going to filibuster this matter to stop it. They did not succeed today in that effort because 16 on the Republican side joined us. I do not presume they are going to vote for all or any of the amendments to be offered. But at least they allowed the Senate to be the Senate instead of having us bogged down—as we have over 400 times in the last 6 years—in a filibuster.

I hope during the course of this debate on the floor we are able to have amendments debated and voted on. The majority leader made that request earlier, and I believe, for the good of this

Senate—and certainly for the debt we owe to America to address the issues of the day—we should address them in a bipartisan fashion in courteous but thorough debate. That is what the Senate has stood for as an institution, and I hope it does, and continues to.

Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

(The remarks of Mr. DURBIN and Mr. COONS pertaining to the introduction of S. 718 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COONS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:30 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Ms. HEITKAMP).

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

Mr. MURPHY. I come down to the floor for the second time today and maybe the fifth time over the last 2 days to talk again about the real reason we are here on the floor of the Senate this week and next week—to talk about the scourge of gun violence across the country and its victims.

We have had a good week this week on the floor of the Senate—a breakthrough on the matter of background checks, an agreement that we hope can forge the basis of a bill next week, an agreement that maybe doesn't move us as far as some of us would like in terms of making sure criminals in this country don't have guns but that moves us very far down the line toward a day when no criminals can go onto the streets of this country with guns, and then a very positive vote today in which Democrats and Republicans joined to break a threatened filibuster.

But these are the kids we are really here to talk about, and I wanted to come down before the week was over to talk about a few more victims just to make sure we are really clear about whom and what we are talking about.

Let me tell you about Chase Kowalski, one of the 7-year-olds killed by the gunman's bullets in Sandy Hook Elementary School. He was an amazing little kid. He was an athlete. Much like

Jack Pinto, whom I talked about yesterday, Chase was a young jock. He was 6 years old when he actually completed and won a kids triathlon in Mansfield, CT. He was so inspired from watching the Olympics last summer, seeing his heroes Michael Phelps and Ryan Lochte do so well, that he went out and decided to learn how to swim and do it competitively. So with a little bit of help, he became a swimmer as well. His parents and surviving two older sisters, with a lot of his friends and family, ran together in honor of Chase's love for sports in a Sandy Hook 5K run that attracted thousands of people to the streets of Hartford.

Chase Kowalski could have done a lot of things. He clearly had this drive and initiative you don't find in a lot of kids who are only 7 years old. We will never really know who Chase was going to grow up to be, but he was a pretty remarkable young boy.

Jesse Lewis is here on this poster. His father, Neil Heslin, is here this week arguing and pleading for us to do something.

Jesse was a pretty amazing kid in his own right. He was 6 years old. The evening before the tragedy, he and his father had been out shopping for Christmas presents for his friends and family. One of the gifts they were going out to get was for his teacher Vicki Soto, who was killed the next morning along with him. Jesse was spending his own money on all these presents. He had \$37 to spend, which he had earned by helping his father with a variety of odd jobs.

That was Jesse. He wanted to do nice things for people, but he wanted to earn the right to do it, so it wasn't the first time he had gone out and basically earned the money at 6 years old in order to buy things. But he was still a kid. He grew up on a farm, so he loved horses and dogs and chicks, and he liked to go out and fish and play soccer. His dad was always outside working on projects, and he always wanted to be with his dad Neil.

He was a pretty amazing kid with a lot of initiative and drive for a 6-year-old. We will never really know who he was going to grow up to be either.

As I have talked about on this floor over the last 2 days, although so much of the attention is on those 20 kids, the reality is that 3,300 people have died since Newtown. That is where our focus should be as well, on people such as Brian Herrera, 16 years old, a straight-A student at Miami Jackson Senior High School. Three days before Christmas of last year, only about a week after the Newtown shootings, Brian was riding his bike to his best friend's house. He was doing exactly what he should have done—going to a friend's house to work on a school project—and he was gunned down in broad daylight in the middle of the pavement. He was still carrying his red backpack—a story we heard earlier today about someone else. This was a totally random shooting. I am not sure if this has