

That is what it says. The Republicans would make it easier for one who just gets out of a psychiatric facility to walk out of a psychiatric facility and go buy whatever he wants in the way of firearms.

The second Republican amendment, the Senator from Texas proposed legislation that would allow the sale of firearms to terrorists after a brief 72-hour waiting period, which would compromise ongoing counterterrorism investigations. The Grassley and Cornyn amendments are political stunts that are meaningless in doing something to stop gun violence. These are amendments to divert attention from real legislation. Why? So Republicans can say: Hey, look, we tried. And all the time they are cheerleaders to the bosses at the NRA who are cheering them.

My Republican colleagues are again stuck in the same rut, the same warp, giving in to the demands of the NRA. The Republican leaders always find an excuse to say no. Democrats look at any reasonable proposal when it comes to gun safety. Right now there are Democrats like Senator HEINRICH who are working with Republicans to find a solution. We are open to any of their ideas, provided the legislation really does keep guns and explosives away from suspected terrorists, criminals, and people with mental illness—but we know the NRA will never support any of these proposals. That is why we need the Senate Republicans to take a stand against gun violence and against the NRA.

As I stand here, the NRA is sending a lot of direct mail. They are even getting better now and putting stuff on the Internet, saying: We need more money. They are trying to take your guns away from you. It is a fundraising operation. What we need is the Senate Republicans to take a stand against gun violence and against the NRA for a change. If they don't—if the Senate Republicans continue down this path and reject the Feinstein and Murphy amendments, it will be the third time recently they walked away from sensible gun legislation. It will be the third time recently Republicans have walked away from sensible gun legislation and will be the third time Republicans will have voted to give suspected terrorists, criminals, and the mentally ill access to firearms. It will be the third time recently that the Senate Republicans have protected the gun lobby, even as their own constituents have been gunned down in cold blood.

The Senate Republicans should be embarrassed, but they are not because the NRA is happy. The Republicans need to put the lives of innocent Americans ahead of the NRA.

I yield the floor and ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2578, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

Shelby/Mikulski amendment No. 4685, in the nature of a substitute.

McConnell (for Feinstein) amendment No. 4720 (to amendment No. 4685), to authorize the Attorney General to deny requests to transfer a firearm to known or suspected terrorists.

McConnell (for Cornyn) amendment No. 4749 (to amendment No. 4720), to Secure our Homeland from radical Islamists by Enhancing Law enforcement Detection ("SHIELD").

McConnell motion to commit the bill to the Committee on the Judiciary, with instructions, (McConnell (for Murphy) amendment No. 4750), 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.

McConnell (for Grassley) amendment No. 4751 (to (the instructions) amendment No. 4750), to address gun violence and improve the availability of records to the National Instant Criminal Background Check System.

McConnell amendment No. 4752 (to amendment No. 4751), to change the enactment date.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, a few days after the mass shooting in Orlando, I received a very powerful letter from Ella Staats, a young Vermonter who, like Americans across our land, was sickened and horrified by this senseless act of hatred that we saw in Orlando.

What was pointed out to me in this letter, this eloquent, passionate heartfelt letter, is that Ella is 15 years old. In her letter addressed to me, under the auspices of the Young Writers Project, she explained that even at her age, she has "already seen so many mass shootings that it is becoming harder and harder to faze [her]." Ella calls on Congress to act, writing: "It is time that the gun laws in our country were completely reformed" so these violent and hateful acts will be prevented.

After I read and reread her eloquent letter, I was moved. I sat down in my home in Vermont, and I started to draft a response, going through all the votes I had taken over the years. I started looking up all the hearings I had convened on gun violence, all the bills I authored and cosponsored, those I moved through the Judiciary Committee and even on the Senate floor, but then I stopped—this was just a catalogue.

I decided the nature and the quality and the moving aspect of Ella's letter deserved a response on the Senate floor

because Ella has given voice to something urgent that many people in Vermont and across the country are feeling right now.

Here is my reply to Ella:

Dear Ella, thank you for your thoughtful letter. I have read it several times and I want you to know how powerful it is to speak up about issues as important as this one. Some worry that many of your generation have disengaged from involvement in the big issues of our day, but your letter gave me hope. You are right. It is long past time for Congress to reform the laws that allow mass gun violence to flourish in our country.

You deserve to feel safe. You should not have to fear that guns designed for the battlefield will end up in the hands of terrorists or violent criminals. A large majority of our fellow Americans feel just as we do and support sensible answers. But your government has let you down. Time and time and time again, commonsense remedies are thwarted by obstruction and inertia and powerful lobbies, and only if more people like you stand up will we be able to change this.

Ella, I want you to know that I have been working for years to find practical solutions that will stop the gun violence that continues to touch every corner of our country. But I bet that the last thing you want is a list of all the bills I have written or voted for but have not passed. You want to know how we are going to overcome the well-funded opposition to passage of laws that will reduce gun violence.

First, we must remember the amazing men, women and children who die from gun violence every day. Sadly these tragedies are not limited to mass shootings. It is essential that we pay attention to the loss that thousands of mothers and fathers, sons and daughters feel each day because of a shooting that could have been prevented.

Second, we need new voices like yours. We need you to hold us accountable. We need more people to demand reform so that we can finally overcome the well-funded opposition to commonsense laws that would keep guns out of the hands of criminals and terrorists.

Ella, I share your frustrations and I beg you not to become numb to this hatred and violence. I urge you to speak out in your community, on social media and to demand accountability. It often takes time—too long a time—but speaking out, sharing your ideas and views, and contacting your elected representatives makes a difference. I hope the votes that I cast on your behalf tonight demonstrate that I hear you and I agree that we must act to prevent the next Orlando. Ella, thank you for doing that—for speaking out and for holding us accountable.

Mr. President, I ask unanimous consent that Ella Staats's full letter be printed in the RECORD.

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

(By Ella Staats)

DEAR SENATOR LEAHY:

I am a Vermont teen who has been deeply saddened by the Orlando shooting. I am enraged at this terrible act of targeted violence against the LGBT+ community, saddened by the immense loss of life, and mourning for the victims and their families.

It is time that the gun laws in our country were completely reformed. It is time that people with such senseless hatred cannot commit such a terrible crime so easily.

I would expect and, frankly, hope that you and every Congressperson around the United States are receiving thousands more letters like this one.

Because something needs to change.

I am a teenager growing up in a world where, at 15, I have already seen so many mass shootings that it is becoming harder and harder to faze me.

But the homophobia, and the scale of this attack deeply disturb me. I may not know everything about politics, but I am urging you to please, please do something. Something big.

This may not be a long letter, but I hope I have gotten my point across.

I am tired of excuses. I am tired of waiting. I am tired because I know this is not the last awful shooting I will see in my lifetime. Unless this government finally steps up and makes a change, this will continue to be the norm.

And a country where something like the Orlando shootings is commonplace is not a country I want to spend the rest of my life in.

Mr. LEAHY. Like Ella, Marcelle and I continue to mourn the deaths of 49 innocent people in Orlando just over a week ago. Just a year ago we were mourning the loss of 9 parishioners who were murdered in their church by a hateful domestic terrorist. It is unacceptable that hundreds more have died as a result of mass shootings since that tragic day in Charleston. This includes the victims killed at military facilities in Tennessee, a college in Oregon, a Planned Parenthood clinic in Colorado, an office gathering in San Bernardino, and dozens of other communities around the country.

Enough is enough. Ella is rightfully tired of excuses—and so am I. We cannot accept that daily shootings are the new normal. I was proud to join Senator MURPHY, Senator BOOKER, Senator BLUMENTHAL, and others here on the Senate floor last Wednesday in a call to action, and I commend those Senators for their determined leadership last week. We have to do something. Congress must act.

When Democrats were last in the majority in the Senate, I was Chairman of the Judiciary Committee last Congress and we took action. We convened hearings, debated and reported out sensible legislation to punish criminals who traffic in firearms, to close loopholes that allow criminals to acquire guns, and other measures to prevent mass shootings. We had broad support from the public and a bipartisan group of Senators. But Senate Republicans blocked every single one of these responsible proposals. And since re-taking control of the Senate, Republicans have stood in the way of even the most modest reforms. There have been no

hearings and there was no willingness to allow votes on any gun violence legislation until Democrats took a stand.

Last week, Democrats demanded action on this issue, and tonight we will have four votes, and Americans across the country will know where each Senator stands. I am a responsible and proud gun owner, and most Vermonters know we should do everything we can to keep guns out of the hands of suspected terrorists. In order to do that, we must close the loophole that allows suspected terrorists to pass the background checks conducted at gun stores. Senator FEINSTEIN's amendment would give law enforcement the discretion to actually stop the sale of a gun to a known or suspected terrorist who presents a public safety threat. Had Senator FEINSTEIN's amendment been law when the Orlando shooter attempted to buy his assault weapon, the FBI would have had notice to see what he was doing and could have prevented the tragedy in Orlando. The Department of Justice, which includes the FBI, supports Senator FEINSTEIN's amendment and I support this commonsense amendment.

Closing the "terror gap" is not enough. If a potential terrorist is prevented from buying a gun in a local store, we have to ensure that he cannot simply buy the same gun online without any sort of background check. If background checks are not universal—online, at gun shows, and everywhere else—then what is the point? Senator MURPHY's amendment closes a major loophole by requiring background checks for every firearm sale, including gun shows and Internet sales—with reasonable exceptions including transfers to close family members.

The amendments offered by Senators FEINSTEIN and MURPHY are sensible approaches that will help stop the gun violence that is plaguing our Nation. In contrast, the alternatives offered by Senators CORNYN and GRASSLEY do not adequately address the problems we face—and in some respects they make things worse. The Cornyn amendment would impose impractical and unnecessary burdens on law enforcement, and could allow a known or suspected terrorist to buy a gun even when the government has filed an emergency petition to block the sale. And the Grassley amendment does nothing to fix the gaping holes in the background check system. I am concerned that the Grassley amendment could actually make it easier for individuals with known mental illnesses to obtain firearms. Anyone who is watching this debate to determine which proposals would help prevent the next Orlando tragedy need to understand that neither the Cornyn nor Grassley amendments would have stopped the Orlando shooter from getting his guns. Congress must pass bills that fix loopholes in a responsible way, not create more dangerous gaps in our gun laws.

The vast majority of Americans support stronger background checks. They

want to prevent terrorists of all types from obtaining guns. When I pick up a firearm from a gun store in Vermont, even though the person may have known me all his life, I have to go through a background check. That does not bother me a bit. But I do not want somebody who has warrants outstanding against them or restraining orders from their spouse against them to be able to walk into a gun show and buy the same weapon with no background check. If Senators listen to their constituents, they will do the right thing and vote for the Feinstein and the Murphy amendments to keep guns out of the hands of criminals and suspected terrorists. And they will vote against the Cornyn and Grassley amendments.

In the wake of mass gun violence, whether the victims are members of the LGBT community, African-American church parishioners, first graders in an elementary school, college students, or military servicemembers or others in our community, we are called to come together in solidarity as Americans. We must come together in support of the victims, their families, law enforcement personnel and first responders, and the entire community tonight. Let's enact real solutions. They might prevent further acts of senseless violence.

To the millions of Americans who agree with Ella, I hope you are watching the Senate today. I thank Ella for reminding us all that we cannot stand idly by, wait for the next tragedy, and simply offer our thoughts and prayers.

Now is the time Congress has to act to pass commonsense measures that have languished for too long and could save American lives. I support the amendments offered by Senator FEINSTEIN and Senator MURPHY.

I hope my fellow Senators will do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we are now debating the Commerce-Justice-Science appropriations bill. I am the vice chair of that subcommittee and just wanted to make people aware that the pending bill funds the Department of Commerce—which hopefully works to create jobs in our country—the Justice Department, the National Science Foundation, the space agency, all related to how we build a strong economy and how we protect our people.

It is a bill that I have worked on not only all year long, but I have worked on this bill for close to 30 years. When this subcommittee bill moves, it will be the final subcommittee in which I will have been in a major chairmanship, vice-chairmanship role.

So people would think: Gee, Senator Barb wants to move this major bill along. I sure do. I have worked hands-on with my colleague, the Senator from Alabama, Mr. SHELBY. We have a good bill. We have a bill for which I will continue to advocate.

But people say: Well then, Barb, why would you support a filibuster? I will tell you why I supported a filibuster: guns, guns, guns, guns. And on the anniversary of the assassination of those people at the Charleston church, we had yet another mass murder scene occur in Orlando, FL.

We organized the filibuster so that we could get a vote to stop the terrorist suspects from getting guns and also to extend background checks for all gun sales and to extend those background checks to the Internet and gun shows so that we could curb violence.

I actually wanted to go further. I wanted to bring back the ban on assault weapons that expired because an assault weapon is no more than a weapon of war to be used by the military or those in defense of our country who have to kill a lot of people in a short amount of time with as few trigger pulls as possible. But, no, we couldn't get that, so we went to these two bills—one to close the terrorist loophole and the other to extend background checks.

I supported the men of Newtown. I see one Senator on the floor now, the distinguished Senator from Connecticut, a former attorney general who was in the Senate when Newtown happened, along with his junior colleague, Senator CHRIS MURPHY also of Connecticut, and Senator BOOKER of New Jersey. They led this fight.

I am proud of what they did because—what did they filibuster for? Only to get a vote. We had to have a filibuster to get a vote on offering ideas on how we could curb gun violence in our country and protect our own people. One is against terrorists getting guns, and the other is extending background checks to the Internet sales and to gun show sales.

I come from a State with a proud heritage of hunting. In many parts of our State, it is part of our way of life. We respect that, and this will in no way impede anybody from being able to do that. Yet we had to filibuster to get a vote—not even a filibuster on the bill. In just a matter of 2 hours from now, we will be voting on those two amendments. I hope those amendments pass.

The other side of the aisle also has alternatives to those. That is the American way. We presented an idea, and they think they have an idea. But let's vote on who has the best idea to curb violence and protect us against terrorism.

This isn't the first time someone filled with hate and armed with a high-powered weapon has killed his fellow citizens. Time and again, innocent Americans have died—in a church in Charleston, in schools such as Newtown, in a movie theater, or at work. The list goes on.

Also, the availability of guns occurs in our cities—in places such as Baltimore where we have a high homicide rate due to the drug trade. We would like to be able to address that today,

but instead we have focused on these two specific things. As I said, I would like to have done more, but this is a fantastic start. I salute those colleagues who led the filibuster. America wants us to take action.

Let's go to closing the terrorist loophole. When I get on an airplane, I go through a metal detector, I take my shoes off, and I take my jacket off. There was a time when they even looked at what I had in my tube of lipstick so that it would not be a lethal weapon.

I support that. I don't want to be blown up in the sky, and I don't want anybody else on that plane to be either. But why is it we would go through such incredible scrutiny to board an airplane to protect us against terrorists, yet we have no scrutiny of the people on a terrorist watch list to be able to buy a gun.

You can be on a terrorist watch list, but one of the ways you are going to commit terror is to kill people—one through mass murder like the horrific 9/11 event that still sears our memory and breaks our heart every time we think about it. But, my gosh, if I am going to get on an airplane and they are going to want to know what is in my tube of lipstick when I go through—that it is not a lethal weapon—certainly, why don't we try to curb lethal weapons?

That is why I support the Feinstein amendment. You could walk into a gun store now, and in 3 days or less you can walk out with a high-powered rifle, a high-capacity magazine, unless you have committed a crime.

You cannot get on an airplane, but you can buy an AR-15. This is unbelievable, and this is what Senator FEINSTEIN's amendment would fix. I am proud to be a cosponsor of her amendment. I am pleased the Senate will vote on it, and I hope we can pass it.

The distinguished Senator from Texas, Mr. CORNYN, has an alternative. Let him explain it and defend it. I think the Feinstein amendment is superior.

I also hope we pass the Murphy amendment to close the gun show loophole. Today 40 percent of gun sales are unlicensed. They are sold online or at gun shows. It means that 40 percent of the gun sales have no background check, giving felons, domestic-violence abusers, or terrorists easy access to guns.

This amendment will help with two things: It will get all of the names of all people prohibited from buying guns into the National Instant Criminal Background Check System, which is the Federal background check system run by the FBI, and it will require background checks for the sale or transfer of all firearms by private sellers.

Background checks do work. In 18 States where background checks are required for all handgun sales, 46 percent fewer women are killed by domestic partners and 48 percent fewer law

enforcement officers are killed with handguns.

So if you want to protect law enforcement, if you want to protect us from domestic violence abusers, you want to close this gun show loophole. It will not only deal with terrorists, but it will deal with people who are deeply, deeply troubled.

I urge my colleagues to pass the Murphy-Blumenthal amendment.

Before I leave the floor, I wish to say something to the Senator from Connecticut. After Newtown, I really thought we would do something. After the massacre of 20 children and 6 educators who literally put themselves in harm's way to save the children—6 educators, 20 children, killed by an assault weapon—I thought we would do something.

If we didn't do it after Newtown, I didn't know when we would do it. Then there was Aurora, there was Charleston, and now there is Orlando. But we didn't do it after Newtown.

I really hope this is a new day. I thank the Senator for standing up for those families and for all in this country. I am honored and pleased to stand with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise today to say to my colleagues who are here that I hope that we can stop the politics and really focus on a result that will make a difference for the American people.

All of our hearts were broken across this country as we woke up the Sunday before last to the news of the horrific terrorist attack on the nightclub in Orlando that took the lives of 49 innocent people, and 53 more were injured. I can't imagine how their families feel and the pain their loved ones must be experiencing. Our prayers are with them and those who were wounded and with our brave first responders who had to go there to address this horrible terrorist attack.

This was an attack that shook our Nation. It was an attack on our LGBT community in a place where people come together to enjoy themselves to celebrate who they are. It was an act of terrorism; it was an act of hatred. This was the worst terrorist attack on our soil since September 11.

It is a somber reminder—unfortunately, the terrorist who committed this attack, someone who pledged allegiance to the leader of ISIS, someone who, unfortunately, committed an act of terrorism and an act of hatred—that ISIS continues to plan and inspire attacks against us here at home and that we do have to take this fight to ISIS much more aggressively and make sure that they don't continue to have the capacity to inspire terrorist attacks against us on our homeland or against our allies around the world, as we have seen in other places such as Paris and Brussels.

We have to defeat radical Islamic terrorists, and we have to destroy ISIS so

they can no longer spread hatred, violence, and death.

Unfortunately, the terrorist who committed this horrible attack in Orlando was investigated by our FBI. During that investigation, he was placed on what is called the selectee list. That list is part of a larger list sometimes referred to as the terrorist watch list. When an individual goes to purchase a firearm and they are on the terrorist watch list, the FBI is notified that purchase is taking place. They have up to 72 hours to take some action or to further their investigation. This individual, this horrible terrorist was taken off the list because the FBI had closed its investigation.

So I hope we do not lose sight on this floor of the fact that we better do everything we can to understand any gaps that exist in our intelligence system regarding that investigation, understand why it was closed, and make sure investigations like this don't get closed in the future. We must have a situation where the FBI has the resources and tools it needs to follow up properly when they have someone in their sights the way they had with this terrorist. The reality is, had he been on the list, as he had been previously before the investigation was closed, the FBI would have been notified of his firearm purchase.

On the floor today, we have proposals to address whether terrorists should be allowed to purchase guns. Make no mistake, Mr. President, gun control won't stop terrorism. However, I think we can all agree that we do not want terrorists to purchase firearms.

With both these competing proposals on the floor, we do have some common ground: that terrorists should not be permitted to purchase firearms. Unfortunately, where we find ourselves is playing our typical political football. I believe we should stop playing political football with something so important.

As a member of the Committee on Armed Services, I am going to recommit myself—and I hope everyone in this body will—to doing everything I can to defeat ISIS. I also believe we should recommit ourselves to finding out if there are gaps in our intelligence system that need to be addressed and understanding why this investigation was closed. We must also make sure the FBI has the tools it needs to prevent these attacks.

I also believe we should work together to ensure that terrorists are not allowed to buy firearms. But we know what is going to happen. We will not find a solution by sticking to two measures that failed before, mostly on party lines. So I have been working with Senator COLLINS, Senator FLAKE, and Senator GRAHAM, and talking to people on both sides of the aisle about coming together with a compromise that can pass this body and make sure terrorists are not allowed to buy guns.

If you are too dangerous to board a commercial plane, it stands to reason you should not be able to buy a gun. It

is as simple as that. And I think people on both sides of the aisle agree on that in principle. So why can't we act in good faith and figure out the best way to achieve that goal? This is a gravely serious issue that requires a serious response. There is a solution here, and I am committed to finding it, but to find that solution, we have to come together.

Instead of having competing proposals that have already mostly failed in this Chamber when we took those votes back in December, let's put aside the gamesmanship and come together to get a proposal that will be effective and get a result for the American people.

The Senate will be considering two proposals, as I referenced. Both have failed, mostly on party lines. By all accounts, these proposals are likely to fail again and we will then be right back where we started—no safer, no smarter, no more successful in protecting our citizens. There will be more political blame, but we will be no closer to a solution, to a result on something that matters, that means we will move forward in ensuring that terrorists do not have access to firearms.

I am here to talk about a better way. During the past week, in working with Senators COLLINS, FLAKE, GRAHAM, and others and reaching out to my colleagues on the other side of the aisle, we want to propose legislation that may actually pass the Senate. To get to that solution, we have to move this debate forward. That is why I will be voting today to advance both options before us in order to provide an opportunity for us to come together with a bipartisan compromise that will get a result for the American people.

There is an opportunity in this debate to go forward and to get a result. Unfortunately, both bills on the floor aren't the answer. We know that. They both failed before. So I will be continuing to push to get a result.

What we are doing this afternoon in this political exercise is pushing for legislation that both sides know is going to fail. Both options before us—that of Senator FEINSTEIN and Senator CORNYN—are well-intentioned, but each has flaws that I am concerned about. Senator FEINSTEIN's approach is very broad, and it would include the entire terrorism database. It could include instances where there has only been a derogatory allegation made about an American which has not been validated. There are real due process questions about that, using the broader list. It is much broader than the phrase "no fly, no buy." I think we all understand that—no fly, no buy. But this is much broader, and it is misleading to call the Feinstein proposal that proposal. If you cannot get on a plane, you shouldn't be able to buy a firearm, but this measure doesn't require the government show anything other than a reasonable belief that you have been engaged in conduct relating to terrorism, and it doesn't necessarily mean it has been validated.

In December, I supported Senator CORNYN's legislation because it was similar to Senator FEINSTEIN's legislation but it had additional, stronger due process protections. However, Senator CORNYN's legislation requires the FBI to act in 72 hours, to go to a court in 72 hours to present probable cause. Having been a former murder prosecutor, I am concerned that is not enough time under these circumstances to take proper action and to be able to mount all of that before a court to meet a probable cause standard. So I think there are some concerns that I have in terms of the timing with Senator CORNYN's legislation and also the fact that if you had probable cause, you probably would have already charged someone with a crime.

There is a better way. These two pieces of legislation that I will be moving forward in this debate are a start, but they are not the end. They are not an end until we get a commonsense result that ensures that terrorists can't buy guns and that we protect the due process rights of American citizens. So our proposal is one that would ensure that if you are on the no-fly list—which, by the way, roughly 800 Americans are on the no-fly list—that would ensure you could not go and purchase a firearm. But if you believe you are being wrongfully denied your right, you can challenge that in court. If the government is wrong, then they are going to have to pay your costs and attorney fees.

Our legislation would also ensure that individuals like the horrible terrorist who committed these attacks in Orlando and who are on a smaller sublist called the selectee list, which is a list that is smaller than the overall terrorist watch list—there must be reasonable suspicion that an individual meets additional heightened criteria, where they have additional derogatory information above and beyond the criteria required for the broader database that someone is engaged in terrorism. The Orlando terrorist who committed these horrific attacks was on this list. That group of individuals would not be permitted to purchase a firearm, but they, too, would have the opportunity to go to court and to challenge that decision and, if the government is wrong, to make sure their costs are paid for.

Our proposal would also ensure that if you have been on this list for the last 5 years, the FBI would be notified if you went to purchase a firearm. Why is that important? Because unfortunately the terrorist who committed these horrible attacks was taken off the list. We better find out why that happened. But we will make sure, in this legislation, that if you were on the list and you go to purchase a firearm, that at least the FBI is notified so they can follow up. If they want to conduct additional investigation and surveillance—like I hope they would have done in this instance had they learned about this individual—they have the opportunity to do that.

We believe this is a fair, workable solution. It is a solution that makes sense. It is a solution when we think about the overall terror database, which has about 1 million people on it. The no-fly list has about 800 Americans on it. If you combine the selectee list and the no-fly list, we are talking about fewer than 2,500 Americans. If you are on that list and you are being focused on in an open investigation by the FBI, with the belief you are engaged in terrorism or engaged with terrorists, then you should not be able to buy a firearm.

We have a responsibility to protect peoples' constitutional rights. We need to make sure there is due process for anything we do here. That is our basic responsibility. That is why our legislation makes sure terrorists can't buy guns, and it also makes sure the due process rights of Americans are protected. If the government is wrong, their costs and attorney's fees will be paid for because the government should have that burden.

I suspect these two proposals may fail tonight—not because of anything I will do, because I am going to be asking to get to this debate. I want a result. I think we should stop playing political football with this. If these two proposals fail tonight—which, unfortunately, I think is likely to happen since it is almost Groundhog Day again, since they are similar to two proposals we voted on in December, and we know what the result of that was: They both failed—I hope we can come together.

I have talked about a good-faith, workable solution tonight that makes sense. I hope that on both sides of the aisle we can work together to get a result for the American people. We need to make sure we get something done and ensure terrorists cannot purchase firearms. But let's also make sure we continue to go after ISIS and defeat ISIS so they cannot inspire further attacks like this on our country. Let's also make sure that if there are gaps in our intelligence system—because the FBI didn't follow up or should have followed up or they need more resources to follow these cases to their end—that we work together to address that as well because this was a horrific act of terrorism, and we need to treat it accordingly.

It is my hope that we can work together on bipartisan solutions that will help keep the American people safe.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I am pleased to follow my colleague and friend from New Hampshire, who served as attorney general of her State during part of the time that I served as attorney general in the State of Connecticut. We have in this body common ground in seeking more effective law enforcement solutions to all of the harm and unspeakable violence that has so plagued our Nation in recent

years. But I cannot help but remark that we would not be having this debate but for an effort last week—in fact, a filibuster—that took the floor under the leadership of my great colleague and friend Senator MURPHY, supported by Senator BOOKER and myself and then by tens of other Senators, to make sure that we debate and that we vote. Our feeling was that there should be no business as usual on this appropriations bill—as important as it might be—in the wake of the terrorist extremist harm in Orlando.

We demanded action because America is demanding action. We have been deluged before today, and I am sure that we will be deluged after, by Americans saying that the time has come for commonsense measures to stop gun violence inspired by ISIS or other terrorist extremists abroad and supported by them, as well as the homegrown terrorists and the lone wolf.

During the 15 hours that we were on the floor, our offices were deluged by encouragement and support from Connecticut and from all around the country, joining us in saying: Enough is enough; the time for action is now. These were letters, tweets, Facebook posts, demonstrations, rallies, and other insistent cries for Congress to do its job and respond to this public health crisis, much as we would to any other epidemic. It is an epidemic that we face—an epidemic of gun violence.

In Connecticut, we have a special understanding with the people of Orlando about what it is like to have a community go through such a horrible tragedy. We sought action in the wake of Newtown some years ago, and I am often asked: What now has changed since Newtown? What will make the difference? The reason I think we have reached a tipping point and why I think there has been a sea change and a critically important change in the dynamic here in the Senate is that we now know that these endless progressions of massacres, gang violence, domestic violence, and other gun crimes at every level will continue and, indeed, will rise in number and severity unless we act and, equally, if not more importantly, that the link to terrorist extremists abroad has become irretrievable. We know violent terrorists at home, inspired and supported by ISIS abroad, will continue to wreak havoc and take lives. They will continue to use AR-15s and semi-automatic assault weapons, which have been designed to kill and maim as many people as possible, as quickly as possible.

We have become much better at stopping terrorists from carrying bombs onto planes because we adopted a no-fly list, and we have a terrorist watch list. Those AR-15s and other military-style assault weapons have now become the weapon of choice, rather than explosives. The form no longer preferred by terrorists is a plane. Now it is a nightclub, an office, a school, a church, or wherever people gather. There is no

question that we need to take the fight to ISIS, as my colleague from New Hampshire has said, and it needs to be taken to ISIS more aggressively and effectively. But the Nation also needs to harden its defenses at home and to use information and intelligence that comes to us about people who are preparing, undertaking, or engaging actively in terrorist activity—as evidenced by fact, not mere speculation—and make sure that we are protected from them by stopping them from buying guns. With weapons that can be easily and legally purchased, one or two gunmen can wreak unimaginable havoc, killing and injuring hundreds of people in a matter of minutes. They need to be barred from buying guns. That is why I am supporting, strongly and enthusiastically, the proposal made by my colleague, Senator FEINSTEIN, that embodies the basic principle: no fly, no gun. If you are too dangerous to be permitted on a plane, you should be deemed too dangerous to buy a gun. That is in no way to interfere with anybody's Second Amendment rights. I believe in the Second Amendment. It is the law of the land. There should be due process, as well, for anybody who is erroneously on any list.

The Feinstein proposal, which I am pleased to cosponsor, would give the Attorney General of the United States the flexible authority to stop people who are on a compilation of lists—no fly, terrorist watch lists—or under investigation by the FBI 5 years previously from buying a gun. That is the basic principle that is at stake. It offers a strong hope. Indeed, it might well have prevented the shooter in Orlando from buying a gun, because he had been under investigation by the FBI in the previous 5 years.

These measures are necessary to protect America. The alternative, the proposal made by Senator CORNYN, I believe is unworkable and ineffective. The government has to meet a probable cause standard and prove in a public proceeding, a trial, that standard is met. If an individual can be proved by probable cause to be sufficiently dangerous to be barred from a gun purchase, that person can be arrested. The Cornyn proposal, in effect, makes it more difficult to stop someone from buying a gun than to arrest them. So it seems to be that in most circumstances it would be ineffective—indeed, meaningless. To put it simply, the Cornyn amendment essentially adds nothing to the tools law enforcement already have. I have heard it described as a wolf in sheep's clothing. In my view, it is actually a sheep in wolf's clothing, with the pretense of being strong and effective in the fight of terrorism but in fact much less than meets the eye. Folks in law enforcement will know that investigations and analyses concerning highly complex and sensitive information that has to do with terrorism sometimes take time, and the 72-hour requirement placed an unrealistic and unworkable limit on the

United States. I want to emphasize again that none of this is to say that due process is to be deemed unimportant. In fact, anyone erroneously on this list ought to be provided with effective and speedy due process, which is what the Feinstein amendment does.

We are also going to be voting on another pair of amendments addressed at the broader background check issue. I urge my colleagues to support the measure that I have led with my colleagues, Senator MURPHY, Senator SCHUMER, and Senator BOOKER, which ensures that our background system works in the only rational way it should—by requiring everyone purchasing a firearm to undergo a background check. That background check process is necessary for any terrorist list to be effectively implemented, because otherwise there would be no way of knowing whether someone is on such a list. “No fly, no gun” is effective only if there is a list that can be enforced by review of background. These measures are supported by 90 percent of the American people or more. Everywhere I went over the weekend in Connecticut—Boys State convention sponsored by the American Legion in Winstead, the Branford Road Race for Father’s Day, yesterday, the blessing of the fleet in Southport—Americans and the people of Connecticut have shown us that we must act. This Chamber is the place where there are speeches. It is often filled with words. Now is the time for action.

An alternative to the Murphy-Schumer-Blumenthal-Booker amendment has been offered by Senator GRASSLEY. Unfortunately, it would not only fail to fix the problem, but, in fact, it would worsen the status quo. It makes broad sweeping changes to portions of our gun laws that now prevent people with dangerous mental illnesses from obtaining weapons. This proposal would make an abrupt sweeping change to the definition that could result in many individuals currently prohibited from purchasing firearms suddenly being able to do so, even if they do in fact have conditions that make them dangerous to themselves or others.

There is no single solution to the problem of extremist terrorism inspired or supported by ISIS or enemies abroad. We need to be mindful and aggressive and effective in countering. The link to terrorism abroad is undeniably seen at home. I want to commit that today is in a sense the beginning of a new chapter, when perhaps we can seek common ground in light of the sea change and the tipping point we have reached in this Nation. We can seek common ground on measures that are realistic. My quarrel with the Collins amendment is that it would, in fact, fail to cover 90 percent of the suspected terrorists who pose danger, and it would not have stopped the shooter in Orlando, as the Feinstein proposal might well have done.

There is a basis for common ground. I am committed to seek it. We have not

only the opportunity but the obligation to do more and to do it better. This effort will not be a sprint, as I said literally within days of the Newtown tragedy. It is an effort that requires continued work to stop assault weapons and AR-15s, which are weapons of war and mass destruction, to prevent illegal trafficking and straw purchases, to enact a mental health initiative and school safety measures, to prevent domestic violence from careening into gun violence, and to prevent the continued broad immunity unique to the gun industry under PLCAA. These steps will come in time because the American people are saying, as we said last week on the floor of the Senate: Enough is enough.

The time is now for action. I thank my colleagues for supporting this effort and for their continuing support and, most importantly, the people of Connecticut who have been so generous and caring and most important for the survivors and victims who have shared their stories again and again. The face and voice of Newtown has been here through groups such as Sandy Hook Promise and Newtown Action Alliance. In the end, citizen activism will enable us to do more and do better to counter extremist violence and gun violence throughout America.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Texas.

Mr. CORNYN. Madam President, before I yield to the Senator from California, I ask unanimous consent that she be recognized for up to 20 minutes, and following that, that I be recognized for my remarks.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Madam President, reserving the right to object, may I ask for 10 minutes after my colleagues have spoken?

The PRESIDING OFFICER. Will the Senator modify his request?

Mr. CORNYN. Madam President, I am not sure I understood it. If it is 10 minutes after I conclude my remarks, then I have no objection to that.

Mrs. BOXER. Yes.

Mrs. FEINSTEIN. If I may, Madam President, I thought what the Senator was proposing was that he would have 20 minutes and I would have 20 minutes.

Mr. CORNYN. Right.

Mrs. BOXER. That is fine.

Mrs. FEINSTEIN. I will go first, and then he is going to do his 20 minutes, and then Mrs. BOXER will speak.

Mrs. BOXER. That is exactly what I asked.

Mr. CORNYN. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. CORNYN. No objection.

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

Mrs. FEINSTEIN. I appreciate the Senator from Texas.

AMENDMENT NO. 4720

Madam President, I rise to speak in support of the amendment to keep guns

out of the hands of known or suspected terrorists. The Orlando attack again exposed a dangerous loophole in our law that allows known or suspected terrorists to legally purchase guns through the National Instant Criminal Background Check System, known as NICS. We call this loophole the terror gap. Let me explain what that means.

There are currently 10 categories of people who are blocked from buying guns through the National Instant Criminal Background Check System, known as NICS, and here they are. They include felons, those under felony indictment, fugitives from justice, drug users or addicts, those committed to mental institutions or adjudicated as mentally defective, foreign nationals here unlawfully or those with non-immigrant visas, such as temporary workers, those dishonorably discharged from the military, and those with a domestic violence restraining order.

But one group that cannot be blocked from buying guns are those who are known or suspected terrorists on the FBI’s consolidated terrorist watch list. They can buy guns, but certain aliens can’t, dishonorably discharged can’t, people of renounced citizenship can’t, drug users can’t, fugitives from justice, felons, et cetera, are the ones who cannot.

We know that individuals on the watch list have exploited this loophole. According to FBI data, over the past 11 years, the success rate for known or suspected terrorists who undergo background checks to buy guns is 91 percent. So 91 percent of over 2,000 gun buyers were found by a GAO study to be able to purchase guns. Closing this dangerous loophole was first proposed by the Bush Justice Department in 2007. In fact, we derived the language in our amendment from that original bill.

Our amendment would give the Attorney General the authority to block a gun sale to known or suspected terrorists. It also provides an appeals process, both administrative and judicial. Let me read that language because it is derived out of the 2007 Bush Justice Department.

“The Attorney General may deny the transfer of [a] firearm if the Attorney General determines, based on the totality of circumstances, that the transferee represents a threat to public safety based on a reasonable suspicion that the transferee is engaged, or has been engaged, in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources therefor.”

That is from that bill.

In order to ensure that FBI would be alerted in the case of an individual such as Omar Mateen, our amendment also includes language proposed by Senators LEAHY and NELSON. This language would ensure that any suspected terrorist who tries to buy a gun within 5 years of being investigated for terrorism crimes would automatically trigger a notification to the Justice Department about the attempted purchase.

As you know, in 2013 and 2014, the FBI conducted two inquiries on the Orlando gunman related to suspected terrorism. Even though the FBI was investigating him for possible terrorism, and at one point placed him on the FBI's terrorist watch list, it had no power to prevent him from purchasing weapons at a gun store.

That is the key issue. It had no power to prevent him from purchasing a gun at a gun store. Had this amendment been in place, it would have allowed the Attorney General to know about the Orlando shooter's attempt to buy a Sig Sauer MCX assault rifle, and then investigate to determine whether to deny the gun based off this man's entire history.

Let me now explain how the terrorist screening database, also known as the consolidated terrorist watch list, works. Under this amendment, the Attorney General would look to this database to identify a known or suspected terrorist. To be included in this database, the FBI must have a reasonable suspicion—based on a totality of circumstances and objective facts—that a person is a known or suspected terrorist. Information is derived from intelligence and law enforcement sources at home and abroad. To ensure that only individuals who pose a threat to national security are placed on this list, FBI Director Comey told the Intelligence Committee in February that information is thoroughly vetted.

The FBI's process is also rigorously audited to reduce the number of false positives. There are approximately 1 million records in this database, but less than one-half of 1 percent are U.S. persons.

This is the net. This is the terrorist screening database. This is the product of intelligence and law enforcement. It is scrutinized, and if it is worthy, it is placed on this database—1 million records maintained by the FBI's Terrorist Screening Center, fewer than 5,000 U.S. persons. That is one-half of 1 percent.

This is a targeted list that is carefully put together. It is focused on known or suspected terrorists believed to represent a risk to public safety.

One thing I want to say, and I will repeat this when I discuss Senator COLLINS' bill, but many people confuse this list with the no-fly list. The no-fly list is this dark blue center. It is 81,000 records. It is maintained by the FBI's Terrorist Screening Center, and it has fewer than 1,000 persons.

Then there is the selectee list. It is even smaller. It is 28,000 records maintained by the FBI's Terrorist Screening Center—fewer than 1,700 U.S. persons. But you can see, if you are going to have a net, the net has to be big enough. I am going to explain to you why in a moment.

Our amendment also includes due process protections. It allows an individual who believes they were mistakenly denied a gun to learn the reason for the denial and appeal that decision,

both administratively with the Justice Department and judicially. This is the same appeals process currently in place for anyone who believes they are wrongly denied a gun through the NICS database, which I just went through a few minutes ago.

Let me speak about two Republican proposals, why I think they wouldn't work. I am delighted the Senator from Texas is on the floor. We both sit on the Judiciary Committee. I have had the pleasure of working with him for a number of years. But his amendment requires the probable cause standard to be met. That is a very high standard because if that standard is met, there is already enough evidence to arrest the person, search their home and car, seize their property, and indict the person.

It is not a practical standard to block a gun purchase. It would just be an infinitesimal part of what is actually out there. The proposal also says that somebody should be entitled to a full-blown contested hearing with counsel, but if this hearing is not completed within 72 hours, the gun sale goes through. The hearing would require the filing of an emergency petition, the service of process, the opportunity for the individual to get a lawyer, and then the actual full-blown hearing. This is nearly impossible to achieve within 72 hours, and if it isn't achieved, the terrorist gets the gun.

Senator COLLINS has also circulated alternative language. I consider myself a friend of hers. I have great respect for her. We serve on the Intelligence Committee together. But my view is that her alternative is not enough to close the loophole that creates this terror gap and allows terrorists to buy guns.

This alternative would focus on narrow parts of the database. This no-fly list—you can see how small it is—and the selectee list, which is here—the selectee list includes those persons who can fly but who receive additional screening before boarding a plane.

Focusing so narrowly on these two smaller lists is not enough, and I would like to tell you why. It would leave out a huge number of known or suspected terrorists—one, as you can see. I have gone through that. I have gone through the no-fly list. If we were to focus only on the no-fly list and the selectee list, we would be leaving out 891,000 foreign nationals—names given to us by law enforcement, intelligence sources, both here and among our allies—who are on the terrorist watch list and approximately 2,300 U.S. persons determined by the FBI to be known or suspected terrorists. Focusing on the smaller lists leaves out close to 90 percent of known or suspected terrorists, covering both U.S. persons and foreigners.

I remind my colleagues, you don't need to be a U.S. person to legally buy guns in this country. That makes it important to understand how this list is larger. Let me give you an example. Travelers using the Visa Waiver Program can legally buy guns. There are

20 million travelers in that program annually, and more than 100,000 of them don't go home when they should.

Now I would like to share one example where a known or suspected terrorist was on the FBI's radar but likely had not been placed on the no-fly list. Over the weekend, my staff went through 86 cases and pulled out some of them. I have them here, and at this time I would like to mention one.

Nader Saadeh, a U.S. citizen, was radicalized and became a devoted follower of ISIL. The FBI received a critical tip about Saadeh in April of 2015. The tip included a detailed account of his radicalization and support of ISIL. This is all available in a 13-page criminal complaint. In May, Saadeh flew from New York City to Jordan. He was detained and later arrested by the FBI. Here is someone who clearly met the definition of a known or suspected terrorist but was permitted to fly out of a major U.S. airport in the city where the 9/11 attacks occurred. This shows the danger of focusing only on narrow subsets of the terrorist watch list. To me, that just doesn't make sense.

There is broad support for our amendment, including more than 260 organizations and community leaders around the country.

Madam President, I ask unanimous consent that the list be added to the CONGRESSIONAL RECORD directly following my remarks.

The Justice Department and the White House support this amendment. They believe it is a workable approach to help prevent terrorists from obtaining weapons. We worked with the Justice Department, and the Justice Department made some additions to our amendment. They released a statement of support. I will read it in part: "This amendment gives the Justice Department an important additional tool to prevent the sale of guns to suspected terrorists by licensed firearms dealers while ensuring protection of the department's operational and investigative sensitivities."

Thirty-eight Senators have cosponsored the amendment, including Republican Senator MARK KIRK, making it bipartisan.

Closing the terror loophole gap is an important step, but it isn't enough. Let me explain why. Today, you can buy a gun at a gun show without a background check. As a matter of fact, my chief of staff, a woman, was pursued at a gun show to buy a .50-caliber rifle, which is a sniper rifle from which a bullet can travel for a mile and still go through a brick wall. You can buy a gun on the Internet without a background check. You can buy a gun on the private market without a background check. That is why we must pass the amendment offered by Senators MURPHY, SCHUMER, BOOKER, and BLUMENTHAL. This would ensure that guns sold at gun shows, over the Internet, and from person to person are subject to background checks. If we don't also make that change, known or suspected terrorists will still be able to

buy guns at gun shows with no questions asked.

Now, with ISIL intent on perpetrating and inspiring attacks in this country, there is an increased urgency to make it harder for terrorists to get their hands on guns. To me, this isn't a gun control issue. It is really a national security issue. If there is any doubt about that, let me briefly share a portion of CIA Director John Brennan's remarks from last week's open hearing of the Senate Intelligence Committee. He said:

We judge that ISIL is training and attempting to deploy operatives for further attacks. ISIL has a large cadre of Western fighters who could potentially serve as operatives for attacks in the West. The group is probably exploring a variety of means for infiltrating operatives into the West, including refugee flows, smuggling routes, and legitimate methods of travel.

Further, as we have seen in Orlando, San Bernardino, and elsewhere, ISIL is attempting to inspire attacks by sympathizers who have no direct links to the group. Last month for example, a senior ISIL figure publicly urged the group's followers to conduct attacks in their home countries if they were unable to travel to Syria and Iraq.

Those are the words of the head of the world's most prominent intelligence agency. We should heed those words. We know ISIL adherents and sympathizers are already inside the United States. In fact, since March of 2014, Federal prosecutors have charged 86 men and women around the country in connection with the Islamic State, and 36 have been convicted. We also know that terrorists are well aware just how weak our gun laws are and that they urge their followers to exploit them.

In 2011, a man by the name of Adam Gadahn, an Al Qaeda spokesman—he is actually an American who went to Syria and was a suicide bomber—urged terrorists to take advantage of our weak gun laws. Gadahn stated on the Internet: "America is absolutely awash with easily obtainable firearms."

This bears repeating. Terrorist groups—like Al Qaeda, ISIL, al-Nusra, and others—know that our gun laws are weak and can be exploited.

We can't continue to do nothing in the face of such potential death and potential devastation. I have been fighting to reduce gun violence throughout my career, since my days as a county supervisor and as mayor of San Francisco. I know how difficult it is to make changes because the opposition is so extreme and opposes any measure to curtail gun violence—no matter what it is. It was against all odds that the assault weapons legislation passed in 1994, and the gun lobby fought hard not only to defeat the amendment, which succeeded, but to defeat those in the House who supported it, and that started its own reign of terror.

When the Brady background check passed in 1993, multiple cloture motions on the bill failed before it ultimately passed with 63 votes, but that bill did not cover sales at gun shows,

private sales, or Internet sales, which have increased significantly.

After the Newtown shooting, I thought we would do something to stem the tide of these weapons. We tried.

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

Mrs. FEINSTEIN. Madam President, I am just about finished. I ask unanimous consent for an additional minute.

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

Mrs. FEINSTEIN. Madam President, we tried to renew the ban on assault weapons, but that failed. We tried to expand the background check, even through a compromise offered by Senator MANCHIN, but that effort failed. I remember that when the vote on the background check failed, the New York Daily News put the photos of the Newtown victims on the front cover. There were 20 young children, ages 6 and 7, and their educators, and the headline read: "For Shame."

It is time for us to stand up. It is time to force elected representatives to take action. We must expand background checks. We must make sure that the government can stop a gun from being sold to a known or suspected terrorist, and that is not too much to ask.

I thank the Presiding Officer, and I yield the floor.

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

LIST OF SUPPORTERS

LAW ENFORCEMENT ORGANIZATIONS

Department of Justice (DOJ), Prosecutors Against Gun Violence, International Association of Chiefs of Police, Los Angeles County Police Chiefs' Association, Police Executive Research Forum (PERF), The National Law Enforcement Partnership to Prevent Gun Violence, Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), Hispanic American Police Command Officers Association (HAPCOA), International Association of Campus Law Enforcement Administrators (IACLEA), Major Cities Chiefs Association (MCC), National Association of Women Law Enforcement Executives (NAWLEE), National Organization of Black Law Enforcement Executives (NOBLE), Police Foundation, Women in Federal Law Enforcement, Inc. (WIFLE).

GUN SAFETY

Brady Campaign to Prevent Gun Violence united with the Million Mom March, Coalition to Stop Gun Violence, Campaign to Unload, Law Center to Prevent Gun Violence, Sandy Hook Promise, Newtown Action Alliance, Americans for Responsible Solutions, Illinois Council Against Handgun Violence, Faiths United to Prevent Gun Violence, Wisconsin Anti-Violence Effort (WAVE), CeaseFirePA, North Carolinians Against Gun Violence (NCGV), Iowans for Gun Safety, Arizonans for Gun Safety (AzGS), Women Against Gun Violence (WAGV), Colorado Ceasefire Legislative Action, Delaware Coalition Against Gun Violence (DeCAGV), Georgians for Gun Safety (GGS), Hawaii Coalition to Prevent Gun Violence, Hoosiers Concerned About Gun Violence (HCGV), Maine Gun Safety Coalition, Marylanders to Prevent Gun Violence, Stop Handgun Violence, Connecticut Against Gun Violence (CAGV), Michigan Coalition to Prevent Gun

Violence, Everytown for Gun Safety, Greenwich Council Against Gun Violence.

Missouri and Kansas Grandparents Against Gun Violence, Nebraskans Against Gun Violence (NAGV), New Mexicans to Prevent Gun Violence (NMPGV), New Yorkers Against Gun Violence (NYAGV), Ohio Coalition Against Gun Violence (OCAGV), National Cathedral Gun Violence Prevention Group, OK GunSense, Ceasefire Oregon, Rhode Island Coalition Against Gun Violence (RICAGV), Safe Tennessee Project, Texas Gun Sense, Gun Violence Prevention Center of Utah, Virginia Center for Public Safety, Washington CeaseFire, States United to Prevent Gun Violence, Stop Our Shootings, Violence Policy Center (VPC), Protect Minnesota, Gun Free Businesses, Virginia GVP Coalition, ART = AMMO Artists Against Gun Violence.

RELIGIOUS

San Francisco Interfaith Council (SFIC), Orthodox Union Advocacy Center, The Rabbinical Assembly (RA), Baptist Peace Fellowship of North America (BPFNA), Catholics in Alliance for the Common Good, National Council of Jewish Women (NCJW), Rabbis Against Gun Violence, Jewish Women International (JWI), Union for Reform Judaism (URJ), Hadassah, The Women's Zionist Organization of America, Washington National Cathedral.

OTHER ORGANIZATIONS

The United States Conference of Mayors, American Bar Association (ABA), Washington Office on Latin America (WOLA), Center for American Progress (CAP), CODEPINK: Women for Peace, Vote Vets.org, Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), Generation Progress Action Network, Safe Campus Colorado, Black American Political Association of California (BAPAC), Sierra Club, California Latino Water Coalition (CLWC), Grandmothers for Peace International, Equality California, GLBT Historical Society, Joint Action Committee for Political Affairs (JAC), Battle Born Progress, Majority Ohio Action Fund, UltraViolet, Larkin Street Youth Services, Cure Violence, Futures Without Violence.

EDUCATION AND CHILD WELFARE

American Federation of Teachers (AFT), Every Child Matters, Children's Defense Fund (CDF), National Association of Social Workers (NASW), Child Welfare League of America (CWLA), National Education Association (NEA).

LAW ENFORCEMENT LEADERS

Jackie Lacey, District Attorney, Los Angeles County, Mike Feuer, City Attorney, City of Los Angeles, Charlie Beck, Chief of Police, City of Los Angeles, Jim McDonnell, Sheriff, Los Angeles County, Toney Chaplin, Chief of Police, City of San Francisco, Jarrod Burguan, Chief of Police, City of San Bernardino, Ed Davis, Former Police Commissioner, City of Boston, Eric Jones, Chief of Police, City of Stockton, Jerry Dyer, Chief of Police, City of Fresno, Robert Castro, Chief of Police, City of Glendale, Jim Smith, Chief of Police, City of Monterey Park, Cliff Mar, Interim Chief of Police, City of Alhambra, Robert T. Guthrie, Chief of Police, City of Arcadia, Sam Gonzalez, Chief of Police, City of Azusa, Ed Dadisho, Chief of Police, City of Bell, Robert Barnes, Chief of Police, City of Bell Gardens, Sandra Spagnoli, Chief of Police, City of Beverly Hills, Scott LaChasse, Chief of Police, City of Burbank, Paul Cooper, Chief of Police, City of Claremont, Kim Raney, Chief of Police, City of Covina, Scott Bixby, Chief of Police, City of Culver City, Carl Charles, Chief of Police, City of Downey, Mitch Tavera, Chief of Police, City of El Segundo,

Edward Medrano, Chief of Police, City of Gardena, Sharon Papa, Chief of Police, City of Hermosa Beach.

Cosme Lozano, Chief of Police, City of Huntington Park, Mark Fronterotta, Chief of Police, City of Inglewood, Anthony Miranda, Chief of Police, City of Irwindale, Scott Pickwith, Chief of Police, City of La Verne, Jim Hunt, Chief of Police, City of Monrovia, Kevin McClure, Chief of Police, City of Montebello, Jeff Kepley, Chief of Police, City of Palos Verdes, Phillip Sanchez, Chief of Police, City of Pasadena, Paul Capraro, Chief of Police, City of Pomona, Keith Kauffman, Chief of Police, City of Redondo Beach, David Lawton, Chief of Police, City of San Gabriel, John Incontro, Chief of Police, City of San Marino, Larry Giannone, Chief of Police, City of Sierra Madre, Michael Langston, Chief of Police, City of Signal Hill, Randy Davis, Chief of Police, City of South Gate, Mark Matsuda, Chief of Police, City of Torrance, Daniel Calleros, Chief of Police, City of Vernon, Jeff Piper, Chief of Police, City of Whittier, David Bejarano, Chief of Police, City of Chula Vista, Ian Parkinson, Sheriff, San Luis Obispo County, Adam Christianson, Sheriff, Stanislaus County, Lisa Smittcamp, District Attorney, Fresno County.

CALIFORNIA COMMUNITY LEADERS

CA Lieutenant Governor Gavin Newsom, CA Assembly Speaker Emeritus Toni Atkins, CA State Senator Dr. Ed Hernandez, CA Assemblymember Dr. Joaquin Arambula, Mayor Edwin M. Lee, City of San Francisco, Mayor R. Carey Davis, City of San Bernardino, Mayor Casey Tanaka, City of Coronado, CA Assembly Majority Floor Leader Ian Calderon, Supervisor John Benoit, Riverside County, Mayor Sam Liccardo, City of San Jose, Mayor Libby Schaaf, City of Oakland, Councilmember Lindsey Horvath, West Hollywood City Council, Chancellor Dr. Francisco Rodriguez, Los Angeles Community College District, CA Assemblymember Cristina Garcia, Mayor Serge Dedina, City of Imperial Beach, Mayor Mary Casillas Salas, City of Chula Vista, Mayor Mary Teresa Sessom, City of Lemon Grove, Mayor Alma Beltran, City of Parlier, Mayor Sylvia Chavez, City of Huron, Mayor David Cardenas, City of Fowler, Supervisor Bruce Gibson, San Luis Obispo County, Mayor Victor Lopez, City of Orange Cove.

Mayor Robert Silva, City of Mendota, CA Assemblymember Mike Gipson, Caucus Chair, CA Assemblymember Miguel Santiago, Majority Whip, CA Assemblymember Kevin McCarty, CA Assemblymember Phil Ting, CA Assemblymember Rob Bonta, CA Assemblymember Marc Levine, CA State Senator Lois Wolk, Mayor-Elect Darrell Steinberg, City of Sacramento, Councilmember Esmeralda Soria, Fresno City Council, CA State Senator Kevin de Leon, CA State Senator Bill Monning, CA State Senator Bob Wieckowski, CA State Senator Fran Pavley, CA State Senator Marty Block, CA State Senator Tony Mendoza, CA State Senator Bob Hertzberg, CA State Senator Jerry Hill, CA State Senator Carol Liu, CA State Senator Benjamin Allen, CA State Senator Jim Beall, CA State Senator Ben Hueso, CA State Senator Isabel Hall III, CA State Senator Steven Glazer, CA State Senator Mike McGuire, CA State Senator Connie Leyva, CA State Senator Richard Pan, CA State Senator Mark Leno, CA State Senator Hannah-Beth Jackson, CA State Senator Ricardo Lara, CA State Senator Loni Hancock.

HEALTH

Catholic Health Association of the United States, Physicians for Social Responsibility, American Public Health Association, Asso-

ciation for Ambulatory Behavioral Healthcare, American Pediatric Association, American Academy of Pediatrics, American Association of Child and Adolescent Psychiatry, American Association of Colleges of Pharmacy, Academic Consortium for Integrative Medicine and Health, American College of Physicians, American College of Preventive Medicine, The American Geriatrics Society, American Medical Student Association, American Medical Women's Association, American Pediatric Society and the Society for Pediatric Research, American Psychological Association (APA), American Public Health Association (APHA), American Society of Hematology, American Thoracic Society (ATS), Association of American Medical Colleges, Association of Maternal & Child Health Programs (AAMCHP), Association of Medical School Pediatric Department Chairs, Association of State and Territorial Health Officials, Big Cities Health Coalition, California Chapter of the American College of Emergency Physicians, Care for the Homeless, Delaware Academy of Medicine/Delaware Public Health Association, Doctors Council SEIU, Doctors for America, Foundation for Healthy Generations, Global Healthy Living Foundation, HealthHIV, National Association of County and City Health Officials, National AHEC Organization, National Association of State Head Injury Administrators.

National Coalition for LGBT Health, National Health Care for the Homeless Council, National Hispanic Health Foundation, National Hispanic Medical Association, National Medical Association, National Network of Public Health Institutes, National Physicians Alliance, Pediatric Policy Council, Physicians for Prevention of Gun Violence, Physicians for Reproductive Health, Prevention Institute, Public Health Institute, Research!America, Suicide Awareness Voices of Education (SAVE), School-Based Health Alliance, Society for Public Health Education (SOPHE), Society of General Internal Medicine (SGIM), Student National Medical Association (SNMA), The Koop Institute, Trust for America's Health.

LOCALITIES

City of Solana Beach, California, San Diego Unified School District.

INDIVIDUALS

Jim Gray, Candidate for U.S. Senate, Kentucky, Dannel P. Malloy, Governor, Connecticut.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 4749

Mr. CORNYN. Madam President, as to the two main amendments that we will hear about tonight regarding the no-fly list, the watch list, or the known suspected terrorist list, we agree that terrorists should not have guns. Terrorists should not have guns. The only difference between the amendment of the Senator from California and my amendment is that once the gun purchase was stopped, under her amendment the bad guy walks away, and like the bombers who used the makeshift bomb in Massachusetts or some other device, they would be able to go buy guns illegally or create some other weapon of mass destruction and commit terrorist acts. My amendment would make sure that the law enforcement officials were notified on a timely basis, and then they would have up to 3 additional days to go to court and show probable cause to get a wiretap to

listen to phone conversations, to execute search warrants to get additional information, and then to go before a judge and not just to deny access to the firearm but to take the terrorists off the street. Actually, in many ways, the amendment of my friend from California would not be as tough on the terrorists as mine would be.

We really should not be focusing on restricting the rights of law-abiding citizens under the Second Amendment without due process of law. That is what the Feinstein amendment does. We ought to be asking ourselves if there are those in this Chamber who believe you can deny American citizens their constitutional rights without due process of law based on a secret list that the government maintains. I don't care who it is. Whether it is the Obama administration or the former Bush administration, I don't think any American should sacrifice their constitutional rights without forcing the government to go to an impartial magistrate or judge and be able to show sufficient evidence to convince the judge that they have the evidence to deny those constitutional rights. This is really surreal to me.

Our colleagues want to make this about gun control when what we should be making this about is the fight to eliminate the Islamic extremism that is the root cause for what happened in Orlando. My colleagues, in many ways, want to treat the symptoms without fighting the disease. There is absolutely nothing in the Feinstein amendment that would have prevented the Orlando shooting from occurring—nothing.

Conversely, under my amendment, the FBI would be immediately notified of anybody who was or had been on a watch list during the preceding 5 years, and this would obviously escalate the investigation. The FBI could go to court, get a search warrant, get a wiretap, after getting the appropriate waivers, and get the sort of evidence necessary to detain or arrest, in other words, the terrorists rather than just deny them access to a firearm. If they are too dangerous to buy a firearm, they are too dangerous to be loose on our streets.

The Boston Marathon bombers, which I mentioned a moment ago, the San Bernardino jihadists, and the ISIS-inspired radicals in Garland, TX, are all examples of the fact that Islamic extremists want the American people to trade our liberties and values for fear and panic.

CIA Director John Brennan made it clear last week that this threat from ISIS, or the Islamic State, is not going away. He said that the President and just about every other member of the administration have refused to acknowledge that the administration's efforts "have not reduced the group's terrorism capability and global reach."

Each time an attack has happened, my colleagues on the other side of the aisle want to make this about their

gun control agenda. We can have that debate, but to act like this is a substitute for dealing with the threat of ISIS, either abroad or here at home through radicalization of American citizens using social media and the Internet, is just a diversion.

I think all we need to do is to look at what the administration decided on the 911 transcripts from Orlando. Originally, they said they were going to redact those transcripts. Well, I am glad they had a chance to reconsider it because this reveals what was going on in that nightclub in Orlando. This reveals what the motivation was of the shooter. This wasn't just some street crime incident. This was a premeditated terrorist attack on American soil. Failing to release the complete 911 tapes would have been an affront not only to any promise of open government—and the administration said they were going to be the most open, transparent government in American history—but it would be an insult to the American people. You can't redact away the hurt and pain that so many are feeling from the loss of loved ones or the loss of a sense of security. You can't redact away the reality that a hate-filled killer pledged his allegiance to a terrorist organization before killing 49 Americans.

I still believe one of the administration's goals is to avoid any discussion about their failed strategy to combat radical Islamic terrorism either abroad or here at home. Instead, they decided to pivot and limit Americans' constitutional rights without due process of law.

If they can do that to the Second Amendment, can they do it to the First Amendment? How about the Fourth or Fifth Amendment? How many more provisions of the Bill of Rights do our Democratic friends believe can be denied, absent due process of law or forcing the government to go in front of an impartial judge and actually producing some evidence? We are indeed facing a serious threat from radical terrorism, both overseas and at home, and if we can't be honest and clear-eyed about who is attacking us, how in the world do we have any chance to defeat them? Because that needs to be our ultimate goal—to degrade and ultimately destroy ISIS.

We all agree that terrorists should not be able to purchase a weapon. That is not up for debate, and anybody who suggests that it is, is simply misleading you. The question before us is whether we are going to do so in a way that is constitutional. The question before us is, Are we going to do it in a way that would actually improve terrorist investigations or not?

My amendment is called the SHIELD Act, and it would stop terrorists from buying guns while ensuring that law-abiding citizens placed on a watch list by mistake don't have their rights taken away because of some secret list created by the Obama administration or by this government. And it will

also—this is important—it will also set up a process to monitor, investigate, and detain terrorists where warranted by evidence. In that way, my proposal is far and away stronger than the proposal of the senior Senator from California for several reasons.

First, her amendment is unconstitutional. Last week I mentioned the problems that the late Senator Teddy Kennedy had when his name came up on a watch list by mistake. He was denied a ticket at an airport on one of his trips between Washington and Boston. After realizing the problem, he had a lot of trouble getting it resolved. And you can bet, if Teddy Kennedy had trouble getting it resolved, what kind of a chance does an average American have? He said as much. He said: Now, if they have that kind of difficulty for a Member of Congress, how in the world are average Americans, getting caught up in this kind of thing, going to be able to get treated fairly and not have their rights abused?

Senator Kennedy asked the question we all need to be asking right now. If a well-known, well-connected, and powerful public figure like Ted Kennedy had trouble getting his name removed from a watch list, do we have any confidence that average Americans won't have their constitutional rights denied with no legal process to remedy it? Our friends across the aisle wouldn't provide due process for law-abiding citizens placed on a watch list by mistake, like the late Senator Kennedy, and mine would.

Secondly, the Feinstein amendment has another fatal flaw. There are no additional tools for law enforcement to monitor, investigate, and detain suspected terrorists. My proposal not only stops them from buying a gun, it would take them off the streets.

FBI Director Comey has testified before the Senate that legislation that merely blocks a firearm transfer to a person on a watch list, without more, could actually disrupt a terrorism investigation. That is because if we automatically block the transfer, then it would tip the suspected terrorists that law enforcement is watching them and building a case, and they would simply turn to some other weapon, either illegal or manufactured. This could have tragic consequences, as a terrorist could take immediate steps to speed up their attack, obtain illegal weapons, as I said, or bomb-making materials, all the while thwarting law enforcement surveillance.

We need to be careful about enacting legislation that could, in the words of the FBI Director, effectively blow a terrorism investigation. No matter how well-intentioned, I believe that would be the effect of Senator FEINSTEIN's amendment.

The truth is, under that amendment a motivated terrorist could buy a gun, be denied, then walk out of the gun shop and find another avenue to carry out a terrorist attack. By letting a dangerous terrorist roam free on the

streets, the proposal of our Democratic friends would make us less safe, not more.

My legislation, in contrast, would not only block that person from buying a firearm because the FBI would be immediately notified and they wouldn't be able to take it with them—they would have to wait at least 3 days while the FBI conducted an additional investigation—it would also allow the authorities the opportunity to carry out that investigation, followed by an expedited court hearing where a judge could block the sale and authorize the arrest of the terrorist if, in fact, there was some evidence to prove that was the case. If the judge deems there is probable cause to block the sale, the terrorist can be immediately detained by law enforcement.

I repeat myself: If someone is dangerous enough not to own a firearm, aren't they also dangerous enough to be taken off the streets? The amendment of the Senator from California would let the bad guy go.

In this way, my proposal goes much further than our Democratic friends who have to do more to prevent terrorists from buying guns, and we have to lock them up and stop them before they kill innocent Americans too.

Importantly, my amendment would apply to anyone who was previously under an investigation for suspicion of terrorism within the last 5 years, like the Orlando attacker. The Orlando attacker wasn't even on the watch list, so I don't know what my friend from California is trying to propose here by saying that if you are on a watch list, you ought to be denied a gun. But I guess she is saying that even if you are not on a watch list, you ought to be denied a gun. We have said that if you have been on a watch list for the last 5 years, then the FBI would be provided notice.

Mrs. FEINSTEIN. Madam President, will the Senator yield for just one forward comment? Our bill does the same thing.

Mr. CORNYN. I will yield to the Senator after my remarks. I am almost through.

When similar proposals were offered in December, the amendment from the senior Senator from California didn't even get a majority of votes in this body. My related proposal back in December was bipartisan and garnered 55 votes.

I am glad the junior Senator from Indiana and the junior Senator from West Virginia—both Democrats—supported that bill then, and I hope they will do so again. Both made the decision to do what was right instead of what was politically convenient. The due process clause of the U.S. Constitution is more than just a convenience; it is, after all, our Constitution. Senators pledge to uphold and defend the Constitution of the United States, but then to vote for an amendment that would deny constitutional rights without due process of law—it sure seems intentioned with that oath.

We must advance commonsense legislation to defend ourselves against Islamic extremism, and I believe my amendment is a good place to start.

It is not the only idea. The Senator from Maine, Ms. COLLINS, and the Senator from Pennsylvania, Mr. TOOMEY, have some interesting ideas that I know they would like to develop and have a chance perhaps to vote on, but in the meantime, we need to do more to equip the FBI with the law enforcement tools they need to gather information on terrorists so that we can lock them up, and we have to be able to collect the dots before we can connect the dots.

I hope today my colleagues vote for my amendment. It blocks terrorists from buying guns, it detains terrorists if there is evidence to prove sufficient to satisfy a judge that they should be taken off the streets, and it upholds the Second Amendment to the Constitution of the United States.

Again, the question before us couldn't be clearer. We are going to vote on two proposals, both of which stop terrorists from buying guns. One is constitutional; one is not. I would strongly urge my colleagues on the other side of the aisle to support the one that is constitutional, and that would be the SHIELD Act, or the Cornyn amendment.

I yield to the Senator for a question. Mrs. FEINSTEIN. Madam President, it is my belief that our amendment does cover the—Senator LEAHY and Senator NELSON submitted to us an amendment, which is incorporated, which does cover the Orlando killer. I wanted the Senator to know that.

Thank you very much.

Mr. CORNYN. Madam President, I would say to my friend from California, the problem in this instance is this shooter was a licensed security guard. He was guarding a courthouse. He also had a firearms license from the State of Florida. So there is nothing about her amendment that would have prevented him from purchasing a firearm. Indeed, the only thing that might have happened would be that the FBI would be notified under the 5-year lookback provision, but the FBI had already conducted two investigations of this particular shooter and had cleared him, notwithstanding all of the troubling signals we see now in retrospect. So I still believe there is nothing in the Feinstein amendment that would have prevented this shooter from purchasing firearms because he had a firearms license already and had previously been cleared by two FBI investigations and taken off the watch list.

Madam President, I yield the floor.

Mrs. BOXER. Madam President, what is the order?

The PRESIDING OFFICER. The Senator from California has up to 10 minutes.

Mrs. BOXER. OK. I understand that Senator NELSON wants some time and Senator MURPHY wants some time. May I ask through the Chair how much time remains on our side?

The PRESIDING OFFICER. The time is not equally divided.

Mrs. BOXER. Let me suggest, then, that after I finish on our side, that Senator NELSON be followed by Senator MURPHY at times they can work out on our side and Senator GRASSLEY in between—for how many minutes?

Mr. GRASSLEY. You guys want to take up all the time; is that what you want to do?

Mrs. BOXER. I didn't say that, no, sir.

Madam President, I think we will let everyone work it out, but I know I have 10 minutes, so I will take that time at this time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you, Madam President.

First, I thank my colleague Senator FEINSTEIN for her decades of work to address gun violence. I also thank Senators MURPHY, BLUMENTHAL, and BOOKER for standing on their feet for almost 15 hours to force the Republican leadership to at least allow some votes on gun safety.

Six months after we joined the Senate, Senator FEINSTEIN and I—this was in 1993—learned the horrific impacts of assault weapons when a deranged gunman entered the law offices of 101 California Street in San Francisco and killed eight people and wounded six others. When you lose someone you know to gun violence, it is very hard to get that out of your soul. And one of those killed in that attack in a law office with an assault weapon was one of my son's best friends. Yes, the soul of our family and his family and all the other families who were gunned down—I will tell you this: The pain does not go away. And I know we all feel that. I know we all feel that. The question is, "What are we going to do about it?" If not now, when is the time to do something about it?

After Orlando—the worst mass shooting in American history—and I see my friend Senator NELSON, who has been there and who has looked into the eyes of families, and he will never be the same, having done that.

This is a moment for us to do the right thing, to finally take action. Is it going to stop everything in the future? No. But it is a crisis, so we have to do what we can do. We should have done it after San Bernardino, we should have done it after Sandy Hook, and we should have done it after Santa Barbara and Aurora, but we didn't, so let's do it now.

By the end of this year, 30,000 Americans will have died from gun violence. In 10 years, roughly 300,000 Americans are killed by guns—300,000.

We lost more than 4,000 after 10 years in Iraq and nearly 60,000 after 10 years in Vietnam. Losing those incredibly large numbers of soldiers—64,000, roughly, in 10 years of those two wars—tore our Nation apart. It tore our Nation apart. But we lose 300,000 Americans from gun violence over 10 years

and my Republican friends do nothing. That is the hard, cold truth. They claim they want to do something, but, as Senator FEINSTEIN pointed out, when we look at the bottom line of their proposals, they essentially do nothing. And the gun epidemic continues.

How many times do we come to the Senate floor to send our thoughts and prayers to families, but we don't do anything of substance to back those prayers up—not since my colleague got through her assault weapons ban. Since then we have done nothing, and that was in the 1990s.

Unfortunately, I was just on the floor in December after a mass shooting at a holiday party that killed 14 people and wounded 17 others in San Bernardino. I stood right here, and I begged for us to come together and pass sensible laws to prevent another community from the gut-wrenching heartbreak my state was going through. That was just six months ago. We did nothing.

I was on the floor after a mass shooting in Santa Barbara in 2014, and I called for us to pass a pause that gives family and friends who fear their loved ones are going to use a gun in a dangerous way—to give them a way to temporarily stop that loved one from obtaining a gun and do it legally through a court hearing. California passed that law. We did nothing—no action.

When is it finally going to happen? When are we going to do something?

I would urge every single person watching this debate to watch the votes. The only two proposals that do anything are the Feinstein proposal and the Murphy proposal. One deals with keeping guns out of the hands of terrorists; the other makes sure that people who buy a gun at a gun show or a private transaction get a background check.

Should terrorists have guns? Every one of us says: Oh, no.

Do we need to defeat ISIS? Yes, they are one of the most brutal, vicious terrorist groups, and that is why I support the President's actions to take them out. I was glad to see the Iraqis recapture Fallujah from ISIS, but that doesn't stop the lone wolves over here. We need to make sure those lone wolves don't get a gun.

Should mentally unstable people have guns? No. We need to address that.

Should weapons of war be allowed on our streets? Even the inventor of the assault-style weapon—his family said he never meant it to be used on the streets. It is a weapon of war. Those weapons have no business being in civilian hands.

Today we have some good news out of the Supreme Court. They refused to take up a case that challenged the assault weapons ban in Connecticut. That is good news. It follows the legal opinions we have seen from the Court that say: Yes, there is a right to bear arms, but, yes, you can have commonsense gun laws so that people who can

be trusted get a weapon and those who cannot, do not. Responsible people should be able to get a gun and pass a background check.

What happened in the world? Look at this chart. Do you see this big huge line? That is America. These are the rest of all the industrialized nations in terms of gun deaths. We know that tough gun safety laws around the world save lives.

Germany tightened their laws and shooting deaths dropped in half from 106 in 2002 to 61 in 2012 after they acted. In Australia, after they acted, gun deaths dropped from 98 in 1996 to 35 in 2014—after they took action.

In my home State of California, there was a 56 percent drop in gun violence between 1993 and 2010, according to the Law Center to Prevent Gun Violence, because our State took action. According to Johns Hopkins, Connecticut also saw an estimated 40-percent drop in gun-related murders in 10 years because they passed a 1995 law requiring a license before a gun purchase.

No, we can't prevent every single tragedy, but we can respect the Second Amendment and still pass common-sense gun safety laws.

We should pass Senator FEINSTEIN's amendment to prevent a suspected terrorist from buying firearms or explosives, and we should pass Senator MURPHY's amendment requiring background checks for all firearms sold or transferred privately.

There are 30,000 reasons to pass these amendments—one for every American who will die by year's end because of gun violence.

There is another number I want to conclude with—100.

We are 100 Senators. We have the honor and the privilege of being here.

We can do something about those 30,000 deaths a year. No, we are not going to cure it all with two measures. It is going to take more time than that. But people deserve to be safe at work, safe at school, safe at a shopping mall, at a health care clinic, and, yes, at a nightclub. So it is up to us to act. One hundred of us can look at the fact that we lose 300,000 Americans over 10 years, and we have done nothing since the 1990s. Today we can change all that.

I do thank so very much my colleagues, Senator FEINSTEIN and Senator BLUMENTHAL, for their work on this legislation.

Mr. President, I retain the time for the debate on our side.

The PRESIDING OFFICER (Mr. COATS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I speak, I ask unanimous consent that I be permitted to speak for up to 20 minutes, to be followed by Senators Nelson and Murphy for 5 minutes each.

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

Mr. GRASSLEY. Mr. President, would you please tell me when I have used 17 minutes, and then I want to re-

serve 3 minutes for the Senator from Pennsylvania to follow me with his 3 minutes.

The PRESIDING OFFICER. The Chair will do so.

AMENDMENT NO. 4751

Mr. GRASSLEY. Mr. President, today I wish to address three topics.

First, I want to express my unwavering support for those who were killed and wounded in Orlando and for their families, friends, loved ones, and community members.

This terrorist attack represents a great tragedy and an affront to our way of life and very existence as Americans.

I look forward to doing what I can as chairman of the Judiciary Committee to support and give the FBI the tools it needs to investigate the circumstances of this attack by a radical Islamic terrorist.

All Americans have every reason to be upset and even furious over the deadliest attack since the awful events of September 11.

I, too, am angry. I am angry that this individual was interviewed twice, yet evaded detection. I am angry that this radical made his plans known to others and generally raised suspicions of others, yet was still able to carry out his horrific plot.

And I am upset that the attack in a sense reflects the failure of our foreign policy. There are more lone wolf attacks because there are more lone wolves.

I was asked recently: Why does it make any difference whether President Obama references "radical Islamic terrorism" or not?

The answer is that growing numbers of jihadists are spewing radical Islamic terrorist ideology over the Internet, radicalizing Americans into lone wolves.

President Obama said, after the Orlando attack, that the shooter was not involved in a "larger plot," as if that would provide comfort.

By not calling out that the attack developed from radical Islamic terrorism, he failed to recognize the dangerous ideology that derives from radical Islam and its deadly influence on individuals who are not part of any "larger plot."

Moving on to my second course of business, I am here to talk about guns and the Second Amendment.

Over the course of multiple hours on Wednesday, we heard my colleagues across the aisle take all of their anger and focus it on firearms—not the war on terror, not radical Islam, not our porous borders, but guns.

Through the hours of finger wagging, many things were stated as the gospel truth, and if we are truly to have a discussion regarding guns, those misleading or incomplete statements must be corrected.

We can have a debate on the merits. My colleagues across the aisle are entitled to their opinions, but they are not entitled to manufacture their own facts.

From the first moment the minority leader hit the floor on Wednesday, we heard erroneous statements on the law on gun purchasing by those who would commit terror.

He cited comments from a jihadist that would-be terrorists can go to gun shows and buy fully automatic weapons without a background check.

Well, they can't.

Even the Washington Post Fact Checker gave the minority leader two pinocchios on this claim.

No one can buy a fully automatic weapon without a background check.

The gun used in Orlando was not a fully automatic weapon.

It was a semi-automatic weapon, where each pull of the trigger makes one shot.

Those guns are used legitimately for recreational purposes by large numbers of law-abiding Americans for target practice.

Surely the minority leader knows the law on this point.

The fact that a radical Islamic terrorist would lie about the law is not a reason that the law needs to be changed.

The minority leader also invoked what he referred to as the "terror loophole."

So did the Senator from Connecticut, whose amendment is before us.

What is this terror loophole?

To hear the minority talk about it, it means that terrorists are able to lawfully purchase firearms.

This is nonsense.

Anyone convicted of terrorism can't legally buy a gun.

For people we know are going to commit terrorism, I hope that we are not only preventing that individual from buying a gun, but we are either killing, arresting, or detaining that individual, depending on where he or she is found and in what capacity.

What the other side means when they say terror loophole is someone who might be on any number of flawed terrorist watch lists.

If we actually had a list that contained only actual terrorists, I would gladly support an effort to not only prevent them from acquiring firearms, but also to detain and bring them to justice as quickly as possible.

What we really have are these flawed watch lists that contain errors and are at the same time both under- and over-inclusive.

Time and again, the other side says they support Second Amendment rights.

Don't believe them.

The terrorist watch list amendment they now propose achieves the remarkable feat of violating two different provisions of the Bill of Rights at the same time.

It violates the Second Amendment right to keep and bear arms and it violates the Fifth Amendment's Due Process Clause.

The Senator from Connecticut has discussed on the floor that the Second Amendment is not absolute.

That is a truism. No one says it is absolute.

The question for the other side is: What rights do they think the Second Amendment protects?

Secretary Clinton has refused to say that she believes that the Second Amendment protects a fundamental individual right.

If it doesn't, then what individual rights of gun ownership does it protect?

And the terrorist watch list amendment also doesn't treat the Second Amendment as protecting a fundamental individual right to own any guns.

The amendment violates the Second Amendment because a fundamental constitutional right cannot be infringed without due process of law.

The executive branch compiles a secret no-fly list without notice to the individual, any opportunity to be heard, or any judicial finding that there is probable cause to believe that the individual should be on the list.

As a result, the list fails to include some who should be on it, and it includes people who shouldn't.

We know that our former colleague, Senator Kennedy, was on the list.

This Senator helped a former high-ranking army officer be removed from the list.

The statement that the other side made that there is no due process problem because all these individuals are dangerous is false for many reasons, including that there is no proof that they are all actually dangerous.

Depriving people of constitutional rights based on an inaccurate list and no process at all prior to that denial of rights violates due process.

One list is compiled for purposes of allowing flight, which, unlike gun ownership, is not a constitutional right.

It was never designed for any other purpose.

To apply it to gun purchases is, in the words of an Obama administration official, "apples and oranges."

But the amendment treats apples as oranges.

The other side just doesn't care that the Feinstein amendment is unconstitutional.

We know that because experts have made this indisputable point for 6 months since the amendment was first proposed.

But when the amendment is offered again, the same flaws appear.

Like the Bourbon kings, the sponsors have learned nothing and forgotten nothing.

To be sure, the Bush administration proposed a similar wrong-headed idea.

But that was before the Supreme Court recognized that the Second Amendment protects an individual right to gun ownership.

And Congress did not pass that proposal.

It is important to note that some of the most prominent voices against the terrorist watch list amendment are people who support gun control.

For instance, in an editorial featuring a photo of Senators FEINSTEIN and MURPHY, the Los Angeles Times asked and answered the question this way: "Should people on the no-fly list be able to buy guns? Yes."

The editorial pointed out correctly that people on the various no-fly list and terrorist watch lists are not convicted of any crime.

We don't know that a person is actually dangerous because he or she is on the list.

The vast majority of the people on the list are foreigners who are already prohibited from buying guns.

And the Los Angeles Times accurately stated that, since the Second Amendment is a fundamental right, the "reasonable suspicion" standard in the Feinstein Amendment is too weak a standard for a government agency to abridge that right without judicial supervision.

And it also faulted the amendment for only allowing a challenge to a gun sale after it was denied, with no judicial involvement prior to that point.

The editorial also noted that the San Bernardino shootings would not have been stopped had an amendment prohibiting people on the terrorist watch list from buying guns been in place.

And I will add neither would the killings in Orlando, since this person was not on the list at the time of the gun purchase.

Claims made to the contrary on the floor are without merit.

My amendment, which I will discuss in a little while, and the Cornyn amendment, would have given law enforcement notice that this individual sought to purchase a gun, for them to take appropriate action.

The Los Angeles Times was not the only major newspaper that editorialized against the Feinstein amendment—so did the largest newspaper in my state of Iowa, the Des Moines Register, for many of the same reasons.

I know that the minority leader pays close attention to the Register's editorials.

But if he blew up their editorial against the Feinstein amendment on a chart behind him on the Senate floor, as he has with various other of their editorials, I must have missed it.

Just this past week, the New York Times ran an opinion piece by Adam Winkler, another Californian, and a law professor at UCLA.

Professor Winkler noted that the National Rifle Association has raised objections to the Feinstein amendment, in particular, that the Attorney General has too much leeway under that amendment in placing people on the list based only on suspicion.

And they object as well to the bill's flawed process of denying the sale based solely on the Justice Department's say so, and allowing a prospective purchaser to sue the Department in court, but only after their right is denied.

But unlike many other gun control supporters, Professor Winkler wrote,

"We should take the N.R.A.'s criticisms seriously.

"Due process of law is a vital constitutional principle and Americans have a right to own firearms for self-protection."

Professor Winkler also wrote, "If the attorney general believes a suspected terrorist should be added to the list, she should have to go to court first and offer up evidence.

"Only after concluding that the attorney general has probable cause should the court approve the denial of the suspect's right to own a gun."

This proposal's violation of the Second Amendment is demonstrated by considering whether the other side would condition the exercise of any other constitutional right in the same way.

Lone wolves are susceptible to radical Islamist terrorist propaganda on the internet.

But the sponsors of that amendment would never propose curtailing a person's First Amendment right to search the internet because the Attorney General suspected they might be a terrorist.

What if inclusion on one of these lists deprived an individual of their right to worship at a church, mosque, or temple?

Or their ability to qualify for public assistance, the ability to obtain an abortion, or their right to vote?

It is not credible to believe that the Senators who support the amendment from the Senator from California would be so passionate about stripping these other rights and benefits based upon inclusion on a flawed list.

Let's talk straight.

Taking away a fundamental constitutional right based on a flawed list and the Attorney General's suspicion can't be called closing a terrorist loophole.

I am not sure how you tell constituents that you believe that the Second Amendment guarantees an individual right to keep and bear arms if you vote for that amendment.

The terrorist watch list amendment is not only unconstitutional, but is based on faulty premises.

Its supporters would have the public believe that a person on that list can go buy a gun without anyone stopping them. This is simply not true.

At a Judiciary Committee hearing last December, FBI Director James Comey stated that currently the FBI is notified when an individual in the terrorist database attempts to buy a firearm.

More to the point, Mr. Comey stated there are "a variety of things that we do when we are notified that someone on our known or suspected terrorist database is attempting to buy a firearm."

"The FBI is alerted when that is triggered, and then we do an investigation to understand are there disqualifiers that we are aware of that could stop the transaction. And if the transaction goes through, the agents who are assigned to that case, to that subject, are alerted so they can investigate."

So let's be clear, the FBI is notified when someone in the database attempts to purchase a firearm, and then they investigate the individual.

All of the rhetoric you heard about the FBI not knowing about a particular purchase is not true; they are notified.

The reason they were not notified in Orlando is because the terrorist had been removed from the watch list.

There have been so many poorly reasoned arguments and misstatements of law and fact on the Senate floor that cry out for a response.

One thing this attack should show is the need for increased ability of our intelligence agencies to identify and monitor individuals who are either tied to radical Islamic terrorism or are potential lone wolves.

Recently, a Senator spoke of his unwillingness to give the FBI additional surveillance tools in the form of national security letters for fear that the FBI might use that power as it had unfairly investigated the likes of Martin Luther King, Jr.

This same Member came to the floor Wednesday, demanding we used a flawed list to deny Second Amendment rights without due process.

I don't see how it is possible to simultaneously deny the FBI the tools it needs to fight terrorism, but favor depriving the civil liberties of lawful gun owners based upon a flawed list that could be subject to the same overreach.

The Senator from Connecticut has offered an amendment requiring universal background checks.

Such an amendment would not reduce crime, according to the Deputy Director of the Obama administration's National Institute of Justice.

He wrote that the problems of criminal obtaining guns through straw purchases and theft, the main ways they do get them, "would likely become larger if background checks at gun shows and private sellers were addressed."

And the amendment of the Senator from Connecticut would eliminate private sales.

Talk about unintended consequences.

In the same memo, the Deputy Director concluded concerning universal background checks that their "[e]ffectiveness depends on . . . requiring gun registration."

Criminals already don't comply with background checks.

When "universal" checks are circumvented, we will be back here debating gun registration.

We should not do anything that will further the cause of gun registration.

In addition, the Senator from Connecticut and others invoke the so-called "gun show loop hole."

That is the leading basis offered for his amendment.

Anyone watching the floor Wednesday and today would be left with the impression that people who buy a firearm at a gun show aren't subject to a background check.

In fact, all gun show purchases made from commercial gun dealers require a background check.

These commercial gun dealers, or Federal firearms licensees as the law refers to them, typically make up the majority of the gun vendors at gun shows.

So let's be clear: If someone goes to a gun show and purchases a firearm from a commercial gun dealer, they are subject to a background check, period.

So, then, who are these people who aren't subject to a background check?

If you are an individual and you want to sell your gun to another individual, you may do so, assuming you don't know or have reasonable cause to believe that such person is prohibited from owning a gun.

The government does not dictate where this sale takes place.

You can sell your hunting rifle to your neighbor's daughter, and you can make that sale in your home, driveway, or a parking lot.

You can also make this sale to another individual at a gun show.

This is what is referred to as a peer-to-peer transaction: Two adults engaged in a personal transaction.

Just as there is no background check required in your driveway, there generally is no background check required when that private, peer-to-peer sale happens to occur at a gun show.

This is not a loophole in the pejorative sense of the word; this is an American lawfully selling their property to another without Federal Government involvement.

In this same vein, to hear my colleagues discuss it, you would assume that these gun shows were lawless free-for-alls for felons and terrorists to obtain their newest illegal weapon.

In fact, local, State, and Federal law enforcement are often present at gun shows, both in uniform and covertly in plain clothes.

They monitor and intervene in suspected unlawful firearms sales, such as straw purchasing, attempted purchases by prohibited individuals, and the attempted sale of illegal firearms.

As the Washington Times reported late last year, law enforcement arrests at gun shows hit new highs last year.

I recently attended a gun show in Iowa, and there was a robust law enforcement presence.

But we have heard that communities that would otherwise be violence-free due to their strict gun control laws are dangerous because of people who buy guns at gun shows in other States and bring them to those otherwise safe cities, causing large numbers of homicides.

This claim has no basis in reality.

Federal law enforcement is present at gun shows.

They monitor vehicles with out-of-state license plates.

They stop cars from such shows that head to cross State lines.

Their important efforts to enforce the law and to protect us all should be

praised and recognized, not minimized or omitted.

In fact, enforcement of any kind has yet to be a topic in this debate.

The push is for new gun control measures without any appreciation for what can be done to address the problem of violence with the laws already on the books.

President Obama has stated unequivocally that firearms enforcement has been a priority for his administration.

This simply is not true.

The Obama administration chose to focus its criminal justice resources elsewhere.

Federal firearms prosecutions are down at least 25 percent under this President.

In addition, he suspended successful programs specifically designed to thwart firearms offenses.

Unfortunately, as has so often been the case with the Obama administration, the rhetoric just does not match the action.

As I have repeatedly called for, we need greater enforcement of the existing law, which simply has not happened under this administration.

In fact, in a remarkably senseless move, the Obama Administration eliminated an earlier restriction on the ability of foreign citizens to purchase guns unless they had lived in a particular State for 90 days.

Remember that when considering that asylees or refugees or visitors who have not been screened before entering this country under the visa waiver program can legally buy a gun.

Last week, the Senator from Connecticut contended that there is less gun crime and fewer homicides in States that have passed strict gun control laws, like his State.

Perhaps gun crime has declined there.

But homicide rates are higher in Connecticut than in many States that provide greater protection of gun rights, such as my State of Iowa.

And leaving aside the question of causation versus correlation, all one has to do is look at Maryland to refute the claim that imposing tougher gun control reduces crime.

Maryland, under its prior Governor, imposed some of the toughest regulations on purchasing guns.

What has happened?

Murders in Maryland, and particularly in Baltimore, have increased dramatically.

Murder is increasing right here in Washington, DC, despite very stringent gun control laws.

The other side wants it both ways, heads-I-win, tails-you-lose.

Where crime falls and State laws are stringent, they say the State laws work, regardless of laws anywhere else.

Where crime rises in States with gun control, they argue it is because other States have lenient laws.

You can't apply a situational analysis to the effectiveness of State gun laws.

The Washington Post recently reported a study that found no correlation at all, much less causation, between homicides and State gun laws.

And that same newspaper's "Fact Checker" gave my colleague's claim three pinocchios.

Similarly, we hear that if we only re-enacted the assault weapons ban, we could stop mass shootings.

This is an argument not for a policy that has never been tried, but a policy that has been tried and failed.

Nonetheless, for some inexplicable reason, we continue to hear calls for an assault weapons ban.

Columbine occurred when the assault weapons ban was in effect.

Murder rates continued to fall after the assault weapons ban expired.

And even Justice Department-funded research found the effects of the ban on crime to be none to minimal.

But even when gun control fails, the calls to enact more never stop.

Additional gun control, as William F. Buckley, Jr., stated in a different context, was once "a fixed rational conviction, then blind faith, and now . . . rank superstition."

Once again, the Washington Post fact-checked the Democrats' erroneous claim and gave it three pinocchios.

The Senator from Connecticut has also statements made about online purchases of guns, as if a would-be terrorist could order one from Amazon and it would show up at their door without a background check.

That is not the law, either.

Guns can be ordered online.

But anyone who orders a gun from out of State or from a licensed dealer online is not allowed to actually take possession of a gun without undergoing a background check.

In-state private sales are not subject to that requirement, but that is true of all in-state private sales whether or not advertised on the Internet.

The Senator from Connecticut's amendment would create a new Federal felony for not reporting a lost or stolen gun to local police and to the U.S. Attorney General.

This new crime would apply only to lawful gun owners and not to criminals.

The amendment provides, "It shall be unlawful for any person who lawfully possesses or owns a firearm . . ." to fail to report the theft or loss.

There is no requirement that a person who unlawfully owns a gun report its threat or loss.

This provision poses a major threat to freedom—because in America, we prohibit criminal actions.

Although that limits freedom, it does so much less than a law that criminalizes inaction.

It is very rare to criminalize inaction.

Only a few classes of people have an obligation to act, like police officers and doctors.

But for ordinary citizens, this is rare.

One very limited exception is to file a tax return, and it took a constitu-

tional amendment to give the government the power to mandate that.

We should not impose a prison sentence of up to 5 years on a law-abiding person who fails to act.

I have been calling the Second Amendment a fundamental right.

What does this mean to you and me as Americans?

It means that the right to bear arms falls into the same category as our other most closely held individual rights: the right to free speech, the right to freedom of religion, and the right to due process under the law.

It should be emphasized that the Second Amendment right to bear arms is an individual, fundamental constitutional right.

Let me remind my minority colleagues of this as they are ready to run roughshod over the Bill of Rights.

Finally, I now want to talk about my amendment, which will be offered as a side-by-side with the Murphy amendment.

The Protecting Communities and Preserving the Second Amendment Act of 2016 has five key components that are designed to fix our current background check system, among other things.

First, as we all know from our own life experience, a database is only as good as the data it contains, with accuracy and completeness being paramount.

Our National Instant Criminal Background Check System, or NICS, is the background check database for firearms purchases.

This database needs improvement.

In that vein, my amendment requires that agencies containing relevant records make their submission to NICS a priority and provides specific guidance that federal courts are to upload their records to NICS forthwith. Yes, we currently have a database that contains inconclusive Federal court records; there is simply no excuse for this.

In addition, this amendment incentivizes States to submit relevant mental health records to NICS.

And my amendment has real teeth, authorizing \$125 million for operating and improving the NICS system.

Next, my amendment modernizes the prohibition on those with certain mental illness or involuntary commitments from acquiring or possessing firearms.

We not only update the definitions, but provide critical due process protections for individuals like veterans and others prior to an adjudication of mental incompetence.

Contrary to what some have said, my amendment does not permit someone who has been involuntarily committed to a mental institution to legally purchase a gun simply by virtue of their release.

A second, additional requirement must be satisfied as well.

Either a court or similar body must make an adjudication, or an appropriate official of the institution must

find, that the individual poses no danger to himself, herself, or others. Mere release from the institution, for instance because of a need to find space for another individual, will not allow the person to be able to buy a gun under the plain terms of my amendment.

Third, my amendment contains multiple provisions that requires agencies to report to Congress on NICS records submissions, firearms prosecutions, declinations, and convictions, as well as Federal ammunition purchasing.

There is also a requirement that any Department of Justice component that wishes to use the potentially dangerous tactic of "gun walking" obtain direct approval from the Attorney General, Deputy Attorney General, or the Assistant Attorney General for the criminal division and include an operational plan with built in safeguards to prevent firearms from being transferred to a third party as occurred in the fatally flawed "Fast and Furious" investigation.

Finally, my amendment includes a provision that would alert the authorities if a firearms or explosives transfer request involves a person who is, or within the previous 5 years was, investigated as a known or suspected terrorist.

This notification provision would ensure that law enforcement is alerted when all those who are, or were within the last 5 years, suspected of terrorism, seek to obtain a firearm or explosive.

This provision ensures protection of Americans' fundamental Second Amendment rights, but also alerts key law enforcement officials to the possibility of a terrorist plot.

The other sides says that no progress is being made on gun crimes.

But my amendment would improve the situation, even for people who would favor going further.

We can make important improvements, such as through my amendment.

Senators who are unwilling to support important progress are putting a higher premium on politics.

The Second Amendment right to bear arms is a fundamental right, and any legislative action must start and finish with recognition of this fact.

Mr. President, I yield my time to the Senator from Pennsylvania, regardless of how much time it is.

Mr. TOOMEY. I thank the Senator from Iowa for yielding to me.

Mr. President, what I really wish to do is express my deep frustration that we are here with what is about to happen on the Senate floor because we are talking past each other. We have a system, a series of votes, all designed to fail. We are going to accomplish nothing. That is what we are making sure of tonight.

It doesn't have to be this way. That is what is so maddening about this. I will briefly give you one aspect of this. The background check legislation we are going to vote on is the version that

goes further than the bipartisan compromise that Senator MANCHIN and I worked out a couple of years ago. What are the chances that is going to pass? I would say pretty close to zero. We know that. If we are going to have a vote on background checks, it ought to be the only bill that I am aware of in recent time that has had bipartisan support. It may not pass, I understand that, but at least it would have a chance. We are not even going to have that vote.

Let's talk about the other big, controversial issue that we are going to vote on—we already know the outcome of this vote—and that is about terrorists and whether terrorists can buy guns and what do we do about this.

Let me start with what ought to be a pretty simple goal that we ought to be able to agree on. No. 1, terrorists shouldn't be able to buy guns legally. That shouldn't be terribly controversial, but it also shouldn't be controversial that if an innocent American is denied his or her right to buy a gun because they are alleged to be a terrorist, they ought to have an opportunity to clear their name. Guess what. Governments make mistakes. The Federal Government makes mistakes all the time. The mere fact that they have a list almost guarantees that somebody is wrongly on that list.

That is not a reason to do nothing, but it is a reason that you have to have a meaningful process whereby people could challenge their status on the list.

I think the bills we are going to vote on tonight have serious flaws.

First, the Feinstein amendment. There is no due process at all, nothing to speak of. Think about the way this is designed—the way this bill is designed. By the way, we have already had this vote, and it failed overwhelmingly.

Under the Feinstein approach, the Attorney General can put anyone he or she wants on the list. There is no judicial review; there is no kind of review. She can create the criteria, she creates her list, and now all of a sudden anyone on that list is denied the opportunity to buy a gun.

Proponents will argue that there is an opportunity for the gun buyer. The problem is that person has to go to court. The burden is on the buyer to prove his innocence, and he doesn't even get to see the evidence. How can you possibly prove the evidence against you is flawed if you are not allowed to see the evidence? Clearly, that is not a serious attempt to give someone who is wrongfully placed on the list the chance to clear his name.

The Cornyn approach. The Cornyn approach is better than what we have now because it creates a new tool. It provides a new tool that the AG does not have—the Attorney General doesn't have—and that is a 3-day period during which the Attorney General would have an opportunity to make and win a case. I think that is a difficult thing for an Attorney General

to do, and I have suggested this legislation is flawed because of that. It is better than what we have now, but it is probably not enough in many circumstances—which is why we shouldn't just be talking past each other and revoting on things we know are going to fail.

I have legislation, and Senator COLLINS is working on legislation. What we both have tried to do with different mechanisms is to make sure that a terrorist cannot buy a gun legally but also to make sure that the people on the list are put there properly and, if there is a mistake, a law-abiding American citizen has a reasonable opportunity to litigate that to get his or her name off the list.

In my approach, the Attorney General can come up with a list, but it has to be vetted by a court. If someone is not on the list, there is an emergency mechanism available to the Attorney General that would block the sale—it would block the sale if the Attorney General said so—and then provide a reasonable and manageable amount of time during which this could be litigated.

In other words, if the buyer says "Wait a minute; I am not the John Smith you think I am, and I shouldn't be denied my Second Amendment right," under my approach—and I believe under Senator COLLINS' approach—that innocent American would have a chance to have his or her day in court, which is denied under the Feinstein approach.

The bottom line is we know the Feinstein bill is going to fail. We know the Cornyn bill is going to fail. They are both going to fail tonight. There is nobody who disputes that.

Why aren't we working on something that could actually get done, something that would actually stop terrorists from being able to legally buy guns and at the same time give a law-abiding American the opportunity to clear his name if he is wrongfully put on the list?

That is what we ought to be doing. I am not saying I have the only way to get this accomplished. I think Senator COLLINS' legislation is going to be unveiled soon. I know she has been working on this very constructively with a group of folks. But one or the other of these approaches—either the Collins approach or mine—needs to get a vote in this body because it is the only kind of approach that really is a serious way to balance these two important priorities and has a chance to earn bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 4720

Mr. NELSON. Mr. President, yes, this Senator is from Florida. This Senator is from Orlando.

This is an AR-15. It is the civilian semi-automatic version of the military version M-16. This is what the killer used in Orlando a week ago. It is the

same .223 caliber. It is collapsible stock. It is the SIG SAUER MCMX. Do we think that a person who is on the no-fly list ought to be able to buy one of these lethal killing machines?

I have been a hunter all my life. I grew up on a ranch. I own numbers of guns, but my guns are for hunting. These guns are for killing, and that is exactly what that weapon did to 49 people just a little over a week ago.

If we have a list, and it is approximately 1,000 American citizens or American people who are here legally, both—not Americans—that category is called American persons. There are roughly a thousand on the no-fly list. If they cannot get on a plane to fly, should they be able to go out and buy one of these?

There are another 1,700 folks that are on a selectee list, and those are the ones for which there is close to credible evidence that they are a terrorist—1,700. There is close to credible evidence that they are a terrorist, and do we want them to go and buy this kind of a weapon?

Then there is another category, and that is those on what we call the terrorist watch list. In this country that is about 5,000 people—American persons—for which there is declaratory evidence that they are a terrorist. Do we want them to be able to purchase these weapons?

The Feinstein bill—that group of 5,000; that is it in America, there are 5,000. There are many more who are internationals, but there are 5,000 American persons on that list. I don't think we want them to be able to buy this gun. Even if that had been the law, it would not have caught Mateen. Thus, Senator FEINSTEIN included the bill that I had filed which would catch Mateen because it says if you have been on the terrorist watch list—as he was back in 2013 and 2014, and they didn't have any prosecutable evidence, so they closed that case—when you purchase a gun, the FBI would be notified so that the FBI could make an up-to-date decision that they want to go back and interview that person.

If they had seen Omar Mateen purchasing these, knowing that he had been on their watch list, they would have gone and talked to him. That is what is in front of us. It seems to me it is common sense. We hear words out here: Oh, this is the NRA locking down its votes, putting the fear of God in our Republican friends and colleagues about the next Republican primary they are going to be in.

I am so proud of the Senator from Connecticut and what he did for 15 hours to bring this thing to a head.

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

Mr. NELSON. Thank you for listening to my plea.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 4750

Mr. MURPHY. Mr. President, I thank the Senator.

I thank all the staff and, again, all colleagues—40 of them—for joining us on the floor on Wednesday night into the early hours.

Let's be clear about what happened. Let's be clear about the fact that this body was going to ignore what happened last weekend in Orlando—the largest mass shooting in the history of this country. We were going to pretend that it didn't happen. If not for the actions of Senator BOOKER, Senator BLUMENTHAL, 30-some odd others, and me, we would be moving on to business that had nothing to do with keeping this Nation safer.

I don't know how these votes are going to turn out tonight. I know people are skeptical, but we are at least going to get to see where people stand on some pretty simple concepts—the concept that if you are suspected of terrorism, you should not be able to walk out of a gun store in this country with a dangerous assault weapon.

A new poll today tells us that 87 percent of Americans support that. Guess what. A greater percentage of Republicans than Democrats support that. Do you know why that number is so high? Because this country is under attack. This country is under attack, and the new weapon of choice of terrorists is not a plane or an explosive device, it is an assault weapon.

After September 11, we made a decision. We made a decision to stop terrorists from getting onto planes because they were using them to kill Americans. Well, today terrorist recruiters are specifically instructing would-be terrorists to go into gun shops and to gun shows and walk out with assault weapons that, as we saw last weekend, can kill 50 people in an instant. So why wouldn't we apply the same careful protection and make sure people who are suspected of terrorism can't get on a plane and also can't get an assault weapon? Second, why don't we make sure that protection exists whether they are walking into a gun store or a gun show?

That same poll that came out today suggested that an even greater percentage of Americans—90 percent—support expanding background checks so that you have to prove that you are not a criminal, that you are not a potential terrorist before you buy a weapon.

These two measures are not controversial anywhere else in the American public except for here. And the amendments offered by Senator GRASSLEY and Senator CORNYN aren't even half measures. Senator GRASSLEY's amendment would take people off the background check list, would allow people who were leaving a psychiatric institution to buy a weapon the next day. Senator CORNYN's bill would force the Department of Justice to go to court to stop a suspected terrorist from getting a weapon. They are just shields. They are just shields for Mem-

bers who don't want to stand up and do the right thing.

The reason I came to the floor on Wednesday and didn't leave for 15 hours is that I know at a deep personal level what Orlando is going through. I don't know what the families are going through. That is something which is unique to losing a loved one. But I know what that community is going through. And I believe that for all of the scarring psychological harm that comes from losing a loved one or a neighbor, more harm is piled on when you find out the people you elected to run your country just don't care. It hurts something awful when you lose someone, but it gets worse when your leaders are silent—are totally silent—in the face of your personal horror.

Long after all of the moms and dads had left the firehouse in Sandy Hook after learning their boys and girls were lying dead on the floor of that school, there was one father who was left and who wouldn't leave—who couldn't leave. His name was Neil Heslin. He came to this Congress to tell us his story, and as we head into this vote, I will leave you with his words. In speaking about his son Jesse—he was a divorced dad with one son, his best friend. His best friend, his son, was dead. He said:

Before he died, Jesse and I used to talk about maybe coming to Washington someday. He wanted to go up to the Washington Monument. When we talked about it last year, Jesse asked if we could come and meet the President . . . because Jesse believed in you. He learned about you in school and he believed in you. I want to believe in you, too. I know you can't give me Jesse back. Believe me, if I thought you could, I'd be asking for that. But I want to believe that you will think about what I told you here today. I want to believe that you will think about it and you'll do something about it, whatever you can do, to make sure no other father has to see what I've seen.

My friends, we need to have an answer for Neil and the 80 other fathers every single day who join the ranks of those who know his pain. I urge the adoption of the Murphy and the Feinstein amendments.

I yield back.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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, do hereby move to bring to a close debate on Senate amendment No. 4751 to the instructions of the motion to commit H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Roger F. Wicker, Thad Cochran, Tom Cotton, Thom Tillis, John Boozman, Richard C. Shelby, John Hoeven, Pat Roberts, Joni Ernst, Mike Rounds, John Cornyn, John Barasso, Deb Fischer, Johnny Isakson, David Vitter, James M. Inhofe.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4751, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Iowa, Mr. GRASSLEY, to the instructions of the motion to commit H.R. 2578, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—53

Alexander	Enzi	Paul
Ayotte	Ernst	Perdue
Barrasso	Fischer	Portman
Blunt	Flake	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Moran	Wicker
Donnelly	Murkowski	

NAYS—47

Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Sanders
Brown	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gardner	Murphy	Wyden
Gillibrand	Murray	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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, do hereby move to bring to a close debate on the McConnell motion to commit H.R. 2578 to the Judiciary Committee with instructions (Murphy amendment No. 4750).

Harry Reid, Jeff Merkley, Jeanne Shaheen, Kirsten E. Gillibrand, Amy Klobuchar, Claire McCaskill, Debbie Stabenow, Charles E. Schumer, Sherrod

Brown, Mark R. Warner, Richard Blumenthal, Tom Udall, Tammy Baldwin, Jack Reed, Robert P. Casey, Jr., Angus King, Jr., Brian E. Schatz.

The PRESIDING OFFICER. 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 commit H.R. 2578 to the Committee on the Judiciary with instructions to report back forthwith with amendment No. 4750, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Connecticut, Mr. MURPHY, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—44

Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Sanders
Brown	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Markey	Stabenow
Casey	McCaskill	Udall
Coons	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NAYS—56

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heitkamp	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Tester
Cotton	Lee	Thune
Crapo	Manchin	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

The PRESIDING OFFICER (Mr. LANKFORD). On this vote, the yeas are 44, the nays are 56.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior 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, do hereby move to bring to a close debate on Senate amendment No. 4749 to amendment No. 4720 to Calendar No. 120, H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Tom Cotton, Thom Tillis, John Boozman, Richard C. Shelby, John Hoeven, Pat Roberts, James M. Inhofe, David Vitter, Joni Ernst, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Cory Gardner, Shelley Moore Capito, Johnny Isakson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4749, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Texas, Mr. CORNYN, to amendment No. 4720 to amendment No. 4685 to H.R. 2578, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—53

Alexander	Ernst	Paul
Ayotte	Fischer	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Crapo	Manchin	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Donnelly	Moran	Wicker
Enzi	Murkowski	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Stabenow
Casey	Markey	Tester
Collins	McCaskill	Udall
Coons	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Flake	Murphy	Wyden
Franken	Murray	

The PRESIDING OFFICER. On this vote, the yeas 53, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior 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, do hereby move to bring to a close debate on the Feinstein amendment No. 4720 to Shelby amendment No. 4685 to H.R. 2578.

Harry Reid, Jeff Merkley, Jeanne Shaheen, Kirsten E. Gillibrand, Amy Klobuchar, Claire McCaskill, Debbie Stabenow, Charles E. Schumer, Sherrod

Brown, Mark R. Warner, Richard Blumenthal, Tom Udall, Tammy Baldwin, Jack Reed, Robert P. Casey, Jr., Angus King, Jr., Brian E. Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4720, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from California, Mrs. FEINSTEIN, to amendment No. 4685 to H.R. 2578, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 47, nays 53, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—47

Ayotte	Gillibrand	Nelson
Baldwin	Heinrich	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Reid
Booker	King	Sanders
Boxer	Kirk	Schatz
Brown	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Manchin	Stabenow
Carper	Markey	Tester
Casey	McCaskill	Udall
Coons	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NAYS—53

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heitkamp	Rubio
Coats	Heller	Sasse
Cochran	Hoeven	Scott
Collins	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MOTION TO COMMIT WITH AMENDMENT NO. 4750

Mr. MCCONNELL. Mr. President, I move to table the motion to commit with instructions.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—56

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heitkamp	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Kirk	Tester
Cotton	Lankford	Thune
Crapo	Manchin	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

NAYS—42

Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Sanders
Brown	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Markey	Shaheen
Casey	McCaskill	Stabenow
Coons	Menendez	Udall
Donnelly	Merkley	Warner
Durbin	Mikulski	Warren
Feinstein	Murphy	Whitehouse
Franken	Murray	Wyden

NOT VOTING—2

Carper Lee

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 4720

Mr. McCONNELL. Mr. President, I move to table the amendment No. 4720. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

AMENDMENT NO. 4787 TO AMENDMENT NO. 4685

Mr. McCONNELL. Mr. President, I call up amendment No. 4787.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky, [Mr. McCONNELL], for Mr. McCain, proposes an amendment numbered 4787 to amendment No. 4685.

The amendment is as follows:

(Purpose: To amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978)

At the appropriate place, insert the following:

SEC. _____. Section 2709 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) REQUIRED CERTIFICATION.—

“(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or his or her designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may, using a term that specifically identifies a person, entity, telephone number, or account as the basis for a request, request information and records described in paragraph (2) of

a person or entity, but not the contents of an electronic communication, if the Director (or his or her designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the information and records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

“(2) OBTAINABLE TYPES OF INFORMATION AND RECORDS.—The information and records described in this paragraph are the following:

“(A) Name, physical address, e-mail address, telephone number, instrument number, and other similar account identifying information.

“(B) Account number, login history, length of service (including start date), types of service, and means and sources of payment for service (including any card or bank account information).

“(C) Local and long distance toll billing records.

“(D) Internet Protocol (commonly known as ‘IP’) address or other network address, including any temporarily assigned IP or network address, communication addressing, routing, or transmission information, including any network address translation information (but excluding cell tower information), and session times and durations for an electronic communication.”

SEC. _____. Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk for the amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior 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, do hereby move to bring to a close debate on Senate amendment No. 4787 to amendment No. 4685 to Calendar No. 120, H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Chuck Grassley, Orrin G. Hatch, John Thune, Thad Cochran, Marco Rubio, Tom Cotton, Richard Burr, Pat Roberts, Thom Tillis, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Cory Gardner, Shelley Moore Capito, Johnny Isakson.

Mr. McCONNELL. Mr. President, I ask unanimous consent to waive the mandatory quorum call.

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

MOTION TO RECOMMIT

Mr. McCONNELL. Mr. President, I move to recommit the bill to the Appropriations Committee for a period of 14 days.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] moves to recommit H.R. 2578 to the

Appropriations Committee for a period of 14 days.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Ohio.

CONGRATULATING THE CLEVELAND CAVALIERS ON WINNING THE NBA CHAMPIONSHIP

Mr. PORTMAN. Mr. President, last night was a big night for Ohio and for the Cleveland Cavaliers in the NBA finals.

I have tried not to rub it in today. My colleague Senator BROWN and I have been careful not to offend our California colleagues. However, I did wear my Cavaliers tie today.

It was a very exciting night for Cleveland. I rise to simply commend the Cavs for an outstanding performance and a really gutsy performance throughout the entire series.

This team worked together and they showed that together they could overcome all kinds of obstacles and challenges: Kyrie Irving, Tristan Thompson, Kevin Love, J.R. Smith, Mo Williams, Matthew Dellavedova, Richard Jefferson, Iman Shumpert, Coach Tyronn Lue, and then, of course, the king, LeBron James. It was an amazing performance.

There have been a lot of good teams and a lot of great professional sports in Cleveland over the past 50 years, but this is the first championship won by a Cleveland team since 1964 and first ever for the Cavaliers so this is a big deal in Cleveland. We are very excited about it.

During that long drought, it would have been tempting to go give up, but Cleveland fans never did. They never do. Cleveland is ‘Believeland,’ as it has been called recently, and now it is the comeback city.

It was not an easy series. It followed a tough year last year. We had a lot of injuries last year, which hampered our ability to be competitive in the finals, and we changed coaches in the middle of the season. We were trailing three games to one. I went to the game a week ago Friday when we lost in Cleveland and went out West. It was a tough situation. Being down 3 to 1 in NBA finals means you usually lose. In fact, no one had ever won being down 3 to 1. But the Cavs aren’t just any team; they overcame the odds and showed real grit and persistence, determination, and perseverance. And that is more than just basketball; that embraces and embodies the spirit of Cleveland, and it is a lesson for all of us.

LeBron James put it well when he said: