

Motion to Proceed to the Reid Gun Control Bill

Written by Grassley Press
Thursday, 11 April 2013 14:19

Prepared Floor Statement of Senator Chuck Grassley

The Motion to Proceed to the Reid Gun Control Bill

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Mr. President, earlier I met with families from Newtown, Connecticut to discuss the legislation we are currently debating. It was emotional and difficult for all of us. I thank them for sharing their stories of their loved ones and their concerns with me.

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

What we do have is a summary of the proposed background check language. That summary raises questions. For instance, the summary states that the background check language applies to sales at gun shows and online. Is a background check required if someone sees a gun at a gun show, then proceeds to purchase the gun outside the gun show, maybe even in a parking lot? What if someone at a gun show trades but does not sell a gun?

And it applies beyond gun shows. If a private person advertises a gun, then the transfer would have to go through a licensed dealer, at a price. So if someone takes out an ad to sell their gun in the local Farm Bureau newsletter or in their church bulletin, they would have to find a licensed gun dealer to conduct a background check before sale could go through. That is quite a limitation on private sales and ownership of guns. And it takes time in many places in this country to find that gun dealer to conduct that background check.

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The summary is not specific: which private sales would be exempt from the bill's background check requirements? The summary states that background checks are "required for sales at gun shows and online while securing certain aspects of 2nd Amendment rights for law abiding citizens." That should cause everyone concern. If the background check language secures "certain aspects of 2nd Amendment rights," then what aspects of 2nd Amendment rights of law abiding citizens does it not secure?

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

And the summary claims that it will close the "gun show and other loopholes." What "other loopholes"? We should be skeptical about what rights could be infringed based on that claim. It is important to understand that there is no such thing as a "gun show loophole." Under existing law, background checks are required for gun purchases from a federally licensed firearms dealer. This is true whether the purchase is made at a gun show or any other location.

Also, under existing law, gun purchases made through someone who is not a federally licensed firearms dealer do not require a background check. This is true whether the sale is made at a gun show or not. Whether a sale is made at a gun show is therefore irrelevant to whether a background check is required.

There is one rule for sales from licensed dealers and another for private sales. But under the new language, not all private sales will be treated the same. Some private sales will require background checks and others will not. That distinction will create, not close, a loophole. No longer would all private sales be treated the same. Some private sales will require background checks and others will not. There will be political pressure then to say that all private sales should be covered – universal background checks in other words.

And we heard testimony in the Judiciary Committee, and the Deputy Director of the National Institute of Justice has written, that universal background checks can be enforced only if gun registration is mandated.

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Now it has been said on the floor recently that background check legislation cannot lead to gun registries because federal law prohibits that. But current federal law can be changed. And the language currently before us requires recordkeeping, a step toward registration.

Although the sponsor of that language said that the bill expressly provided that no registry could be created, the bill contains no such language at present. The sponsor was misinformed about his own bill. He admitted that the current background check language was not yet ready for consideration and needed clarifications that so far have not been forthcoming.

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

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

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

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