



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, WEDNESDAY, APRIL 17, 2013

No. 52

Senate

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

PRAYER

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

Let us pray.

O Lord God of Hosts, we found Your words, and they caused our hearts to rejoice. Thank You for Your abiding presence and for the illumination of Your wisdom. Inspire our lawmakers. Make their spirits great enough for these challenging days. Upon the frenetic pace of their day, drop the dew of Your kindness. Bless the members of the legislative staff who labor with diligence into the night.

Again, Lord, we ask You to sustain the victims of the Boston bombings. Bring healing to those who were injured and solace to those who mourn.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 17, 2013.

To the Senate:

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

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

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks this morning the Senate will resume consideration of the gun safety legislation. Under an agreement reached yesterday, the debate time until 4 p.m. will be equally divided between the two leaders or their designees. At 4 p.m. there will be a series of up to nine votes in relation to amendments to the bill.

MEASURE PLACED ON THE CALENDAR—S. 743

Mr. REID. Mr. President, I am told that S. 743 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 743) to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings in regard to this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

PREVENTING GUN VIOLENCE

Mr. REID. Mr. President, today this august body will honor the memory of 20 first grade children. Little babies

were gunned down, most of them shot multiple times. But we will also honor the teachers and administrators who were killed that day in Newtown, CT. We are also going to honor with this legislation tens of thousands of others who are killed by guns each year in America. We are going to do that by voting on a number of measures to strengthen the laws to prevent gun violence in this Nation.

The families of the innocents killed in Newtown and Aurora, in Carson City and Blacksburg, in Oak Creek and Columbine, deserve these votes.

Where do I stand on these Democratic proposals?

This afternoon the Senate will vote on a compromise background check proposal crafted by Senators MANCHIN, TOOMEY, KIRK, and SCHUMER—all experienced legislators. I very much appreciate their principled stands on legislation supported by 90 percent of the American people.

The American people overwhelmingly support this commonsense proposal which would close gaping loopholes in the law and keep guns out of the hands of bad people—criminals—and people with severe mental illness.

What it would not do—what it would not do is create a national registry of guns or gun owners. In fact, that is specifically outlawed in the legislation. I refer everyone to page 27 of the Manchin-Toomey compromise legislation. It not only bans a registry, but it creates a 15-year felony sentence for any government official found storing these gun records. So please start talking about that, all the opponents of this bill. Because it is absolutely false, it is untrue, and it is unfair. Claims that this legislation would create a gun registry are nothing more than shameful scare tactics.

If any of my colleagues wish to vote against stronger background checks, go ahead and do it and oppose the will of the American people.

That is their right. But the American people have a very long memory. To

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



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vote against something that 90 percent of the American people want, the American people are not going to forget about that. The opponents of the will of the American people should not spread misinformation or sow seeds of fear about this critical antiviolenence legislation. But that is what they are doing, that is what they have done, and it is absolutely false and misleading.

Assault weapons, we are going to vote on Senator FEINSTEIN's proposal to ban assault weapons. She has been stalwart in her advocacy for this legislation.

I am a strong supporter of the Second Amendment, Americans' right to keep and bear arms. That is how I earned a B grade with the National Rifle Association.

When I was a 12-year-old little boy, in Searchlight, NV, my parents sent away for a Sears catalog and bought me a 12 gauge shotgun—a great big gun. That gun held five in the tube and you put one in the chamber—six 12 gauge shotgun shells.

I carried a handgun when I was a police officer and, frankly, on other occasions. From where I come from, people own guns as a matter of course—for self-defense and for hunting and for sportsman activities, target shooting.

I still go target shooting basically out in my backyard in Searchlight with my grandchildren, but I have always had trouble understanding why people need assault weapons to hunt or to protect their homes or to target shoot.

When the assault weapons ban came before the Senate for a vote 10 years ago, I called my friends—one in particular who was a real advocate on guns. He said to me: You know, you can't define an assault weapon. Why are you doing this? You just can't define an assault weapon.

He convinced me he was right, so I voted against that. That seemed reasonable to me, and I voted against the ban.

Just about a month ago, I called this same friend. I asked if his opinion had changed: Generally, no, but specifically, yes, it had changed. He still opposes a ban on assault weapons.

I said: Tell me why. I found his new reasoning absurd, and even though I care a great deal about my friend, he is headed in the wrong direction. So it caused me to reassess my position.

He said: Do police have assault weapons?

I said: Yes, some of them.

He said: If they have them, I want them.

Then he said: Does the military have assault weapons?

I said: Yes.

He said: If they have them, I want them.

I thought for some time about what that statement means. It was not a rash decision I made. But what it means is there should be no limits on the kinds of weapons private citizens are allowed to own.

I asked myself whether I believe that to be true. The police have riot gear and tear gas and battering rams and others things. Should civilians have them? Obviously, no.

The military has rocket-propelled grenades, other kinds of rockets, machine guns, tanks, fighter jets. Should civilians have those also? Please. It does not make sense.

So I decided the answer is no. In a civil society, where we have to balance individual rights with public safety, there should be limits—significant limits—on the kind of destructive weapons people are allowed to own.

I believe—I repeat for the second time today—in the right to own a gun to protect your home and your family, to hunt, to go target practicing. I will continue to defend that right as long as I am serving the people of Nevada.

But you do not need an assault weapon to defend yourself or your property. Assault weapons have one purpose and one purpose only: to kill a large number of people very quickly. This goes well beyond the purpose of self-defense.

The desire to arm ourselves against the young men and women who willingly risk their lives to defend our freedoms—soldiers, sailors, marines; the Navy, the Air Force—is not a reason to oppose an assault weapons ban.

The wish to arm ourselves against the police who keep our streets safe is not a reason to oppose an assault weapons ban.

I believe as Americans we have a right to arm ourselves against criminals, but we do not need the ability to arm ourselves against the Army or the police. The U.S. military is not out to get us. Federal law enforcement, local police departments, are not out to get us.

These conspiracy theories are dangerous and they should be put to rest. In the real world—not this conspiratorial world that some live in—in the real world, in addition to mowing down first graders, assault weapons are used to shoot down the very people who have sworn to protect us.

Here is one real-world example in Nevada: After serving 9 months in Afghanistan with his National Guard unit, SSG Ian Michael Deutch was eager to return to his day job as a police officer in Nye County, NV. He could not wait to get back to work. He survived Afghanistan—bombs, bullets, acts of terrorism. He survived.

His second day back on the job—second day back on the job—he was shot and killed by a man with an assault weapon with a 30-round clip.

Sergeant Deutch was responding to a domestic dispute in Pahrump, NV, when he was shot three times in the chest. One of the bullets even pierced his body armor. An assault weapon pierced the body armor the police officer was wearing.

He was airlifted to Las Vegas, rushed into emergency surgery, and he died within a few hours. He was 27 years old, had survived Afghanistan but not

America. All 730 soldiers in Michael's squadron returned alive from their tour of duty in Afghanistan. They were so thankful and proud. It was a criminal on the streets of the United States of America, our country, armed with a weapon designed to kill who took Michael's life—his young life.

Here is what his mom said:

He was finally safe. In our country. And somebody here kills him.

That is what she said. That is a tragedy, and it is one we could have prevented by keeping weapons of war off the streets. We can keep them off the streets. We should keep them off the streets.

In the 1920s, organized crime was committing murders with machine guns. We have seen them in the movies—the Valentine's Day Massacre. So Congress dramatically limited the sale and transfer of machine guns a long time ago. As a result, machine guns basically disappeared from the streets. They are in the movies, but private citizens do not have them.

We can and should take the same commonsense approach to safeguard Americans from modern weapons of war, assault weapons. That is why I will vote for DIANNE FEINSTEIN's assault weapons ban; we must strike a better balance between the right to defend ourselves and the right of every child in America to grow up safe from gun violence. I will vote for the ban because maintaining law and order is more important than satisfying conspiracy theorists who believe in black helicopters and false flags. I will vote for the ban because saving the lives of police officers, young and old, and innocent civilians, young and old, is more important than preventing imagined tyranny.

High-capacity magazines—clips is what I call them my reason for supporting a ban on large ammunition magazines is similar. These large clips are designed to kill—not to kill a deer or a duck or any other game, large or small, they are designed to kill humans, living, breathing human beings, people from Hawaii, people from Kentucky, people from Nevada—our citizens. They are designed to kill.

In fact, it is not even legal to load more than 3 shotgun shells—let alone 30—to hunt birds. I talked to the Presiding Officer earlier about my shotgun. I told him that it could hold six shells, but we had to plug that gun because that was the law. By law, we had to limit the amount of ammo in that shotgun, so we had to plug it so it could only shoot three—two in the magazine, one in the chamber. That way, when you went bird hunting, you gave birds a sporting chance. You could only fire three times. As Senator JOE MANCHIN of West Virginia—the courageous Senator from West Virginia—said, "I do not know anybody that needs 30 rounds in a weapon to go hunting." Take 30 and reload. So why should we not limit the number of bullets in a clip? Don't people deserve as much protection as birds?

Limiting magazine size will force shooters bent on taking a life to reload more often. When this madman with the strange-colored hair walked into that Aurora, CO, movie theater with a semiautomatic weapon and a 100-round drum magazine, the only thing that spared many survivors was the fact that the shooter's gun jammed. Think of the carnage, in addition to what already was so bad, that would have taken place.

In Tucson, AZ—we met here in Washington yesterday with Gabby Giffords, a woman who was shot right in the head by a man who should have not had a gun. But he emptied a 33-round clip in less than 30 seconds, killing 6 and injuring many more, including Gabby Giffords.

In Carson City, NV, a mentally ill man went to an IHOP during breakfast time and killed four people. Three of them were National Guard personnel going to work. He shot 80 rounds in 80 seconds using 30-round clips.

Limiting the size of clips will not hurt hunters and sportsmen, but it will save lives. So I am going to vote in support of the Blumenthal-Lautenberg amendment.

In the case of Carson City, the example I just gave, let's talk a little bit about mental health. That incident at the IHOP restaurant reveals a tragedy, of course, but also the deficiencies in this Nation's mental health treatment system. That is another important part of our discussion about how to prevent gun violence. We simply have not done a good job of providing funding for and access to mental health services. This should be a bipartisan issue. Going back many years, it was bipartisan—Wellstone-Domenici.

While we have done a better job of doing certain things in mental health, we have done a poor job of removing the stigma that keeps Americans from seeking the treatment they need. We must do better. So the bill reported out of the HELP Committee, led my Chairman HARKIN, begins the work of improving access to critical services.

I hope to be able to have shortly—after we finish this list of amendments—the ability to move to Senator STABENOW's measure. She has worked with others on another bipartisan piece of legislation to go even further in doing something about the mental health problems so that we can alleviate, at least on occasion, these terrible tragedies.

As I have said many times, the efforts will not stop every criminal bent on violence, but last year's terrible tragedy in Newtown was a wake-up call that we are not doing enough to keep our citizens safe. It is hard to even comprehend the scope of the tragedy, let alone recover from it, but part of the healing process is this remarkable conversation about how to prevent violence in America. That conversation is taking place in America today because of Boston and because of the thousands of people killed with guns every year.

Part of the healing process is examining what can be done to prevent more tragedies such as the ones in Newton, CT; Aurora, CO; Oak Creek, WI; Carson City, NV; and multiple other places. I believe that if we can save the life of a single American, we owe to it ourselves to try. That is going to take courage by some people.

President Monson, the president of the Mormon Church, said this about courage:

Life's journey is not traveled on a freeway devoid of obstacles, pitfalls and snares. Rather, it is a pathway marked by forks and turnings. Decisions are constantly before us. To make them wisely, courage is needed: the courage to say, "no," the courage to say, "yes."

The courage today to say yes. Decisions do determine destiny. Today our decision will determine the destiny of our country. Today I choose to vote my conscience not only as HARRY REID a Senator but also as a husband, a father, a grandfather, and I hope a friend to lots and lots of people. I choose to vote my conscience because if a tragedy strikes again—sorry to say it will—if innocents are gunned down in a classroom, theater, or restaurant, I would have trouble living with myself as a Senator, a husband, a father, a grandfather, and a friend knowing I did not do everything in my power to prevent that.

RECOGNITION OF THE MINORITY LEADER

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

TRIBUTE TO POSTAL AND LAW ENFORCEMENT WORKERS

Mr. MCCONNELL. Mr. President, the last few days have been trying ones for our Nation. Monday's attack in Boston reminded us that terrorism can still strike anywhere at any time. As yesterday's news of an attempt to send ricin to the Capitol reminds us, it is as important as ever to take the steps necessary to protect Americans from those who would do us harm.

This morning I would like to recognize the postal and law enforcement officials for their excellent work in detecting and preventing this threat before it even reached the Capitol. They proved that the proactive measures we put in place do, in fact, work.

We have faith that the men and women charged to protect the American people will find those responsible for the attack in Boston and for the letter here at the Capitol. The truth will eventually come out, and justice will be delivered.

GUN AMENDMENTS

Mr. MCCONNELL. Later today the Senate will begin to consider amendments to legislation that deals with one of our most fundamental constitu-

tional rights as citizens. There are many different perspectives on this issue, and passions are high on all sides. That is why I would urge the majority to allow the full and open amendment process we were told the Senate would have. Today's votes are a very good start. The American people deserve the opportunity to be heard on this matter. We should respect that. So let's approach this debate in the spirit of transparency that the American people expect.

In my view, we should focus on keeping firearms out of the hands of the criminals and those with mental issues that could cause them to be a threat to our society. The government should not punish or harass law-abiding citizens in the exercise of their Second Amendment rights. It is that focus on protecting communities and preserving our constituents' constitutional rights that will be my guide as we begin to vote on amendments on this bill.

I suggest the absence of a quorum. The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

SAFE COMMUNITIES, SAFE SCHOOLS ACT OF 2013

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

The assistant legislative clerk read as follows:

A bill (S. 649) to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes.

Pending:

Manchin amendment No. 715, to protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 4 p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from California.

AMENDMENT NO. 711

(Purpose: To regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes.)

Mrs. FEINSTEIN. Mr. President, I would like to call up and make pending