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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Lord of all, thank You for being America's strong defense across the seasons of its existence. Thank You also for Your forgiving grace that restores us in spite of our mistakes and failures.

Today, give our Senators a renewed sense of Your purpose so that they will stay within the circle of Your will. May they discharge their duties with the joyful focus of living worthy of Your great Name. Lord, help them to trust You to care for our Nation, to look to You for guidance, and to remember that nothing can separate us from Your love.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

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

Mr. REID. I move to proceed to Calendar No. 32, S. 649.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 32, S. 649, a bill to ensure that all individuals who

should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, the time until 11:30 today will be equally divided between the majority and the minority. The Democrats will control the first 30 minutes and the Republicans the final 30 minutes. At 11:30 the Senate will proceed to executive session to consider the nomination of Patty Shwartz to be a circuit judge for the Third Circuit. At noon there will be a rollcall vote on her nomination. The Senate will then recess from 12:30 until 2:15 to allow for our weekly caucus meetings.

CONGRATULATING THE LOUISVILLE CARDINALS

Mr. REID. Mr. President, I first wish to extend my congratulations to Senator McConnell and the Louisville Cardinals for their successful NCAA championship. It was remarkable how they were always coming from behind to wind up winning. They did it not with offense but with defense. I was very impressed with the team but most of all impressed with their coach Rick Pitino. Rick Pitino on yesterday was also selected, with Jerry Tarkanian, to be a member of the Basketball Hall of Fame, and certainly they deserve that—both of them.

In addition to congratulating my friend Senator McConnell, it is also important to recognize my deputy chief of staff Dave McCallum, who is a rabid Louisville fan. When I went down to participate in a program Senator McConnell set up, I took David McCallum with me. He loves those Louisville Cardinals, and today he has more reason to like them and tonight even more reason because in the championship game tonight we have the University of Connecticut playing the Louisville Cardinals for the women's championship. So I am very mindful of how strongly Senator McConnell feels about his Louisville Cardinals.

Mr. McCONNELL. Would my friend yield for an observation?

Mr. REID. Yes. I just wanted to say I won't get into the politics of sports in Kentucky because I don't understand them, but I know how much Senator McConnell cares about the Louisville Cardinals.

Mr. McCONNELL. Mr. President, I would say to my good friend from Nevada that one of the things we enjoy talking about is sports, and he is a big UNLV fan as well. I would like to report to my friend through the Chair that it was a fun evening. It was absolutely exciting to be there. I was also grateful to the majority leader for coming down to the University of Louisville a few years ago. I was glad I had a chance to be there and to see it in person.

Basketball in a football facility is a little odd. There were 75,000 people there. I am not sure many people up at the top even saw the players. But we were a little closer to the floor, and it was a wonderful experience.

I thank the majority leader for his comments.

JERRY TARKANIAN

Mr. REID. Mr. President, I mentioned the Basketball Hall of Fame. Jerry Tarkanian made it into the hall of fame—20 years too late, but he made it. Why didn't he get in earlier? Because this courageous man took on the NCAA, which has absolute control over college athletes. I hope that as the years go by, we as a Congress will take a look at that more closely.

But I don't want to move away from the important day it is in Jerry Tarkanian's life. Jerry is now over 80. He doesn't get around like he used to, and he doesn't chew on the towels like he is famous for. Here is a man who was held out of the hall of fame for far too long. This man won 990 games as a coach. He had more than an 80-percent winning record. He is a very fine man with a good family. His wife is a member of the Las Vegas City Council. He

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



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brought such excitement to Las Vegas. He coached the Runnin' Rebels into four final fours, won the championship once, and but for some politics within the university system, he would probably still be coaching there. Some things came up so that he no longer was able to coach at UNLV. But I admire him as a person and certainly send my congratulations to all of those Runnin' Rebel fans today because we have something to celebrate.

Finally, he took on the NCAA and won. He won a large money judgment against them as a result of how they treated him—it was so unfair—him and his players. People throughout the State of Nevada who played for him and who are now successful businesspeople—they are teaching professionals around the State, they are doing all kinds of good things in the State and around the country because of Jerry Tarkanian and the team he had and mainly his wife. She was so good with those young men who came to UNLV. She was, among other things, a speech therapist. She understood these young men, and they cared about her as much as they did about Jerry.

GUN CONTROL

Mr. President, as do most Americans, I believe the second amendment guarantees the right to bear arms. As a young boy—12 years old—on my birthday I got a gun, but it wasn't some little pea shooter, it was a blunderbuss, a 12 gauge shotgun, bolt action. Boy, that is a big gun. I still have it. I have had it rebled. I had the stock reworked. It is a beautiful gun. My parents sent away through the Sears catalog for that present for me. That gun was a real extravagance for them. It cost \$28, but, oh, did I have fun with that great big gun that was bigger than I, and it kicked so much then, but I could handle it. I didn't get to shoot it a lot because shotgun shells were expensive.

So, like most Americans, I also believe the right to bear arms must be balanced with the rights of all little boys and girls in this country, whether they live in inner-city Chicago or sleepy Newtown, CT, to grow up safe from the threat of gun violence. Most gun owners are good. The vast majority of gun owners are good, responsible people who love target shooting and hunting and want to protect their homes and their families. But we have a responsibility to do everything in our power to keep guns out of the hands of convicted criminals and those who suffer from mental illnesses that make them a danger to themselves and to others. We understand that now more than ever with the terrible slaughters in Aurora, CO, and Newtown, CT. We have a responsibility as a body to safeguard the most vulnerable and our most precious resource—the kids, our children, our babies.

The terrible tragedy at Newtown was a wake-up call. We are really failing, and we need to do more. Newtown will always remember those little boys and

girls, some of them shot multiple times, little children—5-year-old kids, 6-year-old children.

These are just names to us, but to the people of Newtown, Olivia isn't just a name; Olivia is a little girl who had a family who loved her. Newtown is a little town, relatively speaking. They know Jack. We have a responsibility to safeguard these little kids, and unless we do something, more than what is the law today, we have failed.

It is long past time for a thoughtful examination of the lax laws and culture of violence that put Newtown and Aurora, Oak Creek and Carson City, NV, on the map for such a devastating reason. I only hope my Republican colleagues will allow us to have that conversation. I hope Republicans will stop trying to shut down debate and start engaging on the tough issues we were sent to Washington to tackle.

There has been a huge cry in this body—for 2 years plus the months of this Congress—of people saying: Let's have regular order. Let's have amendments. So I was relatively kind of stunned when I got a letter during our break from 13 Republican Senators. They are the same Senators who yell and scream the most about regular order and amendments, but in this letter to me—short, direct, and to the point—they say: You are going to have no ability to go to the gun legislation because we are going to stop it. We don't think there should be a discussion or debate on guns.

Now, how would I describe these 13 Senators who sent me this letter? I want to do this respectfully because they have a right to their opinions even if they are illogical and even if they are speaking out of both sides of their mouths. What does that mean, speaking out of both sides of their mouths? It is very succinct what it means. It means—and it is described as a verb, looking it up on the Internet—to say different things to different people about the same subject. That is what they have done. They have been yelling and screaming: We want regular order.

The other night when we were doing the budget that went on until 5 o'clock in the morning, one of the Senators who signed this letter stood and said: We want to offer all the amendments we want to offer. No one has the right to stop us from offering amendments. So that is what we did. But today he feels differently. Today he is speaking out of both sides of his mouth, saying different things to different people on the same subject.

A former Republican Congressman from Florida is now a talk show host, and he is very popular. He has a program called "Morning Joe." Here is what "Morning Joe" is reported as having said: Scarborough tears into GOP filibuster on gun bill and says, "Is anybody awake in my party?" Here is what he said:

With 92 percent of Americans supporting background checks, Scarborough noted, it is

really hard to figure out what the political calculation is. It is a 90-10 issue that involves the massacre of 20 children. Is anybody awake in my party on the Hill?

That is what former Congressman Joe Scarborough said.

As President Obama has said, it is impossible to prevent every senseless tragedy, but we owe it to our children to at least try.

It is only common sense that felons who couldn't pass a background check in a gun store should not be able to walk into a gun show and buy a deadly weapon.

This is not hyperbole. Forty percent of the guns sold in the United States each year—including many used to commit crimes—are sold legally at gun shows or through private sales without even the most basic background check.

Three years ago, one of those guns—a shotgun purchased legally without a background check during a 2008 gun show in Kingman, AZ; about 90 miles from Las Vegas—was used to devastate the largest courthouse we have in Nevada, the brandnew Lloyd D. George Federal Courthouse in Las Vegas. It happened just as prospective jurors were arriving for the day.

This man walked in and started shooting. He blasted at every place that only a gunshot can do. He killed Stanley Cooper of Sandy Valley, who was a security guard. He was killed instantly in this hail of buckshot going around the courthouse. He ran after his gun became empty to reload, and he was eventually killed; that is, the man who caused all this carnage.

But Stanley Cooper, this good man who was there, left behind a brother, four sons, a daughter, seven grandchildren, and two great-grandchildren. He loved to spend time with his grandchildren and great-grandchildren. He loved horses and spending time outdoors. That is why he lived in Sandy Valley.

He was no stranger to guns. He spent 26 years serving his community as a Las Vegas Metropolitan Police Department officer. The man who shot him, on the other hand, was a convicted felon with no right to carry a firearm. He certainly could not have passed a criminal background check. But the shooter never had to get one. He just went to one of these gun shows and bought this shotgun—the same basic shotgun I got when I was a 12-year-old.

Requiring a simple background check every time a gun is sold is common sense.

As a brandnew member of the Nevada State legislature, I was a kid, but Sheriff Lamb, who was the sheriff of Clark County at the time—and now they have a TV program running; Dennis Quaid is playing Ralph Lamb—he came to me and said: I need to do something because we need people to wait a little while before they purchase a handgun.

I went to the legislature not understanding the process totally, but I introduced legislation that passed and became the law, that in Nevada if

someone purchases a handgun, they have to wait 3 days to pick it up. It is believed that alone has saved the lives of many people. Sometimes people, in a fit of passion, will purchase a handgun to do bad things with it—even as my dad did—kill themselves. Waiting a few days helps.

Requiring a simple background check every time a gun is sold is common sense. We are not asking for a 3-day waiting period. We have technology now. That does not take that long. But it is common sense. That is why more than 90 percent of Americans—including the vast majority of gun owners, the majority of people who belong to the NRA—support our proposal to keep guns out of the hands of criminals and those with mental illnesses. That is what a universal background check is all about.

This legislation would also crack down on anyone who buys a gun as part of a scheme to funnel it to criminals—reducing violent crime and protecting police officers. The three things that are in the bill that is now before this body all were reported out of the Judiciary Committee, led by PAT LEAHY. If anyone thinks that PAT LEAHY is a wimp on guns, they have another thought coming. He is from the State of Vermont. He boasts about a gun he has. He has a .50 caliber gun. I do not know why he wants one, but he has one. He is a man who loves to shoot his guns. So this bill is reported out of the Judiciary Committee, led by one of the people who knows as much about guns as many people in this body—and more, I should say.

This bill that came out of that committee gives schools across the country the resources to improve security and keep kids safe. It is called school safety. It has Federal trafficking in it.

This legislation will not prevent every crime, especially those awful crimes, and background checks will not keep guns out of the hands of every violent madman, and we all know that. But we owe it to the American people to act as if there is a chance to save even one life—whether that life belongs to a great-grandfather such as Stanley Cooper or these babies who barely began to live in Newtown, CT.

They deserve a vote.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COWAN). The Republican leader is recognized.

CONGRATULATING THE LOUISVILLE CARDINALS

Mr. McCONNELL. Mr. President, I am going to take another opportunity to congratulate the Louisville Cardinals for an incredible championship win last night. It was a truly exciting game. I know my colleagues from Michigan take great pride in the fact that not just one but two of their schools were in the Sweet 16.

But you know we Americans love a story about somebody getting knocked down and picking themselves up again. That is why it was such a great moment to see Kevin Ware cut the net

last night. They had to lower the rim a bit, as I am sure it is difficult to climb a ladder with a cast on your right leg, but let me just say to him and to the entire University of Louisville, my undergraduate alma mater: Well done. You have truly made our State proud.

REMEMBERING MARGARET THATCHER

Today, Mr. President, I plan to talk about the President's budget, but first I also wish to say a word about Margaret Thatcher.

Margaret Thatcher was one of the most transformative political figures of the 20th century. She was a revolutionary, a tireless tribune for what she called "popular capitalism"—her "crusade to enfranchise the many." Thatcher's methods were razor-sharp wit and the force of her will, which had toughened through decades of literally plowing through obstacles.

A woman of humble beginnings, she charged headfirst against a cross-partisan ruling class that had become calcified in office, an elite clique that had grown impotent in the face of the sort of postwar economic challenges that have long since drained the vitality from Western democracies that never had a leader like her.

The starved dukes and faceless union men who traditionally alternated the reins of British power sneered at "that woman," as they called her—the "grocer's daughter" who knew nothing of their ways, whose middle-class instincts were unsuited to the business of governing. Yet she outmaneuvered them all.

When Margaret Thatcher finally wrested the keys of office from those who had made peace with Britain's decline in a way she never could and never would, she set in motion a whirlwind of reforms.

None of those were easy. The vested interests opposed her every move. But in the teeth of fierce opposition, she ignited what could best be described as a political and economic earthquake—one with a tide of global reverberations.

The kind of policies and ideas she inspired saw dictatorships and entrenched bureaucracies come crashing down, grinding poverty lose its grip, and the fossils of socialism recede into the surf. In the wake of this wave of reform stood freer people with a greater say over their own lives and a greater hope for the future.

That is Margaret Thatcher's legacy. In some ways, the parallels to our own day are hard to escape.

When Margaret Thatcher took office, Britain was gripped by wrenching economic turmoil—turmoil of a somewhat different kind than, but not entirely dissimilar to, our own. But through unbending confidence in the power of free markets and in the power of free people to order their lives more intelligently than centralized elites, she literally turned the tide.

So we mourn her passing, but we still have much to learn from her courage and example. Because in the years

ahead, we will need to draw from it as conservatives look to turn the tide in the United States and to set about a renewal of our own.

THE PRESIDENT'S BUDGET

Tomorrow the President is set to unveil his budget—the details of his plan for America's future. Is it going to be a visionary blueprint that focuses on growing the economy instead of the government, a budget that can help, rather than continue to hurt, job creation? Is it going to be a budget that balances 10 years from now, 20 years from now, ever? Is it going to be a reformist document that makes bold choices? Will he finally drop the tax hike fanaticism that is, frankly, starting to enter the realm of the absurd?

From what we have heard so far, the prospects do not look all that great. We hear that, just like the Senate Democratic budget, it will never balance—ever. We hear it contains only about \$600 billion or less in deficit savings over 10 years, which is roughly the level of the deficit in the first 6 months of this fiscal year. We hear it contains new spending proposals and does little to address the drivers of our debt. We hear it contains tax hike upon tax hike upon tax hike—and, in fact, all the deficit reduction I just mentioned would be derived from myriad tax increases rather than spending reductions.

So apart from reports of a modest entitlement change—and we will need to see the details on that—it sounds as if the White House just tossed last year's budget in the microwave.

Look, this budget is already 2 months late, so I sincerely hope it is not the case that it is just a warmed-over version of last year. Because if it is, what a colossal waste of time and what a disappointment. The American people deserve a lot better than that.

In a statement released yesterday, President Obama said Margaret Thatcher taught us that "we are not simply carried along by the currents of history . . . [that] we can shape them with moral conviction, unyielding courage and iron will."

What I am saying this morning is that this is your moment to do just that, Mr. President—your moment.

Lady Thatcher did not save her country from the abyss by taking half-measures or tiptoeing around special interest groups. She pushed through groundbreaking reform after groundbreaking reform, usually under heavy fire from all sides, and often over the objections of powerful leaders in her own party and Cabinet.

Had she governed by opinion poll, I am sure she would have been a lot more popular while in office, and Britain would have never recovered from the abysmal state in which she found it.

So, Mr. President, if you are ready to embrace bold reform, to take the steps that are needed to make our entitlement programs permanently solvent

and grow the economy, then Republicans are ready to work with you because the time for pretending America's challenges can be solved with more of the same is over—over. The time has come to summon the political courage to move beyond the status quo, to put the tax hikes and the poll-tested gimmicks aside, and to do finally what must be done.

I yield the floor.

RESERVATION OF LEADER TIME

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

Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF PATTY SHWARTZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Patty Shwartz, of New Jersey, to be United States Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, last month Senate Republicans filibustered the nomination of Caitlin Halligan to fill a vacancy on the D.C. Circuit that arose when Chief Justice Roberts left the D.C. Circuit to join the Supreme Court 8 years ago. Caitlin Halligan is a woman who is extraordinarily well-qualified and amongst the most qualified judicial nominees I have seen from any administration. It is a shame that narrow special interests hold such influence that Senate Republicans blocked an up-or-down vote on her confirmation with multiple filibusters of her nomination and procedural objections that required her to be nominated five times over the last 3 years.

Had she received an up-or-down vote, I am certain she would have been confirmed and been an outstanding judge on the United States Court of Appeals for the District of Columbia. Instead,

all Senate Republicans but one supported the filibuster and refused to vote up or down on this highly-qualified woman to fill a needed judgeship on the D.C. Circuit. Senate Republicans attacked her for legal advocacy on behalf of her client, the State of New York. It is wrong to attribute the legal positions a lawyer takes when advocating for a client with what that person would do as an impartial judge. That is not the American tradition. That is not what Republicans insisted was the standard for nominees of Republican Presidents but that is what they did to derail the nomination of Caitlin Halligan.

Also disconcerting were the comments by Republicans after their filibuster in which they gloated about payback. That, too, is wrong. It does our Nation and our Federal judiciary no good when they place their desire to engage in partisan tit-for-tat over the needs of the American people. I rejected that approach while moving to confirm 100 of President Bush's judicial nominees in just 17 months in 2001 and 2002.

The filibuster of the nomination of Miguel Estrada was different. It was to obtain access to information about his work and whether he acted ideologically as his supervisor at the Office of Solicitor General had alleged. Had we gotten access to those materials, there would have been a vote on the Estrada nomination. Republican Senators now demand access to all sorts of materials while filibustering for the first time in our history the Secretary of Defense and the Deputy Attorney General of the United States, as well as the nominee to head the CIA and judicial nominees. They cannot do that and still complain about the Estrada nomination.

Now that Senate Republicans have during the last 4 years filibustered more of President Obama's moderate judicial nominees than were filibustered during President Bush's entire 8 years—67 percent more, in fact—I urge them to abandon their misjudged efforts that sacrifice outstanding judges for purposes of partisan payback.

Today the Senate will finally consider another circuit court nomination that has been delayed for no good reason. The nomination of Judge Patty Shwartz of New Jersey to the Third Circuit has been needlessly stalled for 13 months since being favorably reported by the Judiciary Committee. This is another of the many judicial nominees who could have been confirmed last year. She is another qualified nominee who is supported by her home state Senators and by the Republican Governor of New Jersey. After this prolonged and unnecessary delay, I am pleased that she will finally be allowed to join the Third Circuit to serve the people of New Jersey, Pennsylvania, Delaware, and the Virgin Islands.

In 10 years as a United States Magistrate Judge in the District of New

Jersey, Judge Shwartz has handled more than 4,000 civil and criminal cases and presided over 14 cases that have gone to verdict or final judgment, including 11 jury trials. Before becoming a judge, Judge Shwartz spent 14 years as an assistant U.S. attorney in the District of New Jersey, where she ultimately rose to become chief of the Criminal Division. During her time as an assistant U.S. attorney, Judge Shwartz tried more than 15 jury cases to verdict, all as sole or chief counsel. It was while serving in the U.S. attorneys Office that Chris Christie, then U.S. attorney and current Governor of New Jersey, became acquainted with her and her work.

Governor Christie has written to the committee in support of Judge Shwartz's nomination. He said that she "was an impressive Criminal Chief; hard working, bright, articulate, great with people and conversant with the law." He added: "As a Magistrate Judge, she also performed admirably and garnered the respect of the entire legal community. Again, her hard work, amiable personality, patience, intelligence, and knowledge of the law were lauded by all who appeared before her." I ask unanimous consent that his full letter be printed in the RECORD at the conclusion of my statement.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Shwartz unanimously well qualified, the highest possible rating from its nonpartisan peer review. She has the support of Senator LAUTENBERG and Senator MENENDEZ.

By any objective measure, Judge Shwartz is a nominee with solid legal credentials and qualifications. Rather than evaluating her on her record, some have tried to claim there is an issue because Senator MENENDEZ met with her before supporting her. They infer, despite denials by the nominee and Senator MENENDEZ, that she must have made him some untoward commitment on how she would rule on some matter. There is no basis for that claim.

It is past time for the Senate to consider her nomination on the merits of her record and to confirm her. Her nomination has been stalled on the Senate floor for 13 months. This is just one example of the unnecessary delays that prompted a New York Times editorial about the delays in filling judicial vacancies. I ask unanimous consent that a copy of that editorial be printed in the RECORD at the conclusion of my statement.

Judged on her qualifications and her record, Judge Patty Shwartz should be confirmed by an overwhelming bipartisan vote. She should not have been delayed for more than a year. Sadly, this is not an isolated case but one in a steady pattern of obstruction. This is especially harmful at a time when judicial vacancies remain above 80. Filibusters and delays based on fictions do not help Americans seeking justice in our