



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, MONDAY, APRIL 15, 2013

No. 50

Senate

The Senate met at 2 p.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.

Eternal God, inspire us to treat others as we want them to treat us. Let us rejoice in their strengths, and let us be patient with their weaknesses.

As our Senators do the work of freedom today, may they be sustained by Your love. Remind them that Your Divine affection has given them everything they need for life and liberty. Answer them when they cry out to You and tell them great and unsearchable things they do not know. Give them the humility to understand that none of us has a monopoly on Your truth and that we all need each other to discover Your guidance together.

We pray in Your great 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.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 5 o'clock this afternoon. During that period of time, each Senator will be allowed to speak for up to 10 minutes each, if they wish.

At 5 p.m. the Senate will proceed to executive session to consider the nomi-

nation of Beverly Reid O'Connell to be a district judge for the Central District of California.

At 5:30 p.m. there will be a rollcall vote on confirmation of the O'Connell nomination.

PREVENTING GUN VIOLENCE

Mr. REID. Mr. President, the debate over the best way to prevent gun violence in America raises strong emotions. Second amendment advocates—me among them—want to preserve and protect the right of every law-abiding citizen to bear arms. Victims of gun violence and family members of those killed by guns—me among them—want to ensure that guns are kept from the hands of criminals and those with mental illnesses severe in nature. These are both worthy goals, and they should not be mutually exclusive goals.

It is possible to uphold the second amendment while protecting innocent Americans from gun violence. Of course it is. The compromise background check proposal before the Senate—a measure crafted by Senators TOOMEY, MANCHIN, KIRK, and SCHUMER—achieves both goals. This bipartisan measure would keep guns out of the hands of dangerous criminals by requiring background checks for private gun sales at gun shows and over the Internet.

It strengthens the existing instant check system by encouraging States to put all their criminal and mental health records into the National Instant Criminal Background Check System, a step supported by gun rights groups. And it would establish a National Commission on Mass Violence to study all causes of mass violence in our country. School safety, mental health, video games—whatever is appropriate should be looked into.

This legislation has the backing of the Citizens Committee for the Right to Keep and Bear Arms. It has 650,000 members. It is the second largest gun rights group in the Nation.

On this proposal—background checks—the National Rifle Association is not being very talkative. Why? Because they have supported this measure in the past. And while they are not publicly supporting it now, they have done it in the past.

This measure has the support of antigun violence advocates such as Mayors Against Illegal Guns, consisting of hundreds of mayors around the country. It has the support of law enforcement groups, such as the International Association of Chiefs of Police.

Although this compromise does not go as far to expand background checks as some had hoped, the nature of compromise is what it is. That is what legislation is all about. It is not perfect, but it certainly is a long, big, heavy step forward.

Expanding background checks to cover gun shows and Internet sales is common sense. It will help protect the innocent from gun violence. And it will also protect firearms sellers. No responsible firearms dealer wants to unwittingly put a gun in the hands of a murderer.

One need only ask a man by the name of Bruce Daly. Mr. Daly sold the shotgun that was used in a shooting rampage at the Lloyd D. George Federal Courthouse in Las Vegas a few years ago.

Seventy-two-year-old security guard and retired police officer Stanley Cooper was murdered by a felon who bought a gun at a gun show in Kingman, AZ—90 miles from Las Vegas. I repeat, the shooter was a convicted felon, who had no right to own a gun and could never have passed a background check. But because Mr. Daly sold the shotgun at a gun show in Arizona, he never had to perform a background check.

After the shooting at the Las Vegas courthouse, Mr. Daly was found to have an expired Federal permit for selling weapons, and because of that he

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



Printed on recycled paper.

S2629

was convicted. But Mr. Daly, admirably, has stepped forward. He admits to having sold dozens of guns that were linked to violent crimes. I repeat, today Mr. Daly, admirably, wishes he had done more to keep the guns he sold out of the hands of criminals, and he has stated many times that expanded background checks are the best way to do that.

Most gun owners—and most gun dealers—are responsible, law-abiding people. They love and respect firearms. They are sportsmen who hunt. They may take their weapons when they go fishing. These are people who enjoy target shooting, who no longer hunt, but they like to go out and plunk or they like to go to a range and shoot. They are citizens who simply want to protect themselves, their homes, and their families.

A better background check law will not infringe on second amendment rights in any way. But it will prevent the small minority of people who want to obtain guns for the wrong reasons from buying these weapons. And it will stop troubled people who, because of an illness beyond their control, would be a danger to themselves or to others if they possessed a firearm.

This compromise legislation should not be controversial. Nine out of 10 Americans—including a majority, a vast majority, of gun owners and 75 percent of NRA members—support stronger background check laws. This is not the background check law that was reported out of the committee that is in the underlying bill. But MANCHIN, TOOMEY, KIRK, and SCHUMER think they can improve that, and that is what this amendment is all about.

A number of my colleagues oppose this measure. I am sure that is the case. It is their right to vote against it. We continue to work—I continue to work—toward an agreement to vote on this compromise and to consider other amendments. We need to do that. Democrats are not going to offer all the amendments. Republicans want to offer amendments. They feel the law in the country today is too weak. In their minds, they want to make it weaker but they think that is a strength. Most people, a majority of us, would disagree, but they have a right to do that.

I hope there are not going to be a few unreasonable extremists who are going to try to prevent an up-or-down vote on legislation in this bill. We should not have a filibuster on this legislation. I, of course, can always file cloture. I hope we do not have to do that. That would be a shameful tribute to the memory of 27 people who died in Newtown: little boys and girls—in the minds of many, babies—and school teachers, administrators who were killed; 27 of them.

Newtown deserves a vote, and so do the mothers and fathers, loved ones and friends, of the 3,300 victims of gun violence in America since that terrible day at Sandy Hook. Mr. President, 3,300 people have died because of gunshots since Sandy Hook.

Don't we have an obligation to the American people to do some correcting of what is not right in this country? I believe so.

Mr. President, I know the chairman of the committee, who has worked hard to get this matter before us, is here. He also has an amendment. I hope we can get to his amendment, which I wish to do next; and that is an amendment that I am told is even supported by the National Rifle Association to improve what is in this bill that was reported out of the committee dealing with Federal trafficking.

The PRESIDING OFFICER (Mr. Kaine). The Senator from Vermont.

GUN TRAFFICKING

Mr. LEAHY. Mr. President, I tell the Senator from Nevada, we have been working very hard on that. It has bipartisan support. It had a bipartisan vote out of the Senate Judiciary Committee.

We had been working on it with the National Rifle Association and a lot of others because this trafficking allows somebody who can legitimately buy weapons to go in and buy them and then sell them to people who are from a drug cartel in this country or others or to a gang member—people who could not have bought them legitimately. It is a huge loophole.

We saw the same loophole in the murder of the head of the Colorado prison system. The man who we understand shot him would have been prohibited from buying a weapon, but somebody who could buy one bought it and passed it on to him.

I want to thank Senators MANCHIN and TOOMEY for coming forward with their bipartisan amendment to close the gun show loophole and prevent criminals from obtaining firearms, while at the same time respecting and protecting the second amendment rights of responsible gun owners. These Senators have worked long and hard. They have studied the issue. They have compromised, and they have reached an agreement that I intend to support and I hope the Senate will adopt.

The Senator from Nevada certainly hopes Senators will vote and not filibuster. The American people I think would consider it a disgrace if Senators were unwilling to stand and vote either yes or no. A filibuster means you vote maybe. I would hope, with only 100 of us to represent 314 million Americans, we would at least have the courage to vote yes or vote no. It may not be a popular vote either way you vote, but voting maybe—which is what a filibuster is—shows no respect for the Senate and shows no courage.

We have had background checks for decades. They are an accepted part of the process of buying a gun. I am among millions of responsible gun owners who have undergone a background check as part of this process. And as I tell our gun dealers in Vermont when I buy a gun there, I am like millions of

responsible gun owners. I understand this check is necessary and I have no problem going through it. But I expect everybody else to go through it because it keeps guns out of the hands of criminals and those who are a danger to themselves and others due to mental illness.

Background checks work. Since 1998, over 2 million sales to prohibited people have been prevented thanks to background checks. That is 2 million times a potentially dangerous person trying to get a gun was denied a gun.

Now some argue that background checks do not work because not enough people who fail the background check are later prosecuted. Failing a background check is not in itself a crime. Indeed, the main purpose of the background check is to prevent a prohibited person from getting the desired gun. Although not foolproof, the background check system we have had in place has succeeded in preventing dangerous people from getting guns over 2 million times. What we are now trying to do is improve the background check system. That is what the Manchin-Toomey amendment is trying to do. We all know there is a huge, huge loophole in that background check system. Criminals and other prohibited people who could not go in to a legitimate gun store in the Presiding Officer's State or my State can get around this by going to nonlicensed dealers at gun shows.

I know gun store owners in Vermont. They follow the law and conduct background checks. They wonder why others who sell guns do not have to follow these same rules. I agree with these responsible business owners. Just as I go through a background check when I buy a gun, I want everybody to have to go through it and not be able to use the loophole.

I have been voting to close this loophole for years. In 1999, when the Senate adopted an amendment to close the gun show loophole, we passed that provision after the tragedy at Columbine. Regrettably, the House would not pass the bill. Republican leadership at the time let the matter drop. I hope this time the House will join us to close the loophole once and for all.

The Manchin-Toomey bipartisan amendment closes the loophole in a way that does not infringe upon second amendment rights. Sales at gun shows, sales using online or print advertising will be governed by the same kind of requirements that a gun store owner in Vermont or Virginia or anywhere else has to follow. It is going to make us safer. It will not confiscate anyone's guns. It will not create a government registry. It does not undermine the second amendment. No court has held that background checks, which have been with us for decades, violate the second amendment. Indeed, when the U.S. Supreme Court expressly held that the second amendment provides an individual right in the Heller case, it also said that "longstanding provisions on the possession of firearms by felons and