

There's no mystery about what we ought to do, we just need to get on with it.

Mr. President, Senate colleagues—Republicans and Democrats—let's get on with it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

(The remarks of Mr. HATCH, Ms. KLOBUCHAR, Mr. RUBIO, and Mr. COONS pertaining to the introduction of S. 169 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Iowa.

GUN CONTROL

Mr. GRASSLEY. Madam President, the Judiciary Committee will be holding hearings soon—and many times—on responding to mass killings such as the recent school shooting in Newtown, CT. Admittedly, that was a terrible tragedy. We are all sympathetic to the families of the victims of that horrendous crime.

President Obama has asked Congress to pass legislation in response to that event. I look forward to the hearings the Judiciary Committee will hold on this very important subject because we need to know more about the problem and potential legislative action.

There will be plenty of occasions to discuss specific gun, mental health, and other legislative responses to Newtown. Today, I would like to address the President's rhetoric when he announced his proposals.

I was surprised at a number of the President's statements. For instance, he is directing the Centers for Disease Control to conduct research into the causes of gun violence. But gun violence is not a disease, and lawful gun ownership is not a disease. It is a constitutionally protected individual right—the famous second amendment right, not only part of the Constitution for 225 years but reinforced by two recent Supreme Court decisions.

The President said we suffer from an "epidemic of violence." Although there is too much violence in America, violent crime rates are at their lowest level in 50 years—not at epidemic levels, at least epidemic when compared to the last 50 years. There is a reason for that.

Police practices and investigative techniques have improved, and we in the Congress have helped with grants to assist local law enforcement, higher incarceration rates for violent criminals, and an end to parole in the Federal system. Notably, crime rates are at their lowest level in 50 years at the very same time more guns are in circulation than ever before. But what has not declined is mass killings, such as we had in Newtown, CT. Of course, this should be our focus.

But what the President said that most surprised me concerned the Constitution and the Declaration of Independence.

Let us consider principles first. The Declaration of Independence listed grievances against British Government action that violated individual natural rights of the colonists at that time.

Even the declaration did not raise grievances against individuals or grant powers to government. The Constitution exists to create a limited federal government. As Madison wrote in *Federalist* 51:

In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

In other words, the Government of the United States under the Constitution is a limited government, and the Constitution is to protect the people from the government, not for the government to give people rights and powers that the government then in turn could take away. On the other hand, the Constitution does give broad powers to the Federal Government, but it separates them among branches and between the State and National Governments.

The Framers believed these structures would adequately control the government so as to protect individual liberty, but the American people disagreed. They believed the Constitution gave the Federal Government so much power that it could be tyrannical and violate individual rights. So as a condition of ratification, they demanded, and received, assurances that a bill of rights would be added to the Constitution. Each of those rights, including the second amendment dealing with guns, was adopted to yet further limit government power and to protect individual rights.

In other words, the people who wrote the Constitution in 1787, in the spirit that they believed at the time, the Constitution, just the way it was originally written, was adequate to protect individual rights. But we were not going to get the Constitution adopted without the promise of a bill of rights. So the Bill of Rights went yet further, but the Bill of Rights is not a limiting factor as evidenced by the ninth amendment, which said none of the previous eight amendments in any way disparages the rights of citizens, all of those natural rights that are too big that we cannot even enumerate.

Then, of course, the tenth amendment went on to say all powers not specifically given to the Federal Government are reserved to the States and the people thereof. Nothing in the Bill of Rights applied to the actions of private individuals or granted power to the Federal Government. So how far were the President's remarks from the intent of the Constitution's Framers?

President Obama's remarks turned the Constitution on its head because he said:

The right to worship freely and safely, that right was denied to Sikhs in Oak Creek, Wisconsin.

The right to assemble peacefully, that right was denied shoppers in Clackamas, Oregon, and moviegoers in Aurora, Colorado.

That most fundamental set of rights to life and liberty and the pursuit of happiness—[are] fundamental rights that were denied to college students at Virginia Tech and high school students at Columbine, and elementary school students in Newtown.

This is incorrect because except for its prohibition on slavery, the Constitution limits only the actions of government, not individuals. When a criminal commits murder, no constitutional right is violated. So, for instance, the right to peacefully assemble is all about protecting individual rights to organize, to protest, or seek to change government action. It is violated, for instance, when government officials hose down civil rights protesters on the sidewalk. That right is trivialized and mischaracterized as protecting shopping and watching movies. Those constitutional rights are not a source of government power to enact legislation, as I think the President has suggested. Quite the opposite. They are designed solely to preserve individual autonomy as against the government.

Protecting individual rights rather than expanding governmental power may be particularly appropriate in addressing mass killings. One of the reasons so many people died in some of the tragedies the President cited was the failure of the Federal Government, the State government, or the local government, but government generally to protect its citizens.

Police not on the scene cannot arrive at a mass shooting such as Newtown in time to stop it. At Columbine the police employed techniques that are no longer used because they did not stop killings that occurred after their arrival. At Virginia Tech, government officials made decisions after the shooting started that some even have argued may well have led to unnecessary deaths.

The President cited constitutional protection of individual rights as a basis for expanding Federal power against private individuals. No wonder millions of Americans fear that Congress may enact legislation that could lead to a tyrannical Federal Government.

I cannot accept the President's claim that "there will be politicians and special interest lobbyists publicly warning of a tyrannical, all-out assault on liberty[,] not because that's true, but because they want to gin up fear."

The President reads the Constitution differently than it has ever been understood: as a source of power against individual rights rather than a check on government power that guarantees those individual rights. This necessarily and understandably leads many citizens to fear that their individual rights will be violated, and that extends well beyond the second amendment.

It should be a matter of deep concern to all of us when the President wants to use the power of government to curtail individual rights. For 225 years the

Constitution has established a government that is a servant of the people, not its master. As the Judiciary Committee and all of us consider and debate legislation arising from the tragedy at Newtown, I hope we will proceed with the proper understanding of the relationship that the Constitution establishes between governmental power and individual liberty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

TRIBUTE TO SECRETARY OF STATE CLINTON

Mr. NELSON. Madam President, I want to speak about the extraordinary public service that has been rendered by the Secretary of State and whose long record of public service I want to commend. I rise on behalf of my friend, our former colleague, our honorable Secretary of State, Hillary Clinton.

She has represented the United States. She is a world figure. She has represented America to the world, especially with her diligence, her grace, her hard work, and her incredible diplomatic skills. She has traveled to 112 countries. She has racked up 1 million miles, met with thousands of foreign dignitaries. She has reached nearly every corner of the globe and made history on the way.

In each assignment she has left an indelible mark empowering women, supporting sustainable development, supporting the establishment of civil societies, and promoting the tenets of democracy: one man, one vote; one woman, one vote; human rights; and the rule of law.

I might also note that she particularly has underscored the plight of women. Of course, we know we see societies that live almost in another time and age centuries before in the way they treat women. The Secretary of State has tried to help modernize those societies. She has done so by empowering and appointing one of her personal friends, Melanne Vermeer, to be the Global Ambassador for Women's Affairs. That position has taken Ambassador Vermeer all over the globe.

I might say it has been my privilege to have a glimpse of that by seeing my wife Grace Nelson work with Melanne on the plight of poor women in so many different countries across this planet.

When our Secretary of State confronts major national security challenges, her support has been pivotal—from the support she gave the President in the raid that took out bin Laden, to the drawdown of U.S. troops in Iraq and Afghanistan. She has been at the forefront of some of the toughest decisions of our time.

The Secretary has also been steadfast in persuading the international community to enact crippling sanctions on Iran to isolate and to punish the regime for its pursuit of nuclear weapons. I might say on a personal note, a

Floridian has been missing for almost 6 years who was suddenly swept up and disappeared on the Iranian tourist island of Kish in the Persian Gulf. The Secretary has kept very vigilant in continuing to search for any piece of evidence of Bob Levinson and to ultimately bring him home. I thank the Secretary not only for Floridians such as myself, but for his wife, Christine Levinson, and seven children who want their father home. That quest continues unrelentingly by many people. I wanted to say thank you to Secretary Clinton for the efforts she has lent to this effort.

She has been one of the driving forces behind NATO's no-fly zone over Libya in order to prevent Qadhafi from massacring his own people. Through deft diplomacy, she has slowly opened Burma to the outside world. She is encouraging them to free political prisoners, hold parliamentary elections, and finally permit foreign investment. It is happening before our eyes.

Of course, she has taken special interest in the poorest nation in the Western Hemisphere, an island nation right off of the east coast of the United States, also less than an hour-and-a-half flight from Miami; that is, the island of Haiti.

The island nation of Haiti—which is the island that Christopher Columbus was expected to have landed on, Hispaniola—now encompasses Haiti and the Dominican Republic. She has made Haiti one of the top foreign policy priorities, helping the impoverished island build back better after the devastating earthquake that killed over one-quarter of a million people. In no small measure has her husband President Clinton been a part of that attempt at restoration of Haiti from that devastating earthquake.

Last week, during Secretary Clinton's final appearance before the Senate Foreign Relations Committee, she said:

Every time that blue and white airplane carrying the words "United States of America" touches down in some far-off capital, I feel again the honor it is to represent the world's indispensable nation.

Madam Secretary, you have truly honored us with your indispensable leadership. On behalf of all our Senate colleagues, we thank you for your extraordinary service to this country. I want to say that your position will be in capable hands with our colleague and your former colleague, Senator JOHN KERRY, who will serve, as we confirm him in the next 24 hours, as the 68th Secretary of State.

Senator KERRY has served in this Senate in a distinguished amount of public service since 1985. He grew up traveling the world with his father in the Foreign Service. He fought in Vietnam and was awarded the Bronze and Silver Stars, along with three Purple Hearts. I know he is going to build upon and continue the legacy and the extraordinary record of Secretary Clinton and will enhance America's leader-

ship in the world. I look forward to his speedy confirmation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

IMMIGRATION

Mr. RUBIO. Madam President, let me begin by thanking the senior Senator from the State of Florida, who a few moments ago made some very kind remarks about me, and I appreciate that very much. Let me just say he is the best python hunter in the Senate. For those who don't know what I am talking about, they can look it up in the newspaper accounts of Senator NELSON's endeavors of a few weeks ago in the Everglades. So I look forward to working with him, and I thank him for his friendship and his kind words.

Madam President, I wish to take a few moments. I have heard a lot of discussion here on the floor today. A moment ago, we were talking about the STEM visas and the need to reform that process. I would like to take a step back and talk a little about the immigration issue in general. There has been a lot of conversation about that here in the Senate, certainly out in the public. This is a contentious issue, and it is clearly important to understand where we stand today, what it is that is happening, what is not happening, and the way forward in that regard. I hope I can do that in under 10 minutes here this afternoon.

Let me begin by saying something that I think unifies all of us, and that is the belief that legal immigration is good for America. Legal immigration is a good thing for our country. The vast majority of Americans would agree with that. Legal immigration has been a critical part of our heritage, and it is a critical part of our future. We just discussed one aspect of legal immigration that is critical to our future, and that is in the technology field. I guarantee that if you go to the agricultural industry, they will tell you the same thing. Legal immigration is good and important for our country.

The second thing people will tell you is that illegal immigration is not good for America. I know both sides of this coin firsthand. I didn't read about this in a book. I didn't watch some movie last week about immigration. I live this issue on a daily basis. I live in a family of immigrants, married into a family of immigrants, in a neighborhood of immigrants, in a community of immigrants.

I see all the good things legal immigration has done for America, and I see the strain illegal immigration places on our country.

We have a fundamental problem in our country today; that is, we have a broken legal immigration system and we have a very serious illegal immigration problem. That is what we are trying to address in a commonsense way that is good for America.

What we saw yesterday was the release of some principles. It is not a bill,