times. It is also a reminder that Senate offices should continue to follow the mail policies that are in place for their safety in this investigation.

Fortunately, the system in place to protect the Senate community worked. Maybe people say: Well, it is not good enough. It is good. I remember what happened when we had anthrax with Senator Daschle and Senator LEAHY in previous years. So the system that is in place to protect the Senate community has worked. That is good. These suspicious letters were found and intercepted before they reached the Capitol.

I applaud the postal employees and law enforcement officials who detected and neutralized this threat. I commend the Senate Sergeant at Arms, Chief Gainer, and the Capitol Police for their diligent work to keep the Senate community safe. I rest easier knowing the safety of everyone who works and visits the Capitol is their first priority. I know that to be the case.

I apologize to my friend the Republican leader for talking longer than I usually do.

RECOGNITION OF THE MINORITY LEADER

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

TEXAS TRAGEDY

Mr. MCCONNELL. Mr. President, I would like to say a brief word about last night's tragedy near Waco. From the media reports we have seen, there have clearly been a great many injuries and a terrible loss of life. We are all thinking of and praying for the victims and their families.

Given the horrendous event at the Boston Marathon on Monday, followed by the event near Waco last night, it has been a very difficult week for all of us. Our hearts are a little bit heavier.

I yield the floor.

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 firearms are listed in the national criminal background check system and require a background check for every firearm sale, and for other purposes.

Pending:

Barrasso amendment No. 717, to withhold 5 percent of Community Oriented Policing Services program Federal funding from States and local governments that release sensitive and confidential information on law-abiding gun owners and victims of domestic violence.

Harkin amendment No. 730, to reauthorize and improve programs related to mental health and substance use disorders.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon will be equally divided and controlled between the two leaders or their designees.

Mr. MCCONNELL. Mr. President, 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.

Mr. CORNYN. 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.

PRAYERS FOR WEST, TEXAS

Mr. CORNYN. Mr. President, it is perhaps an understatement to say that it has been a difficult week for our country.

As Americans hold the city of Boston in their thoughts and prayers, I come to the floor to ask for another prayer for the small town of West, TX, in McLennan County, which is very close to Waco, TX.

I just got off the phone talking to the county judge, Scott Felton, and he described for me the terrible tragedy that occurred last night and the ongoing efforts to recover from that tragedy.

Apparently a fire started at an ammonia facility that then caught some tanks of anhydrous ammonia on fire and they literally exploded. And for those who aren't aware of the use of anhydrous ammonia, it is actually a source of nitrogen used in the cultivation of crops. You can imagine that at this time of year, springtime, when planting is starting, there is a lot of use for this essential fertilizer.

The fire started at about 7:30 last night, and the volunteer fire department/first responders were called. The problem was they showed up for a fire but ultimately ended up being victims of the explosions that ensued a short time thereafter when tanks of this anhydrous ammonia exploded. They don't yet know the number of fatalities.

I saw in press reports it could be between 5 and 15. Judge Felton tells me he fears it could be on the higher side of that number or even higher; they just don't know. They are continuing to try to find the victims and help those who need help.

We do know more than 100 people were wounded. An unknown number have lost their lives, as I said, but we do know that among the dead are a number of firefighters, volunteer firefighters, and other first responders. As typical, and as we actually saw in Boston, during a time of crisis in tight-knit communities such as West and cities such as Boston, we see some acts of real heroism that are encouraging at a time when we could use a little encouragement. We are seeing the resilience of a tight-knit, self-sufficient community in the aftermath of this terrible tragedy.

Businesses have reportedly stayed open throughout the night and neighbors have opened their doors to help support the victims. As is so often the case, ordinary citizens ran toward danger as they offered assistance. One resident loaded his car with people and made three successive trips to the hospital. This morning, as I was waking up and watching the news, I saw one gentleman who said he made multiple trips into the nursing home for nursing home residents who were not able to walk out themselves, to bring them to safety.

As one police officer at the scene said, ''The people of West will not let a person stand out in the rain.''

We, of course, grieve for those who lost their lives and we pray for those who are injured and still missing. I ask all Americans to keep the people of West, TX, in their thoughts and prayers.

GUN LEGISLATION

Mr. President, on another note—and I say this more in sadness than in anger—I watched the President of the United States say it was a pretty shameful day for Washington—on the national news. That was yesterday. I agree, but for different reasons than the President himself articulated. When good and honest people have honest differences of opinion about what policies our country should pursue when it comes to the Second Amendment and gun rights and mass gun violence, the President of the United States should not accuse them of having no coherent arguments or caving to the pressure. The President could have taken the high road, could have said, ok, now that we have been unsuccessful in these measures, let's move on to the area where we know there is consensus and that has to do with the mental health element in so many of these mass gun tragedies.

Instead, he chose to take the low road. I agree with him it was a truly shameful day. I and many of my colleagues are not worried, as some of the press like to portray it, about the gun lobby who would spend a lot of money and paint us as anti-Second Amendment. I don't work for them. I don't listen for them. I work for 26 million Texans, and I am proud to represent them. The views I represented on the floor of the Senate are their views. If I do not represent their views, then I am accountable to them and no one else, and, no, those of us who did not agree with the President's proposals are not being intimidated, as he said yesterday. It is false, it is absolutely false to say it comes down to politics, as he said.

For me, it comes down to a meeting I had with the families who lost loved ones at Sandy Hook Elementary

School. I told them I was not interested in symbolism, in things we might be able to do that would have had no impact on the terrible tragedy that day or in Tucson or at Virginia Tech or in Aurora, CO. I am not interested in passing legislation that would have had no impact on those incidents and then patting ourselves on the back and congratulating ourselves, saying, haven't we done a wonderful thing, when in fact it would be to celebrate symbolism over solutions. I am interested in trying to come up with a solution.

I told them that day, the family members who came to visit with me as we grieved with them for their terrible loss, I told them that as I understood what they were telling me, they were not coming to sell a particular political point of view or an agenda or legislative laundry list of things they wanted to see passed. It boiled down to this. These families—who lost children and parents and spouses—want to make sure their loved one did not die in vain. They want to make sure something good comes out of this terrible tragedy. Why wouldn't we want to work together to try to help them achieve their goals?

The President indicated yesterday that the legislation he actually was pursuing, the so-called assault weapons ban, the background check bill, and others—he said none of that legislation would have solved the problem these families were experiencing. I happen to agree with that part of what he said. But instead of calling the President names and taking the low road as he did yesterday and chastising my fellow Senators for their good-faith disagreement on the best policies to pursue in order to make sure these families' loss was not in vain, I am here to ask for his help. I am here to ask for the help of every Member, to try to make sure we actually continue to look for measures we might be able to get behind to actually make things better, that would have offered a solution to some of these problems.

I have heard Senator FEINSTEIN, who so eloquently spoke in favor of her proposed assault weapons ban. She conceded—I think as she had to—that Adam Lanza would not have been stopped by an assault weapons ban because he stole weapons his mother legally possessed, and he murdered his own mother before he then went to Sandy Hook Elementary School and murdered innocent children and other adults. The background check bill would not have had any impact on that. As Senator FEINSTEIN conceded, as she must, neither would the assault weapons ban we voted on yesterday.

What might have an impact on incidents such as occurred at Virginia Tech? What might have had an impact on incidents that occurred in Tucson, where Congresswoman Gabby Giffords was shot and others killed? We know the background check system, the National Instant Criminal Background Check System, the NICS system that the FBI maintains, depends on the States sending information to the FBI that they could use to screen out gun buyers. As a matter of fact, the shooter at Virginia Tech had been adjudicated mentally ill by the State of Virginia, but that information was never forwarded to the FBI to be used on a background check so he could therefore purchase weapons without a hit occurring on the NICS background check system.

After 2008, we passed legislation encouraging the States, trying to incentivize them to send that information to the FBI so that would not happen again. We know from the Government Accountability Office, the GAO, that the record of compliance with that law is dismal indeed. Many States simply have not done it. I believe there are things we can do to further incentivize the States to send that information so the background check system, maintained by the FBI, actually works to preclude shooters such as the Virginia Tech shooter from legally buying weapons because there would be a hit on the background check system and he would be stopped from that source of these weapons.

We know in Tucson, for example, the shooter there failed a drug test when he tried to volunteer for the military. That is also a disqualifying incident that had it been reported to the background check system, as it could have and should have been, would have prevented him from purchasing weapons legally without being blocked by a hit on the background check system. Why in the world wouldn't we look for ways to improve the current background check regime, to stop people like that from buying weapons and committing these mass atrocities?

I believe there is actually a way forward for us, and I hope Senator REID, the majority leader, who controls the agenda on the Senate floor, will not choose to quit in our effort to try to find solutions, indeed something we need to pursue instead of just symbolic gestures which would have had no impact on these mass gun tragedies.

We do not know what the majority leader is going to choose to do. He may choose to get off the gun bill and get onto other business. It is his prerogative to file the appropriate paperwork to ask the Senate to do that. But it is our prerogative to say, no, we believe we ought to stay on this topic until we pass commonsense solutions that would actually make a difference in terms of these mass tragedies, and so these families could say, no, my loved one—amidst all this terrible tragedy, amidst this terrible grief and heartache they are experiencing that we can all just barely imagine, that they can say something good came out of their loss because Congress moved forward, putting politics aside, setting the talking points aside, and looked for some sort of common ground that would advance the cause of public safety and, hopefully, just hopefully, prevent some of these tragedies from occurring in the future.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

THE CDH RESOLUTION

Mr. SESSIONS. Mr. President, I rise today to discuss S. Res. 85. I am pleased that the Senate has unanimously declared April as National Congenital Diaphragmatic Hernia Awareness Month. I would like to thank my friend and able colleague, Senator BEN CARDIN of Maryland, for joining me in this legislation. This Resolution is very important to me and my family, as my grandson, Jim Beau, is a CDH survivor.

CDH is a birth defect that occurs when the fetal diaphragm fails to fully develop. The lungs develop at the same time as the diaphragm and the digestive system. When a diaphragmatic hernia occurs, the abdominal organs move into and develop in the chest instead of remaining in the abdomen. With the heart, lungs, and abdominal organs all taking up space in the chest, the lungs do not have space to develop properly. This may cause the lungs to be small and underdeveloped.

A diaphragmatic hernia is a life-threatening condition. When the lungs do not develop properly during pregnancy, it can be difficult for the baby to breathe after birth or the baby is unable to take in enough oxygen to stay healthy.

CDH will normally be diagnosed by prenatal ultrasound, as early as the 16th week of pregnancy. If undiagnosed before birth, the baby may be born in a facility that is not equipped to treat its compromised system because many CDH babies will need to be placed on a heart-lung bypass machine, which is not available in many hospitals. All babies born with CDH will need to be cared for in a Neonatal Intensive Care Unit, NICU.

Babies born with CDH will have difficulty breathing as their lungs are often too small, biochemically and structurally immature. As a result, the babies are intubated as soon as they are born, and parents are often unable to hold their babies for weeks or even months at a time.

Most diaphragmatic hernias are repaired with surgery 1 to 5 days after birth, usually with a GORE-TEX patch. The abdominal organs that have migrated into the chest are put back

where they are supposed to be and the hole in the diaphragm is closed, hopefully allowing the affected lungs to expand. Hospitalization often ranges from 3 to 10 weeks following the procedure, depending on the severity of the condition.

Survivors often have difficulty feeding, some require a second surgery to control reflux, others require a feeding tube, and a few will reherniate and require additional repair.

Awareness, good prenatal care, early diagnosis, and skilled treatment are the keys to a greater survival rate in these babies. That is why this resolution is so important.

Congenital diaphragmatic hernia is a birth defect that occurs in 1 out of every 2,500 live births. Every 10 minutes a baby is born with CDH, adding up to more than 600,000 babies with CDH since just 2000. CDH is a severe, sometimes fatal defect that occurs as often as cystic fibrosis and spina bifida. Yet, most people have never heard of CDH.

The cause of CDH is unknown. Most cases of diaphragmatic hernia are believed to be multi-factorial in origin, meaning both genetic and environmental are involved. It is thought that multiple genes from both parents, as well as a number of environmental factors that scientists do not yet fully understand, contribute to the development of a diaphragmatic hernia.

Up to 20 percent of cases of CDH have a genetic cause due to a chromosome defect or genetic syndrome.

Approximately 40 percent of babies born with CDH will have other birth defects, in addition to CDH. The most common is a congenital heart defect.

In 2009, my grandson Jim Beau was diagnosed with CDH during my daughter Mary Abigail's 34th week of pregnancy. Although she had both a 20-week and a 30-week ultrasound, the nurses and doctors did not catch the disease on the baby's heartbeat monitor.

Thankfully, when Mary Abigail, her husband Paul, and daughter Jane Ritchie moved to southeast Georgia, the baby's irregular heartbeat was heard at her first appointment with her new OB. She was sent to Jacksonville for a fetal echo.

The technician there told her that she wasn't going to do the echo because there was something else wrong with the baby. She asked my daughter if she had ever heard of congenital diaphragmatic hernia. Of course, she had not, and at that time our family did not know the extent of our grandson's birth defect.

My daughter and her family moved to Gainesville, FL, on November 16 and Jim Beau was born 2 weeks later on November 30. They heard their son cry out twice after he was born, right before they intubated him, but they were not allowed to hold him.

The doctors let his little lungs get strong before they did the surgery to correct the hernia when he was 4 days old. Unfortunately, it turned out that the hernia was worse than they expected. The hole in his diaphragm was very large, and he had almost no posterior diaphragm. His intestines, spleen, and one kidney were up in his chest.

Thankfully, Jim Beau did not have to go on a heart-lung bypass machine, but he was on a ventilator for 12 days and on oxygen for 36 days. In total, he was in the NICU for 43 days before he was able to go home.

Fortunately for my family, and thousands of similar families across the United States, a number of physicians are doing incredible work to combat CDH.

The CDH survival rate at Shands Children's Hospital in Gainesville, FL, where my grandson was treated, is unprecedented. The survival rate of CDH babies born at Shands is between 80 percent and 90 percent, while the nationwide average is significantly lower.

Dr. David Kays, who was the physician for my grandson's surgeries, uses gentle ventilation therapy as opposed to hyperventilation. Gentle ventilation therapy is less aggressive and therefore protects the underdeveloped lungs. My family was very lucky that Jim Beau's defect was caught before he was born, and that they were in the right place to seek excellent care for his CDH.

The resolution Senator CARDIN and I introduced is important because it will bring awareness to this birth defect, and this awareness will save lives. Although hundreds of thousands of babies have been diagnosed with this defect, the causes are unknown and more research is needed. Every year more is learned and there are more successes. I hope my colleagues will join me in supporting this legislation to bring awareness to CDH.

Tomorrow, April 19, is the International Day of Congenital Diaphragmatic Hernia Awareness. In commemoration of this day, a march, the Parade of Cherubs, will take place tomorrow here in Washington, DC. We will be joined in our efforts by multiple cities across the Nation, all of which are hosting their own Parade of Cherubs. Events like these will help increase awareness of this devastating birth defect.

I thank the Chair and yield the floor.

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

The assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. 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.

Mr. BLUMENTHAL. Mr. President, I am here today with sadness and anger after one of the saddest and most troubling days in my career in public service. Yesterday the Senate turned its back on the families of Newtown—some of them sitting in this very gallery, along with victims of other shootings.

The first words I heard when Vice President BIDEN banged the gavel to end the vote on the background check bill yesterday were, ''Shame on you.'' ''Shame on you'' were the words of a rightfully angry mother of a Virginia Tech student who was shot in the head twice 6 years ago this week. This heartbroken mother had the courage and the fortitude to say the words that all of us who have been fighting for commonsense laws to reduce gun violence felt at that moment.

Shame on us. Shame on the Senate. It was, in fact, a shameful day for this Nation and for our democracy. The hardest part of that day was to explain to the loved ones who lost children, spouses, family members in Newtown that day how 90 percent of the American people—the majority of gun owners and even NRA members—and 54 Members of the Senate could favor a proposal that failed to become law. How could that be in a democracy?

Part of the answer relates to the filibuster, which is a now proven despicable antidemocratic feature of this body. I have voted several times to, in effect, eliminate it, and yesterday's vote was a nail in the coffin of the filibuster because the American people simply will not stand for a result that so typifies an antidemocratic result but, even more, an antidemocratic process.

The filibuster fight is for another day. The fight today is to continue this effort against gun violence. I will pledge to every Member of this body, every person in Connecticut, and anyone who is engaged in this fight, that I will continue with redoubled determination.

When I tried to explain to one of the family members yesterday how this process could be so broken and reach such an intolerable result, I said: We are not done. And she said to me: We are not even close to done.

So resolute and resilient are these families that they should inspire us and uplift us in their determination to continue this work for the sake of the loved ones they lost and to keep faith with the 3,400 innocent people who have perished as a result of gun violence since December 14 and the thousands who perished before.

It is not just our opportunity in the Senate—one of the great institutions in the history of the world—but our obligation, as public officials and as Members of a body that holds a trust for democracy and for safety, to provide better security for our people and our children.

The mother of that Virginia Tech student was sitting in the same gallery with those members of Newtown, CT, who lost 20 precious, beautiful children and six brave, great educators. They were keeping vigil as the Senate turned its back on them.

Despite their profound and harrowing loss, those parents, husbands and wives, sons and daughters, sisters and brothers, grandmothers and grandfathers have kept faith. They have

spent the last 4 months tirelessly and relentlessly advocating for changes and reforms in our gun laws so that the loss they suffered will not have been in vain. Still, the Senate failed in its responsibility in turning its back on them.

I do not want to relive December 14 when I went to Sandy Hook and heard and saw the grief and pain of those parents and loved ones as they emerged from the firehouse. That unspeakable and unimaginable horror I do not want to see again.

Yesterday was demoralizing and discouraging but not defeating because, ultimately, this reform will be delayed but not denied.

The massacre of 20 innocent children and their teachers will bring us, ultimately, to our senses, but so will the violence, carnage, and killing since then. In the words of Mark Barden, whose son Daniel is in this picture: We are not defeated. We are here now. We will always be here because we have no other choice. The ''Connecticut effect'' is not going away. The Bardens are not going away, nor are any of the Newtown families. The advocates of sensible, commonsense gun reform are not going away. We are here to stay.

For Mark and Jackie Barden and all of the other families from Newtown and every other victim of gun violence in this country, there is no going back. There is no turning back the page. We must simply move on to the next issue. As the bicycle team who came from Newtown to Washington, Team 26, said, we must go on pedaling. The only way to keep a bicycle upright is to move forward. That is a simple lesson of life the families of Newtown learned in their horrific tragedy. I will continue to stand with them and all of the other victims of gun violence to work, to fight another day.

I say to every one of my colleagues, my friends who sided with the proponents of fear, do not underestimate the power of the Newtown families and the other victims of gun violence. They are not going away. They will help to hold accountable and answerable to the people of America the actions that were taken here, the votes that were cast. Votes have consequences, just as elections do. The people of America will remember. Our job now is to raise awareness, spread the rage that we feel, raise that rage, and organize and enable and empower citizens to be heard and heeded by this body, whether in the next election or before then. My hope is that it will be before then because we must act before the next election. That action is an opportunity, a historic moment we must seize.

Not everyone in this body turned their back on the victims of Newtown or on this cause yesterday. There were genuine profiles in courage on this floor, in this body: first and foremost, Senator MANCHIN, who led the fight on background checks and forged a compromise that should have won the day, and Republicans who chose to buck their own leadership and follow their hearts and consciences—Senators MCCAIN, COLLINS, KIRK, and TOOMEY. The American people will thank you.

There are Democrats who took some tough votes—tough votes particularly for their States. I thank Senators HAGAN, CASEY, LANDRIEU, HEINRICH, MARK and TOM UDALL, JON TESTER, and Senator SHAHEEN. These Senators put saving lives above the politics of the moment. They showed true leadership in the face of lies and fearmongering. They deserve our thanks and praise.

I wish to pay tribute to the Senators who have led this effort over many years: Senators FEINSTEIN, LAUTENBERG, SCHUMER, and DURBIN. I thank my colleague CHRIS MURPHY for his leadership and his courage. Senators FEINSTEIN, LAUTENBERG, SCHUMER, and DURBIN have been a tireless foursome on behalf of this fight. They have been dogged and determined. No amount of NRA deception or dishonesty has deterred them or stopped them.

I thank the majority leader, HARRY REID, for his courage. He has persevered in seeking a path forward on this legislation in the face of some of the most difficult political and procedural obstacles. He has been as passionate and persevering in this cause as any one of the advocates in these last weeks.

If you want to know the definition of ''resilient,'' look up ''FRANK LAUTENBERG'' in the dictionary because there he was, right here yesterday, after weeks of debilitating illness, with his wife Bonnie in the gallery. She cheered him on, and so did we. Nothing was going to keep him from voting on the gun control bills he had championed for a lifetime.

In moving forward, let's take heart and inspiration from the families of Newtown, who have been resolute and resilient at every turn, from the continued strength of the advocates, from the courage of our colleagues who stood strong yesterday, and from the American people.

I have said, along with others, that at the end of the day the American people would be the ones to make a difference. Their rage and disbelief is palpable. They will be there for Daniel Barden. He is only one among thousands. We have seen their pictures. They have been on display on this floor. Their names have been recited and their memories revived.

Yesterday the Senate said no to America, but the people of America will not take no for an answer. As Martin Luther King said, ''The arc of history is long, but it bends towards justice.'' We are on the right side of history, which will eventually vindicate this cause. I look forward to being here, if not within days, at least in the very near future when we take another vote and we stand 60 or more strong to make sure that Daniel Barden's memory is not in vain and that his brave parents are also vindicated in their trust in us.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MURPHY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 717

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 717 offered by the Senator from Wyoming, Mr. BARRASSO.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, this amendment protects the privacy and safety of law-abiding gun owners. When government officials release gun ownership information, it puts many lives at risk. This includes the lives of lawful gun owners, the lives of law enforcement, and the lives of victims of domestic violence.

State or local governments which release private gun owner information will be penalized 5 percent of their Federal program funding. This includes the release of private information on individuals who have licenses to purchase, possess, or carry firearms. The funding which is withheld will then be redistributed to the States which are in compliance. This amendment will ensure gun owners across the Nation do not have their private gun owner information publicly released.

I urge all Senators to support the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is a case of Washington being Big Brother and telling each one of the States—whether it is Wyoming, Vermont, or Connecticut—what they must do. We have no idea how it will affect them. We do know it is going to cut off a lot of money to law enforcement because it is telling States, even though the State legislators have gone out for the year, they need to have a one-size-fits-all. There has not been a hearing on it. It is a feel-good amendment. It will hurt our States but, most importantly, it will hurt law enforcement.

If you wish to have a discussion on this subject, that is fine. Let's have a hearing. Let's find out what it is. To do this feel-good amendment and inform every one of our 50 States there is 2 minutes of debate, inform our 50 States we know better than they do and this is what they should do, makes no sense.

I oppose the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Barrasso amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. COWAN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—67

Alexander	Flake	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Baucus	Hagan	Portman
Begich	Hatch	Pryor
Bennet	Heinrich	Risch
Blunt	Heitkamp	Roberts
Boozman	Heller	Rubio
Burr	Hoeven	Scott
Casey	Inhofe	Sessions
Chambliss	Isakson	Shaheen
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Tester
Cochran	Kaine	Thune
Collins	Kirk	Toomey
Coons	Klobuchar	Udall (CO)
Corker	Landrieu	Udall (NM)
Cornyn	Lee	Vitter
Crapo	Manchin	Warner
Cruz	McCain	Wicker
Donnelly	McCaskill	Wyden
Enzi	McConnell	
Fischer	Merkley	

NAYS—30

Baldwin	Gillibrand	Murray
Blumenthal	Harkin	Nelson
Boxer	Hirono	Reed
Brown	Johnson (SD)	Reid
Cantwell	King	Rockefeller
Cardin	Leahy	Sanders
Carper	Levin	Schatz
Durbin	Menendez	Schumer
Feinstein	Mikulski	Stabenow
Franken	Murphy	Whitehouse

NOT VOTING—3

Cowan	Lautenberg	Warren

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mr. BARRASSO. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 730

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 730 offered by the Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. Mr. President, I rise to speak in support of amendment No. 730, which I have offered along with Senator ALEXANDER and a bipartisan group of colleagues. This amendment would reauthorize and improve programs administered by both the Department of Education and Health and Human Services related to awareness, intervention, prevention of mental health conditions, and the promotion of linkages to appropriate services for children and youth.

Basically, title I focuses on school settings by promoting schoolwide prevention through the development of positive behavioral interventions and supports. Title II focuses on suicide prevention and also helping children recover from traumatic events.

I wish to make it clear this amendment passed our committee last week unanimously—unanimously. It has a number of Republican and Democratic cosponsors, so I hope, regardless of how we might agree or disagree on all the stuff about guns and the stuff that has come up, we can all agree we need to do a better job of early identification, intervention, and providing support services for the mental health of our children in this country.

With that, I yield to Senator ALEXANDER.

Mr. ALEXANDER. Mr. President, this bill was unanimously accepted in committee. It has the contributions of many Senators on both sides. It improves prevention and intervention in our schools, universities, communities, doctors' offices, and mental health clinics. I urge a ''yes'' vote. It is an authorization bill and, therefore, has no score.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. COWAN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—95

Alexander	Flake	Moran
Ayotte	Franken	Murkowski
Baldwin	Gillibrand	Murphy
Barrasso	Graham	Murray
Baucus	Grassley	Nelson
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Blumenthal	Hatch	Reed
Blunt	Heinrich	Reid
Boozman	Heitkamp	Risch
Boxer	Heller	Roberts
Brown	Hirono	Rockefeller
Burr	Hoeven	Rubio
Cantwell	Inhofe	Sanders
Cardin	Isakson	Schatz
Carper	Johanns	Schumer
Casey	Johnson (SD)	Scott
Chambliss	Johnson (WI)	Sessions
Coats	Kaine	Shaheen
Coburn	King	Shelby
Cochran	Kirk	Stabenow
Collins	Klobuchar	Tester
Coons	Landrieu	Thune
Corker	Leahy	Toomey
Cornyn	Levin	Udall (CO)
Crapo	Manchin	Udall (NM)
Cruz	McCain	Vitter
Donnelly	McCaskill	Warner
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Fischer	Mikulski	

NAYS—2

Lee	Paul

NOT VOTING—3

Cowan	Lautenberg	Warren

The PRESIDING OFFICER. Under previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mr. HATCH. Mr. President, earlier this week, as the debate on this legislation began, the distinguished majority whip said that ''we are here because of Newtown, Connecticut.'' I agree. Had that horrific event not occurred last December, this legislation would not have been introduced.

I share with all Americans the sorrow, frustration, and anger that follows a tragedy like what happened in Newtown or earlier in Aurora, Colorado, and Arizona. I share the sense that we must respond in some way, that we must prevent such tragedies in the future. We feel that way even though we know that such a guarantee is impossible, especially in a country that we want to remain free. But when a tragedy like that occurs, our fellow Americans look to Congress as if to say: Don't just stand there, do something.

If we are here because of Newtown, if this legislation is indeed a response to that tragedy to prevent it from happening again, then it seems obvious that there should be some connection between what happened there and what is happening here. Common sense would say that Newtown must have exposed some deficiency in our laws or some gap that needs to be filled. Common sense would say that a legislative response to Newtown would be something that could have prevented this tragedy and, therefore, can prevent a similar tragedy in the future.

That is what common sense would say, but it is just not true. In fact, the same day that the majority whip said that we are here because of Newtown, liberal columnist Richard Cohen wrote in the Washington Post that this legislation would do ''absolutely nothing to avoid such a tragedy.'' Expanding background checks, for example, would not have prevented the Newtown shooting because Adam Lanza did not purchase the weapons that he used, nor would they have prevented the Aurora shooting because James Holmes not only legally purchased the weapons he used, but would have passed a background check even under the bill before us. We may be here because of Newtown, but the bill we are considering simply does not respond to that tragedy.

As I said, I share the feeling after a tragic event that we must take action. We must, however, resist the temptation to believe that more legislation is always the answer. The truth is that the Newtown and Aurora shooters, as well as the Columbine shooters before them, broke dozens of Federal, State, and local laws already on the books. Federal law has already created more

than 60 different firearms offenses. The Bureau of Alcohol, Tobacco, and Firearms posts on its Web site a reference guide to Federal firearms regulations. It is 243 pages long. But during the first decade of the 21st century, according to the Census Bureau, the percentage of intentional homicides from handguns, rifles, or shotguns all declined rather than rose.

Even more important than these legislative considerations is the fact that public policy in this area impacts fundamental constitutional rights. When other tragedies occur, even terrorist attacks, we often hear that such circumstances must not weaken our commitment to the Bill of Rights, and I do not believe we should do so now.

One of the disturbing arguments I have heard so often during this debate is that Americans do not ''need'' certain guns for certain activities or do not ''need'' to exercise their Second Amendment rights in certain ways. This dangerous view gets it exactly backwards. The place to start is with the individual right that the Constitution guarantees and the burden should be on the government to justify infringing or limiting that right. Imagine if the government told us how much speech or the exercise of religion we ''need'' under the First Amendment or if the government told us how much privacy we ''need'' under the Fourth Amendment. My liberal friends would howl in protest if we treated other provisions of the Bill of Rights in the way they want to treat the Second Amendment.

The Second Amendment guarantees a fundamental right of individuals to keep and bear arms. In fact, the Second Amendment merely codifies a right that already existed, a right that predates the Constitution itself. In 1982, when I chaired the Judiciary Subcommittee on the Constitution, we published a landmark report on the history of this fundamental right. More than 25 years before the Supreme Court officially said so, our report established that the Second Amendment ''was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms.''

The President yesterday called it ''shameful'' that the Senate defeated gun control proposals that he favors. I disagree. There was nothing shameful about opposing legislation that failed to respond to the Newtown tragedy, that cannot prevent such tragedies from ever happening again, and that undermines the Bill of Rights.

Two things will always be true as we continue grappling with violence in our society: people, not guns, kill and harm other people and criminals will not obey the law. It does no good to pretend otherwise or legislate for a society in which those things are not true, in other words, for a society that does not exist. We have to address the society we have, a society we want to remain free, a society in which we are protected by the Constitution. I could not support the legislation before us because it failed to meet this standard.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Ms. HEITKAMP).

EXECUTIVE SESSION

NOMINATION OF ANALISA TORRES TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF DERRICK KAHALA WATSON TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

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

The legislative clerk read the nominations of Analisa Torres, of New York, to be United States District Judge for the Southern District of New York and the nomination of Derrick Kahala Watson, of Hawaii, to be United States District Judge for the District of Hawaii.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes for debate equally divided in the usual form prior to votes on the nominations.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, Monday's confirmation of Judge Beverly O'Connell marked the 150th confirmation of a Federal trial court nomination by President Obama. Thanks to Senate Republicans' concerted effort to filibuster, obstruct and delay his moderate judicial nominees, it took almost 1 year longer to reach this milestone than it did when his Republican predecessor was serving as President, 10 months in fact. I have repeatedly asked Senate Republicans to abandon their destructive tactics. Their unwillingness to do so shows that Senate Republicans are still focused on obstructing this President, rather than helping meet the needs of the American people and our judiciary.

The ability of hardworking Americans to get their day in court and have their rights protected should not be subject to this kind of wrongheaded, partisan obstructionism. Today, the Senate is being allowed to vote on just 2 of the 15 judicial nominees ready for confirmation. Ten of the judicial nominees confirmed this year could and should have been confirmed last year. There are still four judicial nominees in that category, who are part of the backlog on which Senate Republicans insist on maintaining. And like so many of President Obama's district court nominees, Analisa Torres and Derrick Watson have had to wait more than 60 days after being voted on by the Judiciary Committee to be considered by the Senate. These systematic delays help explain why we remain more than 20 confirmations behind the pace we set with President Bush's nominees. We can make up much of that ground if Senate Republicans would just agree to a vote on all 15 nominees currently pending on the Executive Calendar. All of them received bipartisan support in committee, and all but one were unanimously approved by the committee. There is no good reason for further delay, especially at a time when judicial vacancies remain at 85.

Let us clear the backlog of judicial nominees ready for confirmation. Republicans have recently started pointing to 2004. In 1 month in 2004, a presidential election year, we were able to clear a backlog of consensus nominees by confirming 20. This insistence on delay and holding over consensus nominees from 1 year to the next has been constant. Seventeen of the confirmations for which Senate Republicans now seek credit over the past 2 years should have been confirmed more than 2 years ago in the preceding Congress. That is when they allowed only 60 judicial confirmations to take place during President Obama's first 2 years in office, the lowest total for a President in over 30 years. Indeed, during President Obama's first year in office, Senate Republicans stalled all but 12 of his circuit and district nominees. That was the lowest 1-year confirmation total since the Eisenhower administration, when the Federal bench was barely ⅓ the size it is today.

The fact is that we have these 15 nominees waiting for a vote. We have 15 judgeships that can be filled so that hardworking Americans in New York, Hawaii, Louisiana, California, Florida, Oregon, Pennsylvania, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Arkansas, New Mexico, Colorado, Kansas, Oklahoma, Utah, and Wyoming can have better access to justice. All Senate Democrats are prepared to vote on all of these nominees today.

Judge Analisa Torres is nominated to serve on the US District Court for the Southern District of New York. She currently serves as a New York State Supreme Court Justice. Previously, she served as an acting New York State Supreme Court Justice, a judge for the Civil Court of the City of New York, and as a judge for the Criminal Court of the City of New York. She received her A.B., magna cum laude, from Harvard University and her J.D. from Columbia Law School. Judge Torres has the strong support of her home State Senators, Senator SCHUMER and Senator GILLIBRAND.