

and they trail significantly behind us. They have 54 guns per 100; we are at 88 guns owned per 100.

When it comes to gun massacres, the United States is an anomaly. There are more public mass shootings in America than in any other country in the world. The United States makes up less than 5 percent of the world's population but holds 31 percent of global mass shooters. In Australia, for example, four mass shootings occurred between 1987 and 1996. They decided to do something about that so they passed sensible gun safety legislation. Australia has not had a mass shooting since then.

Gun homicide rates are about 25 times higher in the United States than other developed countries. According to the recent study of the American Journal of Medicine, the United States has one of the highest rates of death by firearm in the developed world, according to the World Health Organization data. The calculations based on the OECD data from 2010 showed that Americans are 51 times more likely to be killed by gunfire than people in the United Kingdom. We need to do something about this. We can't sit idly by.

Congress should act today to close the so-called Charleston loophole. The Senate should once again follow the House's lead here. A particularly tragic example of the consequences of this loophole was the racist hate crime murder of nine people at the Emanuel African Methodist Episcopal Church in Charleston, SC, that occurred in 2015. In that tragedy, the shooter was not legally allowed to possess a firearm due to drug charges but still was able to acquire his gun from a licensed dealer who made the decision to transfer, after the current 3-business day period expired, despite not having received a definitive response from the background check system.

Unfortunately, the sale to the shooter after 3 days fell into what is known as the default proceed sale, and this was not an isolated incident. Since 1994, gun sellers proceeded with between 3,000 and 4,000 such sales every year simply because the information has not gotten back on the background check.

I would note that in most cases, a licensed gun dealer receives notification from the system about a prospective buyer within a few minutes. In less than 10 percent of the cases, the examination may require additional time to complete the background check if the information the transferee provided is incomplete, inaccurate, or otherwise defective. Under current law, a licensed gun dealer conducting a background check on a prospective purchaser may sell the firearm to the purchaser after 3 business days, even if they have not received a reply in regard to the background check. This is wrong, and Congress should change the rule as the House has done.

I agree gun laws alone cannot solve the problem, but gun laws will make a difference. Yes, there is no single an-

swer, but we should be united in our willingness to do what we can to save lives.

I agree with my colleagues on both sides of the aisle that we must devote more resources to mental health priorities to identify young people who may be about to cause harm to themselves or others. Let's attack this problem from multiple directions. We cannot raise our hands in the air and give up because there is no one law that can solve the problem.

Sitting on the sidelines is not an option when our children are being killed—sometimes by other children—and surrendering to the false logic that the problem is too big to address falls well short of what the American people deserve. We were sent to our Nation's capital to make tough decisions and to do the right thing.

The American public is letting their voices be heard on this issue. Thoughts and prayers might console the grieving for a moment, but action speaks louder and will have lasting impact.

From my hometown of Baltimore to many towns across America that have had their names in the headlines because of gun-related tragedies or mass shootings, people are calling on Congress to act.

What we are proposing are logical next steps to address the deadly problem that has been festering in this country far too long. Too many lives have been lost. Let's do the right thing in the Senate and immediately take up legislation to require universal and completed background checks for individuals seeking to purchase a gun.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

NOMINATION OF JOHN FLEMING

Mr. BARRASSO. Mr. President, I rise in support of the nomination of John Fleming to serve as Assistant Secretary of Commerce for Economic Development.

The Assistant Secretary serves as the Administrator of the Economic Development Administration, the EDA. It is the only Federal Agency focused exclusively on economic development. It works directly with communities in regions to help them build capacity for economic development based on local business conditions as well as needs.

As a physician, entrepreneur, businessman, military veteran, and four-term Member of Congress, Dr. Fleming is incredibly well qualified to lead the EDA. Dr. Fleming has launched several companies, which today employ over 500 people in Louisiana. Dr. Fleming's nomination has drawn praise from numerous political, educational, and economic development leaders in his home State of Louisiana.

Don Pierson, the Secretary of Louisiana Economic Development, wrote:

Dr. Fleming has been instrumental in the development and execution of projects, which have taken root in Northwest Louisiana and spread across the United States.

He goes on to say:

His experience in public policy, business and his military background serve as the right attributes for leading economic development efforts.

The Environment and Public Works Committee reported Dr. Fleming's nomination favorably to the Senate with a substantial bipartisan majority, and we have done it twice, first on October 1, 2018, during the 115th Congress, and then next on February 5 of this year, after he was renominated this Congress. Under normal circumstances, Dr. Fleming would have been confirmed and in office last fall. Instead, our colleagues on the other side of the aisle have blocked his nomination ever since it was first placed on the Senate Executive Calendar more than 155 days ago. Now, we had to file cloture and go through repeated delays on a well-qualified nominee who was twice reported by a substantial majority of the Environment and Public Works Committee.

Dr. Fleming's treatment by our colleagues on the other side of the aisle is similar to the obstruction of John Ryder, whom we finally confirmed last week to serve as a member of the Board of Directors of the Tennessee Valley Authority. He had waited an unconscionable 388 days for a vote on the Senate floor.

In a column last Friday, the Wall Street Journal's Kimberley Strassel noted that 388 days is "100 days longer than it takes a new human being to come into the world." She continued:

Even at the last, Democrats were stringing out the process, refusing unanimous consent to a floor vote, requiring Republicans to file for cloture, which entails more delay.

Then she points out that "after all that, [Mr. Ryder] was confirmed—by a voice vote with no audible dissent."

Let's not delay any longer. Let's stop this spectacle of obstructing well-qualified nominees solely for obstruction's sake. I urge my colleagues to vote with me in support of the nomination of John Fleming to serve as Assistant Secretary of Commerce for Economic Development and Administrator of the EDA.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, before I rise to speak on behalf of the nomination of Dr. John Fleming to be Assistant Secretary for Economic Development at the Department of Commerce, I remind my Republican friends that the pot calls the kettle black once again.

Whatever harm or abuse has been done to this nominee or other nominees pales by comparison to what happened to one of the most distinguished judges in America, Merrick Garland, who was nominated, literally, a year before the end of the last President's administration. He never got a hearing, never got a vote, no committee—none of that. There are no clean hands.

Mr. President, I am pleased to rise in support of the nomination of John

Fleming to be our Assistant Secretary for Economic Development at the Department of Commerce. In that role, Dr. Fleming would oversee the Economic Development Administration—we call it the EDA. In my home State, we benefited a great deal from EDA in recent years. We are grateful for them. EDA provides money used to leverage other moneys for economic development purposes. If I had more time, I would be able to give you some good examples.

When Dr. Fleming was a Member of the House of Representatives, he voted repeatedly to eliminate the Economic Development Administration. That is why I initially held deep reservations about his nomination. When Dr. Fleming and I met before his hearing last year, he assuaged most of my concerns. In the end, I decided to vote my hopes over my fears and voted to approve his nomination out of committee. Today I will again vote in support of his nomination.

As the senior Democrat on the Environment and Public Works Committee in the Senate, I will work to ensure that EDA programs are protected and promoted, and I hope Dr. Fleming will be leading in those efforts. Today I will be leading the efforts to get him confirmed for his post and put him to work.

The last thing I would say, if I have a few more seconds—I think I may. One of the things I do is customer calls, and I suspect the Presiding Officer does this back in his home State of Indiana. I do them often. I visit businesses large and small. I ask three questions: How are you doing? How are we doing? What can we do to help?

One of the questions I asked once while visiting a large auto dealership was, how are you doing?

He said: Well, you know, we sell plenty of vehicles, but we have a hard time attracting and getting people to work as technicians to maintain the vehicles we sell.

I said: Maybe you need to pay them more money.

He said: No, we start people at about \$50,000 and pay them up to \$80,000, \$90,000 a year.

I said: You are still having a hard time attracting people?

He said: Yes, we are.

We worked with EDA to get a Federal grant to create a center for automotive excellence in the middle of Delaware, in the Delmarva Peninsula. They are working with Delaware Technical and Community College, and a year from now they expect to open that Center for Automotive Excellence and provide the workforce that is needed not just in Delaware by our auto dealers but by companies that have large trucks and similar kinds of employers throughout the Delmarva Peninsula, in the Eastern Shore of Maryland, Virginia, and throughout the State of Delaware. That is the kind of thing EDA can do to help.

We are excited about this prospect and looking forward to meeting our

workforce needs and grateful for the assistance of this Federal Agency, which Dr. Fleming has been nominated to head. I hope he will have that opportunity. We will vote in just a few minutes.

I suggest the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PAUL. We yield back all time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I am happy to yield back. I think we have 1½ minutes left. I am happy to yield it back.

The PRESIDING OFFICER. All time is yielded back.

Mr. PAUL. 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, Will the Senate advise and consent to the Fleming nomination?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kansas (Mr. MORAN) and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Kansas (Mr. MORAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Alabama (Mr. JONES) is 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. 40 Ex.]

YEAS—67

Alexander	Ernst	Portman
Barrasso	Feinstein	Reed
Blackburn	Fischer	Risch
Blunt	Gardner	Roberts
Boozman	Graham	Romney
Braun	Grassley	Rosen
Burr	Hassan	Rounds
Capito	Hawley	Rubio
Cardin	Hoeven	Sasse
Carper	Hyde-Smith	Schumer
Casey	Inhofe	Scott (FL)
Cassidy	Isakson	Scott (SC)
Collins	Johnson	Shaheen
Cooms	Kennedy	Shelby
Cornyn	King	Sullivan
Cortez Masto	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Manchin	Toomey
Crapo	McConnell	Whitehouse
Cruz	McSally	Wicker
Daines	Murkowski	Young
Duckworth	Murphy	
Enzi	Paul	

NAYS—30

Baldwin	Cantwell	Hirono
Bennet	Durbin	Kaine
Blumenthal	Gillibrand	Klobuchar
Booker	Harris	Leahy
Brown	Heinrich	Markey

Menendez	Schatz	Udall
Merkley	Sinema	Van Hollen
Murray	Smith	Warner
Peters	Stabenow	Warren
Sanders	Tester	Wyden

NOT VOTING—3

Jones	Moran	Perdue
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The nomination was confirmed.

The PRESIDING OFFICER. The yeas are a 67, the nays are 30.

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The majority leader is recognized.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 19.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Paul B. Matey, of New Jersey, to be United States Circuit Judge for the Third Circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Paul B. Matey, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Mitch McConnell, David Perdue, Roy Blunt, John Cornyn, Joni Ernst, Lindsey Graham, John Boozman, Mike Rounds, Thom Tillis, Steve Daines, James E. Risch, John Hoeven, Mike Crapo, Shelley Moore Capito, John Thune, Pat Roberts, Jerry Moran.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.