

an EPA rule that would negatively impact existing and future coal plants. Kentuckians deserve a say on ongoing regulatory efforts to tie up mining permits and the redtape that is stifling the creation of good jobs in the coal industry and coal country.

The American people deserve a debate on how we can best tap our own extraordinary natural resources to achieve energy independence here at home and how we can help our allies overseas through increased exports of American energy too.

These are what we should be voting on this very week—serious energy policy proposals that can jolt our economy, boost middle-class incomes and jobs, and improve America's energy security in the world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

GUN CONTROL

Mr. MURPHY. Madam President, Dinyal New was sitting in her church in Oakland, CA, and she was asked a question which she repeated back knowing there was no way to answer it. She said: What is it like to bury both of my kids?

Ms. New lost her two sons in episodes of gun violence not more than 3 weeks apart in January of this year.

Her youngest son was an eighth grader. He was walking down the street one day. The description says that surveillance cameras actually show him almost skipping down the street. He was walking home from the bus stop. He usually called his mom to pick him up, but his cell phone battery had died that day. On the video we can see a gunman approach carrying a semi-automatic rifle and shoot little Lee, an eighth grader, 28 times.

He wasn't in a gang. Frankly, it shouldn't matter whether he was in a gang, but he wasn't in a gang. He loved to play drums. His neighbors said he was a great kid. He stayed home a lot playing video games or he hung out often at the Boys and Girls Club while his single mom worked as a social worker. Nobody knows why Lee was targeted.

After Lee died, his mom begged his older brother Lamar to leave town, that it was just too dangerous. Not knowing exactly what went on, she didn't want Lamar to get caught in the crossfire. Lamar had had a little more difficult life, but he had straightened out his life after some occasional run-ins with the law. He was taking classes at a local community college, and he had dreams of becoming a musician or starting his own business, but 3 days after his little brother's funeral, on

January 19 his mom asked Lamar to run an errand for him. So being a dutiful son, just days after the family was grieving at his brother's funeral, he went 2 blocks from home to do an errand. He was in his car and a suspect got up on top of the car and started shooting into it, killing Lamar. Within 3 weeks she had gone from having two sons to having no sons. Those two homicides are among the 31,672 that happen annually through gunfire and gun violence all across the Nation, part of 2,639 gun deaths every month, part of the 86 a day that happen all across the country. My State is no exception. In March of this year on the same night, March 24, two half-brothers were shot, leaving one dead and the other in the hospital. The surviving brother was a student at Hamden High School and the principal there talked about the fact that this is now the eighth shooting victim at Hamden High School in the principal's short tenure there. Hamden is not a town that is known in Connecticut for high rates of violence, but in just that one high school alone this one principal has seen eight shooting victims.

They had the funeral which was attended by hundreds for Taijhon. Taijhon was a great kid. All kids have troubles, but Taijhon was trying to get his life straight. He had just enrolled in the New Haven Job Corps Program. Anyone who knows about Job Corps program knows it is an avenue to get kids' lives turned around, gives them real skills that they can go out and succeed. Taijhon was enthusiastic about having started this Job Corps Program, but now we will have no idea what Taijhon's life was going to be like because he is not with us any longer, and his half-brother—who was initially in critical condition—his life will be changed forever.

The funeral for Taijhon was especially poignant because for the family this was just the latest tragedy. Two of Taijhon's cousins, Dallas and TJ, were also shot to death in New Haven. So in cities such as New Haven and Oakland, the misery is cascading because it is not just one death with family members of that immediate family affected, it is multiple brothers, it is brothers and cousins, it is entire families being targeted and sometimes wiped out by this epidemic of gun violence—an epidemic of gun violence that this body refuses to do anything about.

As you know, I try to come down to the floor every week, if I can, to give some voices to the victims of gun violence, because if these statistics will not move this place to action, maybe the stories of those young men and women—but mainly young men who are dying all across this country due to gun violence—maybe it is their stories that will move us to take some action. I know we couldn't get the 60 votes required to pass an expansion of background checks in this Senate, but maybe there is something else we can do.

Maybe we can lend more mental health resources to these cities that are struggling to keep up with these high rates of gun violence. Maybe we can fix the existing background check system to ensure that the right records get loaded in and there is actual enforcement of gun dealers who aren't actually asking their customers to go through background checks. Maybe there is something we can do on a bipartisan basis, but the reality is a lot of States are moving in the opposite direction.

Recently there was a lot of attention on a piece of legislation that passed in Georgia. This bill was dubbed the most extreme gun bill in America. It allowed people to carry weapons in bars, in government buildings, in places of worship, in school safety zones, at school functions, on school-provided transportation, all apparently under the theory that if we make enough guns available out in the public to both good guys and bad guys, hopefully, through a process of gun control Darwinism, the good guys will eventually shoot the bad guys.

The problem is that is not how it works. All of the data and evidence tells us that exactly the opposite occurs when you flood a community with guns and that more people die, not less. We don't know all of the reasons why a 19-year-old FedEx package handler walked into a facility in Kennesaw, GA, and injured six people before killing himself, but what we do know is that town has a law on the books that requires every single head of household to own a firearm. Kennesaw, GA, has a law on the books requiring every head of household to own a firearm. That didn't stop the episode of mass violence from happening inside of that FedEx facility. More guns does not equal safer communities in the end.

In my community of Newtown, Adam Lanza's mother had guns in the house because she thought it would help protect herself and her son who lived alone in the house. In the end it didn't help. It got her killed and it got 20 people killed as well.

Think about what it would be like to be a 7-year-old girl waking in the middle of the night, with your 2- and 4- and 5-year-old siblings still sleeping in the house, and walking into the living room and finding your mother and father dead. That is what happened just about 2 weeks ago in Memphis, TN, when a 7-year-old girl awoke to find that both of her parents had been shot and killed in the living room. Three other kids were home at the time. The 7-year-old then called the police who responded and identified the victims.

James Alexander, her father, was described as a landscaper and a great father. Her mother was described as athletic and very protective of her children. Her parents were junior high school sweethearts and they had just married in February. One hundred people packed the corner Friday evening

in front of James and Danielle Alexander's home to remember the couple 1 day after they were murdered.

A friend of the deceased said: "It still doesn't feel real, I still feel like they are just sitting in their house."

Another family friend said:

I don't wish this on my worst enemy, but it has happened. Now we have to look out for the kids.

That is the reality: parents gone in an instant, a brother and half brother in 1 night in New Haven, CT, two sons of a mother in Oakland dying because of gunfire within 19 days. These are the voices of the victims we are losing all across this country.

Maybe we don't have the votes to put together the big package that will provide some comprehensive approach to gun violence, but maybe between now and the end of the year we can show these families, we can show these communities that we can at least move forward a couple inches, a couple feet, to send a message that silence will no longer be interpreted in these communities as complicity.

The PRESIDING OFFICER. The Senator's time is up.

Mr. MURPHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank the Chair.

NOMINATIONS

Mr. GRASSLEY. Tonight we will be voting on the nomination of Justice Moritz, a nominee for the Tenth Circuit. During her legal career, Justice Moritz handled a wide variety of cases both in the private sector and while serving as an assistant U.S. attorney for the District of Kansas for over 9 years. She also served on the Kansas City Court of Appeals and is currently a Justice of the Kansas Supreme Court. Justice Moritz has significant appellate experience, and I expect she will be confirmed tonight.

Before we vote on that nominee, I wanted to update my colleagues on where the Senate stands in regard to judicial nominations. After tonight's vote we will have confirmed 243 of President Obama's district court and circuit court nominees. To put that in perspective, at this point in President Bush's Presidency, the Senate had confirmed 235 district and circuit court nominees, 8 less than we have approved for President Obama.

During President Obama's second term and including tonight's nominees, we will have confirmed 72 of President Obama's district and circuit court nominees. By comparison at this point in President Bush's second term, the Senate had confirmed only 32 district and circuit court nominees. So you can see a difference between 72 approvals for President Obama versus 32 approvals for President Bush in the second term. Despite this record, it seems to me that no matter how many judges we confirm, the other side, along with some confused commentators outside

of the Senate, cannot help but complain about our progress.

Last week one member from the Judiciary Committee accused Republicans of obstructing and slowing the nomination process through the President's entire term, but as I just pointed out, the Senate has confirmed more of President Obama's judges than we had at this point during President Bush's term. Another way to put it is all but two of President Obama's nominees have been approved, so that is a 99-plus percent approval. These complaints just do not ring true.

Even the Washington Post, which was never a friend of George W. Bush, now recognizes how well President Obama is doing on judges. A recent article entitled, "Obama overtakes George W. Bush on judges confirmed," noted that "the Senate has confirmed more Obama nominees to the federal branch than were confirmed at this point in Bush's second term."

The Washington Post has also conceded that President Obama's confirmation rate essentially matches that of President Bush and President Clinton.

I also heard one of my colleagues complain about the President's vacancy rate, but the reason the vacancy rate is marginally higher than during President Bush's term is because President Obama has simply had more vacancies and more work to do in filling these vacancies during his Presidency. There have been more judges retiring now than during the last administration, which obviously creates more vacancies.

As you have heard me say many times on the floor of the Senate, we cannot deal with nominees until they come to the Senate. In other words, the President has to do his work before we can do our work.

The bottom line is that we are confirming judges at the same rate. It takes time to process and review each nominee who comes before us. This is simply the way the Senate works in its role to advise and consent on judicial nominees.

It isn't just lately that the Senate has worked its will in making sure these nominees are good ones to approve. That is the way it has been done for a long period of time. In other words, we simply don't have the President submit somebody and bring it before the Senate. It takes a lot of homework to make sure that not just their qualifications but all the other evidence that comes from the White House is reviewed adequately.

So there is simply no basis to say Republicans are not giving this President fair treatment. In fact, just last week the Senate confirmed nine judges. That is the most judges confirmed in 1 week this entire Congress. In fact, we haven't confirmed nine judges in 1 week since December 2010, when we needed to vote on a Sunday to get nine judges confirmed during 1 week.

So I take this time just to remind my colleagues of the excellent work the

Senate is doing on confirmations, and of course I do it to set the record straight.

I congratulate tonight's nominee on her anticipated confirmation, a confirmation for which I will vote.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KAINE). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF NANCY L. MORITZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT—Resumed

NOMINATION OF PETER A. SELFRIDGE TO BE CHIEF OF PROTOCOL AND TO HAVE THE RANK OF AMBASSADOR

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 assistant legislative clerk read the nominations of Nancy L. Moritz, of Kansas, to be United States Circuit Judge for the Tenth Circuit, and Peter A. Selfridge, of Minnesota, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service.

VOTE ON MORITZ NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Moritz nomination.

Mr. LEAHY. Mr. President, today, we will vote to confirm Nancy Moritz to fill a vacancy in the U.S. Court of Appeals for the Tenth Circuit. Nancy Moritz is currently a justice on the Kansas Supreme Court, where she has been serving since 2011. She has the qualifications and has the support of her two Republican home State Senators, Mr. PAT ROBERTS and Mr. JERRY MORAN. She was also reported from the Judiciary Committee unanimously by voice vote this past January.

The Republicans continue to object to votes on all judicial nominations, even for completely noncontroversial nominees such as Justice Moritz. Closure was finally invoked on Justice Moritz's nomination last week. There is no reason her nomination should have been filibustered given the bipartisan support that she has.