

not willing to go through the process and see what might happen—see what the public judges as the right decision in whether to confirm or not—they are not doing their jobs.

It may be asking too much when I have seen the partisanship and the head-in-the-sand attitudes and the fight-this-president-at-all-costs views of so many on the other side, but I expect this Senate to put politics aside and give a fair hearing and an up-or-down vote to any qualified nominee because that is our job.

Simply put, we need to do our job.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Nebraska.

#### HONORING NEBRASKA'S SOLDIERS WHO LOST THEIR LIVES IN COMBAT

Mrs. FISCHER. Madam President, I rise today to continue my tribute to this current generation of Nebraska heroes by remembering those who died defending our freedom in Iraq and Afghanistan. Each of our fallen Nebraskans has a special story to tell. Over the next year and beyond, I will continue to devote time here on the Senate floor to remember each of them in a special tribute to their life and to their service to our country.

Time after time, Nebraska's Gold Star families tell me the same thing. They hope and pray that the supreme sacrifices of their loved ones will always be remembered.

##### SERGEANT JEFFREY HANSEN

Today I want to celebrate the life of SGT Jeffrey Hansen of Cairo, NE.

Jeff grew up with the heart of a soldier. He enjoyed an all-American childhood, spending time outdoors, hunting, playing football, and staying in shape. Born in Minden, NE, and a 1993 graduate of Bertrand High School, Jeff attended college at the University of Nebraska at Kearney before graduating in 1997 with a bachelor's degree in athletic training.

Over the years, the urge to serve his country tugged at Jeff. He decided to enlist with the Nebraska Army National Guard in January of 2000. A natural leader, he quickly rose through the ranks, serving as an assistant squad leader, fire team leader, and squad leader before his last assignment as a fire support sergeant.

Jeff exhibited outstanding leadership as a member of Troop A in the 1-167th Cavalry of the Nebraska Army National Guard. Friends remember Jeff as an awesome teacher and an amazing mentor. SGT Brad Jessen recalls how Jeff was very soft spoken, but he always had something intelligent to say.

In civilian life, Jeff became a Kearney police officer in 2002, and he later joined the Department of Veterans Affairs Police force in Grand Island. James Arends, who worked with him as a sergeant in the VA Police Service, said, "Jeff was the strong, silent type. He didn't talk a lot, but when he did, people listened."

Jeff was also a loving husband. He met his wife Jenny at a football game at the University of Nebraska at Kearney. Fate brought them together, and they began a natural and a comfortable relationship that blossomed quickly. Jenny excelled at golf in college. Jeff would attend her tournaments, cheering her on as the team progressed to a winning season. Then, after the final round of the 2002 NCAA Division II Women's Golf Tournament, Jeff came up to Jenny on the 18th green where he knelt down and proposed.

That same year, Jeff was promoted to sergeant and recognized for outstanding gunnery marksmanship. Jeff and Jenny also began discussing their future plans. Their talks became more intense when Jeff's unit, the 1-167th Cavalry, was called to duty in Bosnia. Jeff and Jenny wasted no time, and they were married on October 12, 2002. Two days later, Jeff left for Bosnia. After 11 months, Jeff returned home and the two settled down back in Cairo, NE.

A world away, the war in Iraq continued. By the fall of 2005, the American public was hopeful that major military operations in the region would be coming to an end. However, the bombing of the al-Askari mosque in February of 2006 ignited a Sunni-Shia civil war that plunged Iraq deeper into violence. At that time, the American military was operating as a peacekeeping force, but things quickly turned deadly, and the coalition found themselves engaged in dramatic wartime operations.

Jeff's unit arrived in Iraq just before the al-Askari mosque bombing. Operating out of Balad Air Base, his unit, "the Cav," was known for their ability to complete security operations in one of the most violent areas of the country. The days were long, and with each mission they faced imminent danger. All the while, Jeff kept his head in the game and inspired his battle buddies to do the same.

While Jeff was gone, Jenny remained active, and she continued to excel on the golf course. She won the Nebraska Women's State Amateur Golf Championship and qualified for the 2006 U.S. Women's Amateur Open. As she continued to advance, Jenny began thinking about playing the sport professionally, so she wrote to Jeff, asking for his guidance and thoughts on this important new stage—one they would share and navigate on their journey together.

Back in Iraq, Jeff headed out on patrol where conditions worsened with limited visibility. Out of nowhere, Jeff's humvee hit a sinkhole and it flipped, landing upside down in a canal. As this was unfolding, Jeff pushed the other soldiers out of the vehicle, all of whom survived the crash. Meanwhile, Jeff was still in the humvee and critically injured. SGT Brad Jessen remained at the scene, keeping Jeff alive until the medical team arrived. Jeff was quickly flown to Germany for emergency care.

Jenny was at work when the phone rang. "There's been an accident," she was told. "We need you to come to Germany."

It seemed like an eternity before Jenny was able to reach Jeff's side at the hospital in Germany. As soon as she arrived, it was clear Jeff was not going to make it home. He passed away a few days later, with Jenny at his side.

Jenny returned home to Nebraska, saying goodbye to Jeff one last time and bracing for a life without the man she loved.

Shortly after the funeral, a letter arrived. It was from Jeff, and there was a reply to her questions about golf and their future. He had written to tell his wife to pursue her dream. He told her to find the focus and dedication that she yearned for in her life. If there was something she wanted to pursue, he would support her every step of the way.

So Jenny pursued that dream. She competed for and she earned a spot on the Ladies Professional Golf Association tour, and she played in a number of professional tournaments.

But as any Nebraskan can understand, "the good life" pulled her back. Today, she is the mother of three beautiful children. She still reads the letters from Jeff every once in a while, and Jeff is with her every day in her heart.

For his service in Iraq, Jeff was awarded the Iraqi Campaign Medal, the Global War on Terrorism Service Medal, and the Armed Forces Reserve Medal. He was also posthumously awarded the Bronze Star, the Army Good Conduct Medal, and the Overseas Service Ribbon.

Jeff is survived by his widow Jenny, his father Robert, and his brother Jeremy. Our Nation and all Nebraskans are forever indebted to his service and sacrifice.

SGT Jeffrey Hansen is a hero, and I am honored to tell his story, lest we forget his life and the freedom he fought to defend.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

#### GUN VIOLENCE

Mr. MURPHY. Madam President, I think we are all very touched and moved by Senator FISCHER's remarks and the thoughts of the entire body go out to Sergeant Hansen's family and those he left behind.

I am on the floor today with no better news. We all woke up just days ago to the news of another mass shooting, this time in Kalamazoo. Saturday, another community was changed forever by gun violence. We live it every day in Connecticut, still mourning 20 dead first-graders and 6 teachers who protected them.

In this case, the alleged killer used a semiautomatic handgun to kill six people and injure at least two others

across three incidents between about 6 p.m. and 10:30 p.m. That Saturday night the shooter first shot a woman several times, leaving her seriously wounded. Then, next to a car dealership, he gunned down a father and son. Later, he approached two cars that were parked outside a neighboring Cracker Barrel restaurant. He opened fire there and killed four.

I have been coming down to the floor now for almost 3 years telling the stories of victims of gun violence. I am going to talk about six today. Unfortunately, the statistics tell us there are 86 every single day killed by guns—2,600 a month and 31,000 a year. The vast majority of them are due to mass shootings. Most of the individuals on this list are killed by virtue of suicides or by individual acts of violence—domestic violence, for instance—the violence that happens in cities of America like Hartford, New Haven, New York, and Los Angeles.

What is astounding to many of us is that despite these numbers—and I have made this case before—which are unlike those of any other industrialized country, we do absolutely nothing about it. We do nothing about it. We don't pass stronger gun laws. We don't strengthen our mental health system. We don't give more law enforcement resources. All we do is just catalog the numbers of dead every single day and every single month. The statistics apparently are not moving this place.

Hopefully—my hope is the voices of these victims can give you a sense of who these people are. Just the trail of tragedy that is left behind—researchers will tell you there are often over a dozen people who experience serious levels of trauma in the wake of one person being killed by guns.

Maybe these stories will change people's minds. Stories such as that of Mary Jo Nye, who was 60 years old when she was killed. She was enjoying a night out on the town with her former college roommate, her sister-in-law, Mary Lou Nye, and her friends, Barbara Hawthorne and Judy Brown, when all of their lives were taken by this seemingly random shooting.

Mary Jo was a retired teacher from Calhoun Community High School, where she dedicated her time and talents to students who were at risk of dropping out. That is not an easy job, but she put her mind to it and put her heart to it. One colleague commented that "she was an English teacher, but she was a lot more than that to the students who don't come from great home lives."

A friend said she was "always reaching out to others and helping families." This friend also said:

It just doesn't make sense. Mary Jo saw helping others as her calling in both her professional and her personal life. It's a tragedy.

Mary Lou Nye met her sister-in-law, Mary Jo, when they were in college where they were actually roommates. Mary Lou fell in love with one of her roommate's older brothers, eventually

getting married, making the roommates not only friends but also family. Mary Lou dedicated her time as a manager of the Michigan Secretary of State branch in South Haven prior to its closing. She shared her love of children for the last 6 to 7 years working at a daycare center. A local pastor said she always had a smile on her face and was loved by the kids she worked with. "It was never about her," he said, "always about making sure things were right for the children." Her son said his mom "loved reading books and doted on her grandson," his 5-year-old, Geoffrey. She, herself, was the youngest of five children. Her grandson Geoffrey will not be able to spend that time with his grandmother any longer.

Sixty-eight-year-old Barbara Hawthorne was in the backseat of Mary Jo Nye's car when she was killed.

Her family said:

Our 'Auntie Barb' was easy to laugh. A generous, giving person who loved her many friends and family. She was a true "hippie" who marched for civil rights in the Deep South, recycled everything that came through the house, and believed in marching to your own drummer. She loved the theater and live music and shared tickets to performances whenever possible.

Dorothy Brown, known as Judy among her friends and neighbors, was also with Mary Jo, Mary Lou, and Barbara. Neighbors remember Judy's generous and friendly spirit. She readily shared her homegrown herbs and always took time to share a friendly wave with her neighbors. One neighbor who did odd jobs for her occasionally, helping out around the house, always got a gift card from her at the end of the year. She was described by one neighbor as "a sweet, sweet old lady. You couldn't ask for a better neighbor."

Tyler Smith was 17 years old and he was with his father shopping for a car when the shooter drove by and opened fire, killing both the father and the son. Tyler had a very bright future ahead of him. He was enrolled in the marketing entrepreneurship program at the local tech center in addition to high school. He was, according to friends and family, studying marketing so he could help open a family business with his father, sister, and his cousin.

The superintendent, who knew Tyler well—it means something about a kid if the superintendent knew this particular student well. That tells you he was marked for something big. He said he "was such a great kid. He always had a smile on his face, always happy and very well liked."

His father, known as Rich, was killed alongside him while they were shopping for a car. A family friend remembers Rich, saying, "When Rich was in your presence he automatically put you in a good mood—he had this contagious laugh and he always smiled."

A friend said:

Rich was always there to lighten it up and laugh it off. . . . He was such a wonderful man.

Those are 6 people of the average of 86 killed every day, just in that one

episode in Kalamazoo. What is so sad is that when the shootings in Kalamazoo began that Saturday evening, a dozen other people had already been killed in multiple victim incidents since the weekend started. Set aside all of those one-of instances of gun violence. Set aside all of the suicides. Just last weekend, before Kalamazoo happened, a dozen other people had been shot across this country in multiple victim incidents. There is no other country in the world that has that level of epidemic mass gun violence.

I will speak at another time about why that is, but what is unexceptional about the United States is that the American public wants to do something about it. They don't accept the status quo, just as other countries probably wouldn't accept it either. Ninety-two percent of Americans are in favor of universal background checks, and we can't even get a debate on this on the floor of the Senate, nor in the House of Representatives. Democracy normally doesn't allow for 90 percent of Americans to support something that their legislative body will not even consider.

Eighty-five percent of NRA Members are in favor of universal background checks. All that means is, all you have to prove is that you are not a criminal. You have to prove you haven't been deemed mentally incompetent before you can buy a gun.

Support for the laws that we want to debate on the floor of the Senate is absolutely bipartisan. Here is a chart showing background checks for gun shows and private sales. Those are not universal background checks. They are just for those two particular forums. For that specific proposal, Democrats support it by 88 percent, Republicans by nearly 80 percent; laws to prevent the mentally ill from buying guns, 81 percent Democrats and 79 percent of Republicans—no difference.

There is a little bit more of a difference when you come to a Federal database to track gun sales. You still have 55 percent of Republicans supporting that. That is probably the most controversial reform which, to me, for the life of me, I can't figure out why it is controversial. A ban on assault-style weapons, you have 70 percent of Democrats but a majority of Republicans as well, which tells you that the overall American population, despite their partisan registration, supports a ban on assault weapons, which of course wasn't that radical long ago, when it was passed in the law of this country. I will not go into this in detail, but, again, you look at specific provisions, and the overwhelming majority of the American public supports them—bans on semiautomatic weapons, bans on assault weapons, bans on high-capacity ammunition clips, bans on online sales of ammunition. Again, over and over again, you see an overwhelming majority of Americans supporting these laws.

It is simply time for us to respond to the voices of 31,000 victims every single

year and do something about it. I will continue to come down to the floor and share these stories, share some of these charts, share some of the data, in the hope that it will inspire this body to break out of its ice of indifference—as somebody coined the phrase before me—and do something.

I understand we are not likely to get a vote on background checks between now and the end of the year, but there is a big bipartisan mental health bill we can debate on the floor before we wrap up for the year. This Senator would submit to you that is not the answer for the epidemic of gun violence, but it would help. If you create more inpatient beds and more outpatient capacity, a lot of the very disturbed individuals who take these demons that exist inside them and turn them into an act of massive violence—that mental health reform bill could help them. It would just be the beginning of the work we have to do, but it would be a very important beginning.

At some point the U.S. Senate, the greatest deliberative body in the world, an organization that claims to represent the will of the people, will have to start paying attention to the voices of these victims and the overwhelming majority of the American public who want us to honor them.

I yield back.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### RELATING TO THE DEATH OF ANTONIN SCALIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Res. 374, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 374) relating to the death of Antonin Scalia, Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. MORAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator

from Texas (Mr. CRUZ), the Senator from Florida (Mr. RUBIO), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted “yea” and the Senator from Florida (Mr. RUBIO) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—93

|            |            |            |
|------------|------------|------------|
| Alexander  | Flake      | Murphy     |
| Ayotte     | Franken    | Murray     |
| Baldwin    | Gardner    | Nelson     |
| Barrasso   | Gillibrand | Paul       |
| Bennet     | Graham     | Perdue     |
| Blumenthal | Grassley   | Peters     |
| Blunt      | Hatch      | Portman    |
| Boozman    | Heinrich   | Reed       |
| Boxer      | Heitkamp   | Reid       |
| Brown      | Heller     | Risch      |
| Burr       | Hirono     | Roberts    |
| Cantwell   | Hoeven     | Rounds     |
| Capito     | Inhofe     | Sasse      |
| Cardin     | Isakson    | Schatz     |
| Carper     | Johnson    | Schumer    |
| Casey      | Kaine      | Scott      |
| Cassidy    | King       | Sessions   |
| Coats      | Kirk       | Shaheen    |
| Cochran    | Klobuchar  | Shelby     |
| Collins    | Lankford   | Stabenow   |
| Coons      | Leahy      | Sullivan   |
| Corker     | Lee        | Tester     |
| Cotton     | Manchin    | Thune      |
| Crapo      | Markey     | Tillis     |
| Daines     | McCain     | Toomey     |
| Donnelly   | McConnell  | Udall      |
| Durbin     | Menendez   | Vitter     |
| Enzi       | Merkley    | Warner     |
| Ernst      | Mikulski   | Warren     |
| Feinstein  | Moran      | Whitehouse |
| Fischer    | Murkowski  | Wyden      |

NOT VOTING—7

|        |           |        |
|--------|-----------|--------|
| Booker | McCaskill | Wicker |
| Cornyn | Rubio     |        |
| Cruz   | Sanders   |        |

The resolution (S. Res. 374) was agreed to.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 24, 2016, under “Submitted Resolutions.”)

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The Senator from Oklahoma.

#### MORNING BUSINESS

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

#### FILLING THE SUPREME COURT VACANCY

Ms. MIKULSKI. Mr. President, I rise to speak in morning business on an issue before the American people, and that is the Supreme Court vacancy.

I rise today to express my very deep, deep disappointment in my Republican colleagues for vowing to block President Obama’s nomination—vowing to block President Obama’s nominee for filling the vacancy on the Supreme Court.

Each and every Senator serving in this Chamber was elected by the American people, and we took an oath to uphold the Constitution. In this matter, the Constitution is very clear. Article II, section 2 says the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court.”

It doesn’t say the President only has an hour and a half left. It doesn’t give a time limit to the President. If you are a President and you have a 4-year term, you have the authority and duty to exercise your obligations under the Constitution for a full 4 years, and the Senate has a duty to provide advice and consent. There are no waivers for election years. I urge my colleagues: Do your job. Follow the Constitution and live up to the Constitution. The Constitution doesn’t say: In an election year, delay, delay, delay. The word “delay” doesn’t even appear in the Constitution, in the hope that one day you will get your way.

Republicans have said that the Senate must wait until the people have spoken by electing a new President in November. The American people have spoken. They elected President Obama in 2008, and they reelected him in 2012. Barack Obama is our President from now until noon on January 20, 2017. If the Founders wanted a 3-year term for the President, they would have written that in the Constitution, but they mandated 4 complete years.

Now the other party wants to deny the President the legitimacy and authority of his office. Even George Washington had his nominee considered during a Presidential election year and had three of his candidates confirmed. What was good enough for the first Congress under George Washington should be good enough for this Congress now under President Obama.

President Obama and I will both be closing our offices in January of 2017, but that doesn’t mean we are done working for the American people today. There is a lot of work to be done. President Obama has the constitutional duty to submit a nomination in order to fill the vacancy left with Justice Scalia’s passing. This duty is not suspended in an election year. The Constitution is clear about the President’s authority. The President must fulfill his duty, and we must do our job. The issue is not about Executive orders or checking Executive powers or interpreting law books; it is about following the Constitution.