

in my State wants to make sure that criminals and people who are seriously mentally ill can't buy guns.

Similarly, let's admit what is happening here. It is not a coincidence that the same kind of weapon is used every single time in these shootings. These are copycat shootings in which people see the kind of destruction that comes with an AR-15-style weapon, and they use it again in order to maximize the lethality.

Wake up. Wake up to the reality that these weapons are being used to murder with speed and power, and the killers are watching what happens in Sandy Hook, what happens in Texas, what happens in Orlando, what happens in Las Vegas, and they are repeating the process. They are replicating the weapon. They shouldn't be in the hands of civilians. You can have plenty of fun hunting without an AR-15 or AR-15-style weapon. So let's set aside universal background checks and assault weapons for a moment. I get the politics of this place. I understand those are unlikely to pass.

Why, then, can't we work on the things that we know we agree on? I have listened to dozens of Republicans in the House and the Senate claim that they are for making real the prohibition on automatic weapons. People shouldn't have fully automatic weapons in this country. Nobody should be able to do what that guy did at an upper story window in a hotel in Las Vegas, and the law that we all passed is being ignored by companies that are selling these aftermarket modifications that turn semiautomatic weapons into automatic weapons. The company that sold the modification took it off the market, but only for a couple of weeks. They are back to selling bump stocks again because we have signaled that we are not going to do anything about it.

It is not enough to just tell the ATF to do it. Why? Because the law is vague. The ATF said it was vague in 2010. All we have to do is clarify it, but aftermarket modifications that turn semiautomatic weapons into automatic weapons shouldn't be legal. It seems we have agreement on that because I have listened to many Republicans saying they are willing to take that step. Let's take it and stop talking about it. Put legislation on the floor that says you cannot have an automatic weapon in this country. Let's do it. We agree on it.

I didn't agree with the President yesterday when he said it is a mental illness problem, but similarly we could work together to make sure that people who are seriously mentally ill don't buy weapons. That is the second non-controversial policy proposal on which we could work together. Let's just admit we are going the wrong way, not the right way.

Earlier this year, Republicans passed a piece of legislation that allowed for 75,000 people in this country who have serious mental illness to be able to get

off the list of prohibited purchasers and start buying guns again. These are people who were judged to be so mentally ill that they couldn't deposit a check. They were given conservator status for Social Security purposes. These are people who were so mentally ill, so limited in their cognitive abilities that they couldn't take a Social Security check and deposit it. Those people were prohibited from buying guns. This Congress passed a law earlier this year to say that those people who can't deposit a check should be able to go buy an assault weapon.

If we are serious about trying to stop people with mental illness from getting weapons, let's work together on that instead of moving backward.

Finally, it is an open secret that the existing background check system is broken. Let's not pretend we just woke up yesterday in amazement that the records of people who are seriously mentally ill or have been convicted of crimes aren't ending up on the background checklist.

I am holding in my hand the data that is available to every single one of us about the records that are being uploaded onto the background check system. For the Department of Defense, it is a whole bunch of zeros. The Army, the Navy, the Air Force—zero, zero, zero, zero, zero, zero.

Similarly, States aren't doing their part either. Connecticut uploaded 363,000 felony records onto the NICS system over the course of 2016. Colorado uploaded 10 felony records in 2016. New York uploaded 57,000 domestic violence records in 2016. North Carolina uploaded 261. There weren't 261 people in North Carolina who were convicted of domestic violence crimes in 2016; it is just that only 261 people went up on the list. Many other States, like the Department of Defense, have zeros in all of these columns. Many States are uploading no records onto the system.

Now, admittedly, NICS tries to get those records through other means when States don't give it to them, but it is an open secret that the NICS system is broken. Congress at least tried to make some changes. After the Virginia Tech shooting, Congress did pass a NICS improvement bill, but it has not worked. It gave the Department of Justice the power to withhold Federal funding if States don't upload records. Despite the fact that there are a handful of States that have uploaded no records to NICS—zero—no State has been penalized under that 2007 law. That is not a Republican or a Democratic problem. The Obama administration didn't penalize States, and Republican Presidents didn't penalize States. Why don't we work together on that?

A couple of years ago, the House passed additional funding to help States, other jurisdictions, upload records. Why don't we find a way to work together to at least make the existing background check system work?

This feeling of helplessness that people have in this country, this feeling of

impotence that nothing can be done to change the trajectory of violence in this country, the regular scroll across the bottom of your TV screen telling you news of the latest mass shootings where little kids and senior citizens are being gunned down in churches and schools—that sense of helplessness isn't real; it is a fiction, an invention of the gun lobby designed to make this place feel as if there is nothing that can be done in order to make sure that they can continue to make these obscene amounts of profits. There are things we can do.

I understand that despite the popularity of background checks with the public, we are probably not going to get a vote on that, but let's work together to make sure that automatic weapons can't be in the hands of civilians. Let's make real the very simple premise that seriously mentally ill people shouldn't be able to buy guns. Let's fix the background check system so that, as Republicans tell us over and over again, at least we can enforce existing law. There are ways that we can stop this slaughter, and I don't know how we live with ourselves, how we sleep at night as a body if, in the face of these massacres, we don't even do the stuff we all agree on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

TEXAS CHURCH MASS SHOOTING

Mr. CORNYN. Mr. President, I come before this body a second day in a row to talk about an event that the Senator from Connecticut has been referring to that has shocked all of us. It has rattled us to the very core and shocked the conscience of the entire Nation.

I didn't get a chance to hear everything he said about this today, but I was encouraged to hear him make comments about fixing the background check system, which I think failed us terribly here, and it failed, of course, the 26 people who lost their lives and the 20 more who were injured in this terrible shooting in Sutherland Springs, TX, during a Sunday morning church service at First Baptist Church.

Of course, at times like these, we need to respect the right and the need of people to mourn and to grieve their loss and to express our solidarity with those families who were torn apart. One woman who has lived in Sutherland Springs for nearly 70 years described the community as a place where "everybody knew everybody." She said that before Sunday, most people didn't even keep their doors locked because the town never experienced any significant crime. Well, now that has changed.

Sutherland Springs has suffered at the hands of a man whom initial reports have described as having a known history of violence, a man whose victims included his own grandmother-in-law as well as the visiting pastor of the church. No community finds it easy to deal with unexpected heartbreaking

losses like this, but the fact that this crime involved so many tightly knit friends and neighbors and occurred in a house of worship on a Sunday morning and harmed so many innocent children makes the task much harder.

As each new detail emerges from what is still an ongoing investigation, we need to study the whole puzzle and ask ourselves how this happened, why so many lives were lost, and what, if anything, could have been done to prevent it. We know, for example, that the gunman was court-martialed by the Air Force and convicted of seriousness domestic abuse, fracturing the skull of his own son. Under the relevant Federal law, the Gun Control Act of 1968, this should have prohibited him from ever purchasing a gun in the first place, but we know it didn't in this instance. This critically important information from the suspect's criminal history was not uploaded into the relevant background check databases even though a Federal law clearly requires that it be done.

Finally and most troublingly, we know what happened next: Mr. Kelley unlawfully purchased four firearms after passing Federal background checks that did not turn up his Air Force convictions. Of course, the shooter lied on his paperwork. He was asked about these convictions—that is part of the background check system—but because there was no record of it, he was able to lie his way into getting these firearms. This is very clearly a problem, and the Air Force has now admitted that Kelley's convictions should have barred him from ever purchasing or possessing firearms. What appears to have happened is that the records of the convictions were not uploaded into the National Instant Criminal Background Check System. They are required to be uploaded by Federal law already.

There are still some questions to sift through, but I plan to introduce legislation—and I would be happy to work with my colleague from Connecticut—to ensure that all Federal Departments and Agencies, including the Department of Defense, upload the required conviction records into the national database. This legislation will also encourage, to the greatest extent possible under the Constitution, State and local governments to do the same. We can make the Federal Agencies do it. We can only request that the States do it, as the Senator from Connecticut pointed out earlier, and their record of compliance is lousy. It is lousy.

Justice Department records indicate that some Federal Agencies and State governments are failing to comply with the Federal law. According to the Department of Justice, the number of these records that are actually uploaded is staggeringly low. That is unacceptable, and it must change.

What is important to note, though, is that when the dust settles, the appropriate answers won't necessarily be the easy ones. The fact remains that under

existing law, this atrocity should have been prevented. This gunman should not have been allowed to purchase firearms and should have been arrested when he tried to do so. We need to better understand why our existing laws didn't work in this instance, and that is what my proposed legislation will do. After analyzing the problem, we will try to ensure that everyone is complying with the law.

In 2015, I introduced legislation called the Mental Health and Safe Communities Act that addressed a related issue: the failure of State and local authorities to upload valuable mental health records into the NICS background check database. I hope this demonstrates my willingness to work together with anybody who is willing to meet these problems head-on.

Right now, we need time and clarity. We need to know and continue to study the facts. Then, as we have already started to do, we need to consider all existing laws and regulations, both State and Federal, in light of this new information.

Mr. President, I know we are coming up on a deadline. I ask unanimous consent to speak for an additional 5 minutes.

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

Mr. CORNYN. Mr. President, as we wait for additional details, I want to say a few more words about the strong community of Sutherland Springs, one just 35 miles from my hometown of San Antonio, TX, where I grew up.

First Baptist Church, where the shooting occurred, has served as a mainstay in the town since 1926. It is the site of church services every Sunday, weddings, social gatherings, and even some funerals. We hope the First Baptist Church can bounce back from this tragedy, and I am confident they can because faith, hope, and love can never be extinguished no matter the depravity, the evil that tries.

We are not sure what will happen to the building or the congregation itself, but no matter what, the unique spirit of this community will no doubt endure. I am hopeful that the town of Sutherland Springs will come back too. If people like Stephen Willeford are any indication, it will. Stephen, of course, is the plumber who managed to hit the gunman through a gap in his body armor. He was joined by Johnnie Langendorff. In a truck, the two chased the gunman at high speeds for 11 miles into neighboring Guadalupe County. What these two men displayed is that in the worst circumstances, we won't let evil have its way. We won't let sick individuals like this shooter escape the consequences of their crimes. Strangers will come together and act quickly and courageously to defend the communities they love and in which they live.

Today I join Governor Abbott, my colleagues—Senator CRUZ and Representative HENRY CUELLAR, in whose House district this occurred—and so

many other Texans in once again pledging my support to the people of Sutherland Springs. I send my thoughts and prayers to those who lost parents, children, friends, and relatives in this unbelievable act of evil.

The biggest danger, though, is that we become numb and we just simply move on to other matters. We can't let that happen. As Sherry Pomeroy, the wife of the pastor at First Baptist, said yesterday, "Please don't forget Sutherland Springs." And when we hear people ask us to do something about terrible tragedies like this, let's do what we can, working together in a bipartisan way, to fix the holes in what is already the law, which says that people like this shooter should never have gotten their hands on a firearm in the first place. But either through human error or some failure of the background check system, he was able to do so. We need to fix that, and hopefully, in doing so, we can bring some small sense of justice to the people who lost so much last Sunday in Sutherland Springs, TX.

I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the Gibson nomination?

Mr. ALEXANDER. 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 bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 262 Ex.]

YEAS—91

Alexander	Durbin	Manchin
Baldwin	Enzi	McCain
Barrasso	Ernst	McCaskill
Bennet	Feinstein	McConnell
Blumenthal	Fischer	Moran
Blunt	Flake	Murkowski
Boozman	Franken	Murphy
Brown	Gardner	Murray
Burr	Graham	Nelson
Cantwell	Grassley	Perdue
Capito	Hassan	Peters
Cardin	Hatch	Portman
Carper	Heinrich	Reed
Casey	Heitkamp	Risch
Cassidy	Heller	Roberts
Cochran	Hirono	Rounds
Collins	Hoeben	Rubio
Coons	Inhofe	Sasse
Corker	Isakson	Schatz
Cornyn	Johnson	Schumer
Cortez Masto	Kaine	Scott
Cotton	Kennedy	Shaheen
Crapo	King	Shelby
Cruz	Klobuchar	Stabenow
Daines	Lankford	Strange
Donnelly	Leahy	Sullivan
Duckworth	Lee	Tester

Thune
Tillis
Toomey
Udall

Van Hollen
Warner
Whitehouse
Wicker

Wyden
Young

Moran
Murkowski
Perdue
Portman
Risch
Roberts

Rounds
Rubio
Sasse
Scott
Shelby
Strange

Sullivan
Thune
Tillis
Toomey
Wicker
Young

NAYS—7

Booker
Gillibrand
Harris

Markey
Merkley
Sanders

Warren

NOT VOTING—2

Menendez

Paul

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.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative 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 Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, JMike Rounds, James M. Inhofe, John Hoeven.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 263 Ex.]

YEAS—51

Alexander
Barrasso
Blunt
Boozman
Burr
Capito
Cassidy
Cochran
Collins
Corker
Cornyn

Cotton
Crapo
Cruz
Daines
Enzi
Ernst
Fischer
Flake
Gardner
Graham
Grassley

Hatch
Heller
Hoeven
Inhofe
Isakson
Johnson
Kennedy
Lankford
Lee
Manchin
McConnell

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Franken

NAYS—47

Gillibrand
Harris
Hassan
Heinrich
Heitkamp
Hirono
Kaine
King
Klobuchar
Leahy
Markley
McCain
McCaskill
Merkley
Murphy
Murray

Nelson
Peters
Reed
Sanders
Schatz
Schumer
Shaheen
Stabenow
Tester
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

NOT VOTING—2

Menendez

Paul

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

OUR COUNTRY'S MIDDLE EAST FOREIGN POLICY

Mr. MCCAIN. Mr. President, in recent months, the United States and coalition forces have achieved major gains against Iraq and Syria. Building upon the retaking of Mosul in July, U.S. coalition partners have liberated ISIS's former capital of Raqqa in Syria, the pocket of Hawija in northern Iraq, and, just days ago, the border town of al-Qaim in western Iraq. The so-called caliphate that terrorists claimed would overrun the Middle East is now a shadow of its former self—a shrinking swathe on a map once defined by an open reign of terror.

Unfortunately, however, our challenges in the region remain daunting despite these hard-fought tactical victories. Our relentless focus on destroying ISIS, which is, of course, essential, has obscured a troubling reality: The United States lacks a clear comprehensive strategy that addresses the Middle East in all of its complexity.

This is part of the unfortunate legacy the Obama administration left for its successor, but nearly 1 year into the Trump administration, we lack clarity on essential questions about our Nation's role, and we are left to observe as bystanders the intensifying symptoms of a collapsing regional order. While in some cases we are bystanders who take action, we do so with unclear and often unstated objectives.

The United States has committed to the sale of over \$100 billion of weapons to Saudi Arabia. We have announced an outline of strategy to counter Iran while providing only minimal detail. We remain conspicuously silent on the future of our role in Iraq and Syria beyond eliminating ISIS, as the Assad regime and its partners consolidate power.

Our power and influence is diminishing in the Middle East as a result of our lack of direction, and the vacuum has been filled by forces working contrary to American interests. Consider the events that have swept the region in recent months.

In Iraq, Iranian forces are working to sow discord as we recently saw in Kirkuk, where the presence of the Quds Force commander, Qassem Soleimani, exacerbated tensions among the Kurds and the government in Baghdad. Iranian-backed militias continue to gain power and aim to turn next year's election into a setback that drives American influence out of Iraq. Meanwhile, the scourge of ISIS remains despite recent military successes. The terrorist attack last week in Manhattan shows its persistent appeal. Its rise in the wake of U.S. withdrawal years ago demonstrates the danger of leaving before winning the peace.

Across the border in Syria, the Assad regime, backed by Russia, Iran, Hezbollah, and an array of militias, has retaken most of the country, including many eastern areas that are strategically important. The consequences of the resulting humanitarian crisis have spilled beyond its border for years, destabilizing nations far beyond Syria and paving the way for radicalization. Forces that are hostile to both our interests and our values are shaping the future on the ground while we remain silent, focused on the immediate defeat of ISIS.

I want to emphasize, we want to defeat ISIS. We are defeating ISIS, but that is not our only goal in the Middle East.

On Saturday, the Lebanese Prime Minister, Mr. Hariri, resigned, claiming that he faced death threats from Iran, leaving the United States with one less valuable partner in a divided government in which Hezbollah plays a major role. I happen to have become friends with Mr. Hariri over the years. He is a good, pro-democratic, outstanding individual who basically was forced out of office.

A web of Iranian proxies and allies are spreading from the Levant to the Arabian Peninsula, threatening stability, freedom of navigation, and the