

frankly, an organization like the IRS, usually far removed from politics, would not be involved in a political scheme like that.

One exception to that is how the IRS, under Ms. Lerner, treated conservative organizations during the 2010, 2011, and 2012 years.

The excess tax withheld from paychecks throughout the course of the year doesn't belong to the government. That is common sense. That belongs to the taxpayers who earned it. The government shouldn't intentionally withhold more than necessary.

I am proud of the work my colleagues did to update the Tax Code last Congress. We delivered meaningful tax relief to middle-income taxpayers and to job creators. This has contributed to strong economic growth benefitting all Americans, hopefully, for years to come.

The Treasury Department and the IRS has done good work to implement the law in a timely fashion. They will continue that good work to ensure that Americans receive their refunds as quickly as possible.

As we progress toward the end of the filing season in April, the data being reported will fluctuate as taxpayers across a range of circumstances submit their returns. I hope that every time there is movement in the data, our friends across the aisle, and, more importantly, the misleading media will keep in mind two important facts that I mentioned earlier. First, tracking refund data on a weekly basis makes no sense, given how widely the data can vary. Second, and lastly, the focus on the size of the refunds is wrongheaded since it provides no indication as to whether a taxpayer's tax bill has gone up or down between 2018 filings and 2019 filings.

Most everyone was oddly silent when the last batch of good data was released. So maybe we will not hear any more of this misleading information from the media. I hope we can have a more responsible and accurate discussion in the weeks ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

BACKGROUND CHECKS

Mr. CARDIN. Mr. President, I urge the Senate to take up legislation to require universal and complete background checks for individuals seeking to purchase a gun. I am pleased that the House recently passed this legislation, and it is well past time for the Senate to act.

Rarely has a month gone by without a mass shooting, and many communities are ravaged daily by gun violence that does not make the news headlines. Individuals have used firearms to take countless innocent lives in concerts, churches, and even elementary schools. By now, these incidents are etched in our memories: Santa Fe, Parkland, Las Vegas, Orlando, San Bernardino, Sandy Hook, Pittsburgh, and Thousand Oaks.

In Maryland we saw tragedies that occurred in the Capital Gazette office in Annapolis. We, as a nation, must act to stem the tide of bloodshed and the hatred that drives it. We cannot allow such massacres to become routine in our society.

We have the ability to end the tragic cycle of violence, but it will require us to come together in full urgency and honesty. I know we can protect innocent Americans from further senseless gun violence while still protecting the constitutional rights enjoyed for hunting and self-defense. Through commonsense gun safety reforms that would make background checks more efficient and close loopholes, I am confident we can do just that.

Let me start with a little history, as provided by the Brady Campaign. The Gun Control Act of 1968 established a framework for legally prohibiting certain categories of people from possessing firearms. The list of prohibited persons has grown over the years and now includes categories such as felons, fugitives, domestic abusers, and those found by the court or other tribunal to be seriously mentally ill.

Only in 1993, with the passage of the Brady Handgun Violence Prevention Act, did Congress provide the public with a presale process for checking whether a prospective firearm purchaser is legally able to purchase the firearm.

Since the Brady Law took effect, it has blocked more than 3 million prohibited gun sales and processed over 278 million purchase requests. When someone goes to a federally licensed dealer to buy a gun, the retailer contacts the FBI to run a background check. The FBI checks the National Instant Criminal Background Check System to see if they are a convicted felon, fugitive, domestic abuser, or other prohibited purchaser.

If the system reveals that the buyer is legally barred from owning a gun, then, the sale is denied. Simply put, the Brady Law prevents guns from getting into the hands of dangerous individuals.

The Brady Law has blocked more than 3 million gun sales to prohibited buyers, helping to save countless lives, but the law doesn't apply to all gun sales. Instead, only Federal firearm licenses approved by the Bureau of Alcohol, Tobacco, Firearms, and Explosives are required to conduct background checks on gun sales. The Brady Act background check requirement applies only to licensed dealers, allowing transactions conducted by private, unlicensed sellers to be completed without any check. Private, unlicensed sellers need not conduct any check under current law.

However, the Brady Law was enacted before the rise of the internet. America has changed, and our Nation's gun laws need to change with it. Today, unlicensed gun sales made online and unregulated and unchecked contributed to one out of every five gun sales. That

is simply wrong. Those sales can avoid the background check.

Passing legislation to expand background checks to nearly every gun sale, including those conducted online at gun shows and through private transfers, should be the top priority in Congress for commonsense gun safety legislation to save lives.

It is long past time to expand life-saving Brady background checks to every gun sale. The public agrees. A 2018 study showed that 97 percent of Americans support expanding background checks—97 percent. We don't get any higher than that.

The Senate should follow the lead of the House, which recently passed the legislation to expand criminal background checks. In the Senate, I cosponsored S. 42, the Background Check Expansion Act. This bill, which passed the House, would expand Federal background check requirements to include the sale or transfer of all firearms by private sellers, just as licensed dealers are required to conduct under the existing Brady Law.

The bill requires background checks for sales or transfers of all firearms from one party to another, even if the party is not a federally licensed dealer. This requirement extends to all unlicensed sellers, whether they do business online, at gun shows, or out of their home.

According to the Brady Campaign, in any given year in the United States, more than 120,000 Americans are shot in murders, assaults, suicides and suicide attempts, unintentional shootings, or police actions. Of these, 35,000 result in death. Over 17,000 of those injured or killed are children and teens. On average, 34 people in America are murdered on account of gun violence every single day.

Mass shootings often shine the spotlight on the United States and its position as a global outlier. The number of firearms available to American civilians is estimated to be at around 310 million, according to the National Institute of Justice. According to the Small Arms Survey, the exact number of civilian-owned firearms is impossible to pinpoint because of a variety of factors, including arms that go unregistered, the illegal trade, and global conflict. However, estimates indicate that Americans own nearly half of the 650 million civilian-owned guns in the world today. Half are here in the United States. Our Nation is well armed.

Americans own the most guns per person in the world, with about 4 in 10 saying they either own a gun or live in a home with guns, according to the 2017 Pew Center study, and 48 percent of Americans say they grew up in a House with guns. According to the survey, a majority, 66 percent, of U.S. gun owners own multiple firearms.

The No. 2 country for the world's largest gun-owning population per capita is Yemen, a country that is in the throes of a years-long civil conflict,

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