

blatant partisanship. I am going to lay out in a few minutes what is remarkable.

President Obama's judicial nominees have waited on average four times longer to be confirmed than those nominated by the second George W. Bush. Even highly qualified nominees—nominees who are eventually confirmed unanimously or almost unanimously—routinely wait for months to be confirmed because of the delay tactics used by my Republican colleagues.

Tomorrow we are going to consider highly qualified Caitlin Joan Halligan to be a DC circuit judge. She has been waiting more than 2 years to be confirmed. She was nominated for the second time to fill a vacancy on the U.S. Court of Appeals for the DC Circuit. This is a court that was formed some 65 years ago. It was done because the Supreme Court couldn't do the cases—they didn't have time to do them, and the circuit courts were overwhelmed with work they couldn't do.

Many consider the DC Circuit to be just a tiny notch below the Supreme Court. In fact, PAT LEAHY, the chairman of the Judiciary Committee, said yesterday many believe it is more important than the Supreme Court because they have such wide-ranging jurisdiction. Once they make a decision, rarely does the Supreme Court take up their cases. They consider complex appeals of Federal regulations, among other things, and have jurisdiction over vital national security challenges.

It is also one of the many courts in crisis across the country. Mr. President, 36 to 37 percent of the DC Circuit seats are vacant. There are four vacancies now. The last appointment to the DC Circuit was made in 2006. It is now 2013. In the years since the number of pending cases per judge has grown to almost 200 from a little over 100.

When Ms. Halligan was nominated to the DC Circuit in 2010, she was nominated to fill one of two vacancies. Many Republicans said they voted against her then because there was no need; the DC Circuit had enough judges. Now it is four short.

More than 2 years after she was first turned down, her nomination is again before the Senate, and the DC Circuit has four empty seats. The last time the Senate considered Ms. Halligan's nomination, some of my Republican colleagues claimed the DC Circuit didn't need any more judges, so they filibustered the confirmation. No one could credibly make that argument today. If my Republican colleagues choose to filibuster her confirmation a second time, their naked partisanship will certainly be exposed.

For example, Patricia Wald, who served on that court for 20 years—for 5 years she was the chief judge—said of the confirmation process:

The constitutional system of nomination and confirmation can work only if there is good faith on the part of both the president and the Senate to move qualified nominees along, rather than withholding consent for political reasons.

For example, if someone doesn't want to vote for her, tell them to vote no. Have them vote no. I invite them to vote no. But don't stop her from having an up-or-down vote.

I was very troubled with Justice Thomas, who was then a circuit court judge. A decision had to be made by me and many others: Should we allow Justice Thomas an up-or-down vote? The decision was made, yes, we should. He barely made it. He got 2 or 3 votes more than 50. It would have been so easy to stop that nomination, but it would have been the wrong thing to do. As bad as I feel he has been as a jurist, it doesn't matter. He should have had the ability to have an up-or-down vote. A Republican President sent that name forward, and he was entitled to a vote. That was a decision I and many other Democratic Senators made.

If my Republican colleagues don't like this woman, for whatever reason, vote against her. Don't stop her from having an up-or-down vote. A second partisan filibuster of this highly qualified nominee by my Republican colleagues would be in very bad faith. I repeat: If for some reason you don't like her, vote against her. Don't stop her from having a vote.

One qualified, consensus judicial nominee ought to be treated as another regardless of the political party of the President who made the nomination.

President Obama is the only President in 65 years—since this court was formed—to not have a single person put on the DC Circuit. That is how important this court is, and this is how Ms. Halligan and others have been stymied from getting on this court.

It is not because President Obama's nominees are anything but totally qualified. Ms. Halligan's colleagues have called her a brilliant legal mind. She has outstanding credentials, strong support from lawyers, a vast number of Republicans, former judges, law enforcement officials, and more than 20 former Supreme Court clerks from across the political spectrum.

She graduated with honors from Princeton and Georgetown Law School. She clerked for Justice Patricia Wald, whom I just quoted, and this woman was a judge in the DC Circuit for 20 years, 5 years as a chief judge.

If a truly exceptional candidate such as Caitlin Halligan isn't qualified to be a judge in the United States, I don't know who would be. I think it is very delicate ground Republicans are walking on if they think they can filibuster this woman and get away with it. It would be wrong. If they don't like her, vote against her.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## REGULAR ORDER

Mr. McCONNELL. Mr. President, back in November the American people sent a divided government to Washington. I know this is not the outcome that President Obama had hoped for. I know he wanted complete control of Washington, just like he had the first 2 years of his Presidency.

Still, it was surprising to me—and I think to a lot of other people around here—to learn over the weekend that among the first calls the President made after his acceptance speech on election day had to do with ginning up another campaign.

The President wasn't focused on solving the problems that middle-class families face today but how to get a Democratic Speaker of the House 2 years down the road. That was the message he sent to top House Democrats.

Since then, the President, along with his Washington Democratic allies, has expended enormous amounts of energy to advance that goal—rebooting his political organization, provoking manufactured crises with Congress, engineering show votes in the Senate, and traveling around the country to campaign relentlessly against his opponents.

That is why the sequester went into effect in its current form. That is why Washington continues to careen needlessly from crisis to crisis.

And that is why we find ourselves in a situation where more than 1,400 days have passed since Senate Democrats last passed a budget. What a sad state of affairs for our country, and for the notion of governance in general.

Every year House Republicans have passed budgets that seriously address the transcendent challenge of our time: putting runaway Washington spending and debt on a sustainable path so we can create jobs and grow the economy.

Meanwhile, Democrats have followed the President's lead, focusing on the next campaign to the exclusion of all else.

But it is not just Senate Democrats who have been missing in action. The President has been late submitting his own budget outline nearly every single year.

He has already missed this year's deadline by more than a month.

Just last week we learned the President will submit his budget after the House and the Senate have passed their own budgets and have gone home for Passover and Easter. That goes far beyond the pale of just missing deadlines.

Look, the American people are tired of the delays and the excuses. It is time

for the President to get his budget plan over to us. Not next week or next month, but now. And this time, it should be serious—it should root out waste and inefficiency instead of kicking the can further down the road.

The budget blueprint he sent us last year was so roundly ridiculed for its fiscal gimmickry and its massive tax hikes that, when it came to a vote in the Senate, his own party joined Republicans in voting it down 99 to 0.

In the House, it was rejected unanimously. Even the President's most liberal allies couldn't defend it.

So we are counting on the President to get serious this time. And we are counting on Senate Democrats to stop relying on Republicans to bail them out of their irresponsibility and habitual legislative tardiness.

But the broader point is this: President Obama and his Senate Democratic allies will have plenty of time to campaign next year. The American people are exhausted after all these years of campaigning, and they expect Democratic leaders now to finally work with the divided Congress they elected to get things done. As I have said before, the President has to figure out how to govern with the situation he has, not the one he wishes he had. That is what being President is all about.

It is time to return to actually solving problems—in other words, to legislate the way we are supposed to around here: with transparency, with public input, and with sufficient time to develop sound policy. That is especially true when it comes to dealing with the most controversial issues in Washington. Whether it is the budget or tax reform or health care, we end up with better outcomes when we legislate in the light of day and not in some back room.

For instance, the Senate majority should be allowing us to mark up bills so that Members with expertise in a certain issue area can contribute to the legislative process in the most constructive and transparent way possible.

When bills do reach the floor, the Senate majority should allow Members of both parties the chance to represent the voices of their constituents by offering amendments in an open process.

And when the House sends us bills, the Senate majority should actually take some of them up every once in a while.

The leadership won't agree with everything the House passes; but that is okay. If the Senate passes a different version of a bill, we can work out our differences through the legislative process.

That is how Congress is supposed to function, even though it's not at all how the Senate has functioned recently.

I know Washington Democrats' most important priority right now is getting Nancy Pelosi her old job back in 2014. But that is not what Americans want—and that is why Washington has become so dysfunctional.

The American people, including my constituents in Kentucky, expect them to get off the hustings and work with Members of both parties to address the most serious challenges facing our country. The public is tired of the manufactured crises, the poll-tested gimmicks, and the endless campaigning. They expect and deserve better than that.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11:45 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask consent to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

The Senator is recognized.

#### STOP ILLEGAL TRAFFICKING OF FIREARMS ACT

Mr. DURBIN. Mr. President, yesterday the Senate took an important step forward when it comes to keeping guns out of the hands of criminals. Senator PAT LEAHY, chairman of the Judiciary Committee, introduced bipartisan legislation to finally crack down on the straw purchasing and illegal trafficking of firearms. I was happy to join in introducing this bill. It is a bipartisan group of Senators, including Senator KIRSTEN GILLIBRAND, Senator SUSAN COLLINS, and my colleague from Illinois, Senator MARK KIRK. Chairman LEAHY's legislation combined a straw purchasing bill he and I introduced earlier this year together with a gun trafficking bill on which Senators Gillibrand and Kirk had been working. We sat down with Senator COLLINS and crafted a new bill, the Stop Illegal Trafficking of Firearms Act. It is important legislation, and the need for it is very clear.

I have met a number of times in recent months with law enforcement leaders in Chicago and across my State. I asked them what Congress can do to help better protect our communities and our children, and one thing I kept hearing over and over again was that we needed to crack down on straw purchases. Time after time, law enforcement agencies say, criminals and gang members commit crimes with guns they purchased through others.

A typical straw purchase happens when someone who legally can purchase a weapon and pass a background check buys a gun on behalf of someone who cannot pass that same background check. When a straw purchaser buys from a licensed gun dealer, the purchaser falsely claims on the Federal sale form that he is the actual buyer of the gun. Under current law, it is illegal to lie and buy a gun this way, but the only charge a Federal prosecutor can bring is for knowingly making a false statement on a Federal form—an offense which dramatically understates the gravity of the situation.

We have had several hearings in the Senate Judiciary Committee, including one I chaired on February 12, where U.S. attorneys have testified that these paperwork prosecutions are wholly inadequate as a deterrent for straw purchasing. Some of the critics even on my Senate Judiciary Subcommittee panel said: Why don't you prosecute more? The U.S. attorneys told us it's because these paperwork offenses are not taken that seriously by the court. The new law we have written will be taken seriously.

The cases, as they stand now, are hard to prove and have little jury appeal. Even a conviction usually results in a very small sentence under the current law. The reality is that straw purchasers think they can make a fast \$50 or more by buying a gun from somebody else, and that the consequences are not that great. We need to change this equation.

At the hearing I chaired in the Judiciary Committee's Constitution Subcommittee on February 12, we heard powerful testimony from Sandra Wortham from the South Side of Chicago. Her brother, a Chicago police officer, Tom Wortham IV, was murdered in 2010 by gang members with a handgun that had been straw purchased and trafficked to Chicago from Mississippi. Almost 1 out of 10 crime guns in Chicago come from Mississippi. We ask why. Because the standards for sales are lax in Mississippi, and straw purchasers know they can fill the trunk of a car with these purchased weapons and head to the Windy City and sell them on the streets to thugs and drug gangs. Then, of course, they result in tragedy.

The gang members who killed Officer Wortham were not allowed to buy a handgun from a dealer because of their age and criminal records, but it was real easy to get a straw purchased gun on the street. According to an investigative report by the Chicago Tribune,