

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,

the man who straw purchased the gun that killed Officer Wortham did so for a quick \$100. The Tribune said he gave little thought to what he was doing. "I didn't even know what ATF stood for," the straw purchaser said to the Tribune.

That was the gun that was used to kill Officer Wortham, a veteran of two combat tours in Iraq, a leader in his community, one of Chicago's finest, and he was gunned down in front of his parents' home. His father was a retired Chicago police officer.

We need to send a message to those who think that straw purchasing might be an easy way to make a quick buck. As Sandra Wortham said at our hearing:

We need to do more to keep guns out of the wrong hands in the first place. I don't think that makes us anti-gun. I think it makes us pro-decent law abiding people.

I agree with Sandra Wortham. We can take steps consistent with the Constitution and the Second Amendment to crack down on straw purchases and gun-trafficking schemes that provide criminals with guns, and that is what this bill does.

The bill we introduced yesterday will create a tough Federal crime to punish and deter straw purchasing. It says that if a straw purchaser buys a gun from a licensed dealer on behalf of someone else, the buyer will face the prospect of significant jail time for up to 15 years. They will face hard time for a Federal crime. The same penalty applies to straw purchasers who buy a gun from a private seller on behalf of someone he knows or is has reasonable cause to believe is a prohibited purchaser.

The legislation also creates a separate Federal offense for firearms trafficking, which is when someone transports or transfers firearms to another when he knows or has reasonable cause to believe that transfer violates Federal law. The bill provides for increased penalties if the trafficker was a leader of an organized gang.

Cracking down straw purchasing and gun trafficking will help shut down the pipeline of guns into cities such as Chicago, where gang members use them on almost a daily basis to commit terrible crimes.

This section of our bill is named in honor of Hadiya Pendleton, the 15-year-old girl in Chicago who was shot and killed by alleged gang members in January just days after she attended the inauguration of the President of the United States here in Washington. Both Senator KIRK's hope and mine is that these reforms—once signed into law—will help prevent gang shootings and other gun crimes in the future.

It is time to move forward on this legislation and on other commonsense proposals that will reduce the epidemic of gun violence in America. This Thursday, the Senate Judiciary Committee will take up this bipartisan legislation that was introduced yesterday. I hope we can pass it out quickly with a strong bipartisan vote.

I also look forward to voting in committee for bills to improve our system of criminal background checks and to stop the flood of new military-style and high-capacity magazines onto our streets. It is time for Congress to move forward with these measures to reduce gun violence. These proposals will not stop every shooting in America—no proposal can—but they will save lives if we put them into effect.

I again thank my colleagues Chairman LEAHY, Senator KIRK, Senator GILLIBRAND, and Senator COLLINS for collectively joining together to make sure this legislation moves forward. I think we can do something important, on a bipartisan basis, to make our streets, schools, and communities safer across America.

I ask unanimous consent that my following statement be placed in a separate part of the RECORD.

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

#### NOMINATION OF CAITLIN HALLIGAN

Mr. DURBIN. Mr. President, this week the Senate is going to have an opportunity to confirm the nomination of Caitlin Halligan to serve on the Court of Appeals for the DC Circuit. In doing so, we can correct a mistake the Senate made in the last Congress.

Ms. Halligan is an extraordinarily well-qualified nominee. She has the intellect, experience, temperament to be an outstanding Federal appellate judge.

On December 6, 2011, Caitlin Halligan's nomination was stopped by a filibuster by Republican Senators. Forty-five Republicans voted against the cloture motion on her nomination, thus denying Ms. Halligan an up-or-down vote. That killed her nomination for that Congress.

She has now been renominated in this Congress for the DC Circuit, and the court needs her. Right now there are only seven active status judges on the DC Circuit. There are supposed to be 11. Four seats are vacant, including one vacancy that opened just last month. This is untenable.

Retired DC Circuit Judge Patricia Wald has served as chief judge of the circuit for 5 years. She wrote in the Washington Post last month that:

There is cause for extreme concern that Congress is systematically denying the court the human resources it needs to carry out its weighty mandates.

It is time to address this vacancy situation by giving Ms. Halligan an up-or-down vote and confirming her nomination. She is eminently qualified. She graduated from Princeton University and the Georgetown University School of Law where she served as managing editor of the law review. She clerked for Supreme Court Justice Stephen Breyer. She served for 7 years as solicitor general for the State of New York, representing that State in a broad

range of litigation. She currently serves as general counsel at the New York County district attorney's office. She has argued five cases before the U.S. Supreme Court and served as counsel in dozens more cases in that same Court. The American Bar Association has given her a unanimous "well-qualified" rating to serve on the Federal bench.

Ms. Halligan's legal views are well within the political mainstream. She has received widespread support from across the political spectrum. For example, the National District Attorneys Association, the prosecutors, said she "would be an outstanding addition" to the DC Circuit. She also has the support of law enforcement organizations and prominent conservative lawyers.

There is simply nothing in her background that constitutes the "extraordinary circumstances" that the so-called Gang of 14 said we are supposed to use as a standard to justify a filibuster. There are no—repeat no—legitimate questions about Ms. Halligan's competence or ethics or temperament or ideology or fitness to serve on the bench. All she has done throughout her career is serve as an excellent lawyer on behalf of her clients.

When Ms. Halligan was filibustered in 2011, some of my Republican colleagues cited two main arguments against her. First, they claimed the DC Circuit didn't need another judge since they could handle the workload with eight judges. The DC Circuit may have had eight judges in 2011, but now there are only seven, so that argument doesn't hold.

Second, Republicans claim that when Ms. Halligan was solicitor general of New York, she advocated positions in litigations that they, the Republicans, disagreed with. Is that the standard, that a lawyer represented a client with a position that might not be the lawyer's personal position or a Senator's personal position? It has been a few years since I represented clients, but I believe that under our system of legal representation, that is not the standard; that lawyers must only represent those people they agree with.

In our system of law, the system where the scales of justice are held by the lady with the blindfold, we are supposed to give justice to both sides and hope at the end of the day the system serves us.

Ms. Halligan advocated positions at the direction of her client, which happened to be the State of New York. In the American legal tradition, lawyers are not supposed to be held to the views of their clients.

As Chief Justice John Roberts said during his confirmation hearing—and I remember this:

It is a basic principle in our system that lawyers represent clients and you do not ascribe the position of a client to the lawyer. It's a position that goes back to John Adams and the Revolution.

Those who read the book about John Adams often wonder how this man became President of the United States