

guess what. That is not in this bill. There will be other bills, other amendments, that all colleagues will have a chance to either support, if they are for more gun support, or oppose.

What we are saying is, this is one piece of legislation we know will make a difference by keeping guns out of the hands of those who have been adjudicated through a mental court system or a criminal court system. And we know about commercial transactions—people have used all different types of figures as to how many guns basically are transferred at a gun show or online. With the expansion of the Internet there are going to be more and more. All we are saying is that is the least personal of all transactions—on the Internet. I might not know you, Mr. President, but up in your beautiful State of Maine I may see something you have that I would like, and with the technology of this modern world today to make contact, hopefully, I would be able to purchase that. That is something I could never have done 20, 30, or 40 years ago. But I want to make sure also that gun is sent to a licensed dealer who depends on his livelihood by abiding by the law and making sure a background check is done on me before I can purchase or pick up that gun I bought from you. That only makes common sense.

I have heard a lot of things such as: Well, they can be charging a lot. Fees can be charged. We allow the person who is going to be doing that service for you to charge a fee. Let me tell you, as a businessperson, every one of us in business, especially retailers, knows exactly the value of every customer who walks through a door. You might say: Well, they are just shopping. My grandfather says: There is no such thing as a shopper. They are all buyers. They just don't know it yet. They are going to buy something. They walk through the store and they have a value. And if they have a value, you know what is going to happen? You are going to see people advertising: Please come and let us do your background check free for you. That is a service we want to give you. We want you to be right and make sure the right person gets it. And guess what. They might be buying something else. They might buy new boots or some camouflage gear for their son or buy their daughter a new outfit.

That is marketing. That is business. That is what it is all about. So don't let the naysayers say: Oh no, too much of a burden. Trust me, the markets have a unique ability to correct themselves and take advantage of a situation. As a retailer, when a customer—a buyer, not a shopper—comes through the door, we will sell them something. I know that.

So we are going to be happy to talk about this bill for a few days here. We want to invite all our colleagues down. We will be announcing the times we will be coming to the floor. In the meantime, to all of my colleagues, to

all who have been hearing all of these things and getting excited about we are going to do something to take your guns away or take your rights away or register you, that is false. That is a baldfaced falsehood. All we are saying is go online and read the bill. It is only 49 pages. We have even broken it down for you. If colleagues will do that, and bring those conversations to the floor, that is all we can ask. The facts will set you free. The facts will set you free.

We have worked hard. Our staffs have worked exceedingly hard. And I appreciate everybody—my good friend Senator TOOMEY, my good friend Senator TESTER, and the other Senators; Senator KIRK from Illinois and Senator SCHUMER from New York—who has worked so hard to find a balance. It takes us all, from the right and the left, from both sides of the aisle—Republicans, Democrats, and Independents—to work together to make this an American bill. It is not just bipartisan, it is for our country. It is to save children, it is to keep our society safe, and also to protect the rights of law-abiding citizens and law-abiding gun owners such as myself and the Presiding Officer.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. 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.

EXECUTIVE SESSION

NOMINATION OF BEVERLY REID O'CONNELL TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Beverly Reid O'Connell, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, since the American people first elected President Obama, Senate Republicans have been engaged in a concerted effort to filibuster, obstruct and delay his mod-

erate judicial nominees. They have already, during the last 4 years, filibustered more of President Obama's moderate judicial nominees than were filibustered during President Bush's entire 8 years—67 percent more, in fact—and there is no dispute that President Bush was engaged in an effort to pack the courts with ideological extremists.

In connection with the wrongheaded filibuster of the nomination of Caitlin Halligan, an outstanding nominee to the DC Circuit, I urged them to abandon their misguided efforts that sacrifice outstanding judges for purposes of partisan payback. Regrettably, their response seems to be to expand their efforts through a "wholesale filibuster" of nominations to the DC Circuit and a legislative proposal to strip three judgeships from the DC Circuit.

I am tempted to suggest that they amend their bill to make it effective whenever the next Republican President is elected. I say that to point out that they had no concerns with supporting President Bush's four Senate-confirmed nominees to the DC Circuit. Those nominees filled the very vacancies for the 9th, 10th and even the 11th judgeship on the court that Senate Republicans are demanding be eliminated now that President Obama has been re-elected by the American people. The target of this legislation seems apparent when its sponsors emphasize that it is designed to take effect immediately and acknowledge that "[h]istorically, legislation introduced in the Senate altering the number of judgeships has most often postponed enactment until the beginning of the next President's term" but that their legislation "does not do this." It is just another foray in their concerted efforts to block this President from appointing judges to the DC Circuit.

In its April 5, 2013 letter, the Judicial Conference of the United States, chaired by Chief Justice John Roberts, sent us recommendations "based on our current caseload needs." They do not recommend stripping judgeships from the DC Circuit but state that they should continue at 11. Four are currently vacant. According to the Administrative Office of U.S. Courts, the caseload per active judge for the DC Circuit has actually increased by 50 percent since 2005, when the Senate confirmed President Bush's nominee to fill the 11th seat on the DC Circuit. When the Senate confirmed Thomas Griffith, President Bush's nominee to the 11th seat in 2005, the confirmation resulted in there being approximately 119 pending cases per active DC Circuit judge. There are currently 188 pending cases for each active judge on the DC Circuit, more than 50 percent higher.

Senate Republicans also seek to misuse caseload numbers. The DC Circuit Court of Appeals is often considered "the second most important court in the land" because of its special jurisdiction and because of the important and complex cases that it decides. The court reviews complicated decisions