

The text of that Senate amendment is pending at the desk, and I am asking, Will the Senator from Texas accept this amendment?

Mrs. HUTCHISON. Mr. President, with all due respect to the Senator from Montana, I don't see how we can take part but not all of the tax reconciliation bill. It is time to do away with the AMT.

I appreciate the fact that the Senator from Montana has said he, too, wants to do that and that we need to do it right. To do it right we need to do the whole tax reconciliation bill.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. I ask the Senator, will she object to an amendment I suggested that the whole AMT be held harmless and that it count under pay-go in terms of the tax, the budget provisions which provide for \$70 billion over the next 5 years? Those are the two conditions.

Mr. KYL. Reserving the right to object to the proposed amendment to the unanimous consent, I believe on our side we would not object to the form of the so-called AMT patch that the Senator from Montana has proposed. Of course, we would object to his counting of that against the reconciliation number, or the so-called pay-go provision.

I guess I ask for an amendment to his proposed amendment which would accept the broader AMT patch, as the Senator first described it, but nothing in addition to that.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. As I hear their response, they will not agree to my two suggested conditions and amendments. Therefore, I must respectfully object.

The PRESIDING OFFICER. An objection has been heard.

Mrs. HUTCHISON. Mr. President, I do hope the Senator from Montana, working with the chairman of the Committee on Finance, will make it a priority early next year to have the tax reconciliation package go through with AMT and with the other tax cuts that would be extended to show the American people they can rely on the tax cuts that have been passed and have helped the economy in its recovery.

It is very important we not leave any question in anyone's mind that the tax cuts that started the economic upturn 2 years ago will be extended. The American people will get to keep the money in their pocketbooks, spend it, and fuel the jobs our economy has produced.

Mr. BAUCUS. Mr. President, I listened carefully to the Senator from Texas. I think we all agree we have to do something about the AMT. It is a big problem.

I, frankly, tell the Senator I have introduced a bill to totally repeal AMT. It is a pernicious stealth tax and should not be incurred. We would like to work with the Senator to try and find a way to accomplish that.

Mrs. HUTCHISON. I sign on to that effort immediately. With this kind of

coalition maybe we can do something very important by doing away with the AMT in this country.

#### UNANIMOUS-CONSENT REQUEST— S. 2164

Mr. DURBIN. Mr. President, as part of a bipartisan action this morning, Democrats and Republicans agree to send a reconciliation bill back to the House of Representatives for further consideration. Even though the vast majority of this bill hurts working families and the most vulnerable among them, there were a handful of important proposals that we support in that bill that need to be enacted immediately. That is why I am going to be asking unanimous consent in just a moment for the Senate to pass the Health and Welfare Relief Act of Senator STABENOW of Michigan.

This bill prevents the scheduled reduction in Medicare physician payments while holding Part B premiums harmless for beneficiaries. The bill extends TANF and transitional medical assistance, TMA, for an additional year. Finally, the bill provides temporary Medicaid relief to Katrina victims.

We should all be able to agree, even if there are parts of the bill subject to a point of order, parts that will be debated, there are many provisions in that bill that meet pressing needs that are important and need to be addressed on a timely basis. Many of them are taken directly from the conference report my friends across the aisle have just supported. I hope we can take up this bill and pass it today.

Therefore, I ask unanimous consent the Senate proceed to the immediate consideration of S. 2164, the Health and Welfare Relief Act of 2005, introduced earlier by Senators STABENOW, REID, BAUCUS, and others; that the bill be read three times, passed, and the motion to reconsider be laid upon the table without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, I object.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I have a series of judicial nominations that have been cleared on both sides. I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 457, 458, 459, 460, 461, 462, 463, 471, and 472. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### THE JUDICIARY

Joseph Frank Bianco, of New York, to be United States District Judge for the Eastern District of New York.

Timothy Mark Burgess, of Alaska, to be United States District Judge for the District of Alaska.

Gregory F. Van Tatenhove, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

Eric Nicholas Vitaliano, of New York, to be United States District Judge for the Eastern District of New York.

Kristi Dubose, of Alabama, to be United States District Judge for the Southern District of Alabama.

W. Keith Watkins, of Alabama, to be United States District Judge for the Middle District of Alabama.

Virginia Mary Kendall, of Illinois, to be United States District Judge for the Northern District of Illinois.

#### FEDERAL COMMUNICATIONS COMMISSION

Michael Joseph Copps, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2005. (Reappointment)

Deborah Taylor Tate, of Tennessee, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2007.

#### NOMINATION OF GREG VAN TATENHOVE

Mr. McCONNELL. Mr. President, if I may, Calendar No. 459, that I just read and was just confirmed by the Senate, is a former member of my staff, Greg Van Tatenhove, who is, at the moment, the U.S. attorney for the Eastern District of Kentucky. He is an outstanding lawyer. He will be a fine addition to the Federal judiciary.

As a former staff member of mine, I say to my colleagues, you have done a great thing in confirming him. He will be a distinguished member of the Federal judiciary.

Mr. President, I strongly support the nomination of Greg Van Tatenhove to the U.S. District Court in the Eastern District of Kentucky.

Greg Van Tatenhove has been an outstanding public servant for the better part of 20 years. I first met Greg when he was a young aide to a Member of Congress. He later joined my legislative staff, where he performed superbly before leaving to attend law school.

Greg distinguished himself in law school by being chosen as an Articles Editor of the Kentucky Law Journal and receiving a citation for Excellence in Oral Advocacy in the Moot Court Program. After graduation from law school, Greg spent a year as clerk to U.S. District Court Judge Eugene Siler.

Greg was then chosen to join the Federal Programs Branch of the Department of Justice through the Attorney General's Honors Program. He was one of only eleven young attorneys to be chosen nationwide out of hundreds of applicants for this prestigious branch. This branch is well known for handling especially complex and precedent-setting legal cases on behalf of the United States. During his 4 years

at DOJ, the Department recognized Greg for his excellent performance with its Special Achievement Award.

Greg then returned to Capitol Hill, where he spent 7 years as Chief of Staff and Legal Counsel to Representative RON LEWIS of Kentucky. During his tenure, he developed a reputation as one of the Commonwealth's outstanding young legal minds, and in 2001, he was nominated by President Bush as United States Attorney in the Eastern District of Kentucky, a position which he has ably filled for the past 4 years.

In the course of his service as the chief federal law enforcement officer in the Eastern District, he approves all indictments, all major plea bargains, and is directly involved in all of the major cases involving the United States that come before the court, both civil and criminal.

Based on Greg's outstanding record, it should come as no surprise that President Bush nominated him as a judge for the U.S. District Court for the Eastern District of Kentucky on September 13, 2005. I applaud the President's choice, and I proudly support his nomination. Greg's high intellect, integrity, character, and devotion to public service make him an ideal choice for the District Court.

Greg's nomination has been widely praised by those who know him best, including two members of the Sixth Circuit Court of Appeals, five members of the District Court on which he will serve, and numerous former colleagues. They share my conviction that Greg will be a splendid addition to the federal bench.

In addition to his outstanding intellectual and professional abilities, Greg is a devoted family man. I know his wife Jane and his two beautiful children, Cooper and Catherine, are proud of him as he assumes this new position of responsibility.

It was clear to me 20 years ago when I hired Greg, even then a young man of great accomplishment, that he would go on to greater success. His confirmation is the result of many years of hard work, great intellect, commitment to public service, and the highest ethical and professional standards.

Greg Van Tatenhove will be an outstanding District Court judge, and I urge my colleagues to support his nomination.

Mr. LEAHY. Last week marked the 214th anniversary of the adoption of the Bill of Rights to the Constitution. Over the last week, this Nation and this Senate have been engaged in a debate about the importance of protecting and preserving those rights as we consider how best to revise and re-authorize the PATRIOT Act. We have also learned about the White House's domestic surveillance program that short-circuited the judicial safeguards established by Congress.

Today we engage in an action unique to the Senate. We consider for confirmation to lifetime appointments to

the judiciary a number of nominees. This is an instance in which all three branches of the government are involved. The President nominates, the Senate considers the nominations and, if confirmed, the nominee is appointed to become a member of the judiciary. The judiciary has a particularly important role in the protection of the rights and liberties of all Americans. It was Justice O'Connor who, writing for the Supreme Court, noted that even wartime does not give the President a "blank check" when it comes to actions that impact Americans' rights. Every day in courtrooms across the country federal judges are the last line of defense for Americans' rights.

If anyone doubts the importance of the position of Federal district court judges, they need look no further than the district court judges assigned to sit on Federal Intelligence Surveillance Act, or FISA Court. This court was designed specifically to act as a check on the Executive Branch, and when it is consulted as the law requires, it performs a crucial role in our Government's system of checks and balances. In an extraordinary development, we read today that a federal judge assigned by the Chief Justice of the United States to serve on that court has resigned in the face of the disclosure of this President's secret surveillance program outside of the legal FISA process.

With the votes today, the Senate will be called upon to grant or withhold its consent to another seven judicial nominees. If they are confirmed, the Senate will have confirmed 225 of this President's judicial nominees to lifetime appointments. If they are confirmed, the Senate will increase the number of confirmations this year by 50 percent in just one day, from 14 to 21.

I chaired the Judiciary Committee for the second half of 2001. No judges had been confirmed that year before I became chair. In the last 5 months of the year we were able to have hearings, Committee consideration, and Senate votes on 28 new judges. We worked hard in spite of the 9/11 attacks and the anthrax attacks and succeeded in reducing vacancies and filling longstanding vacancies. Indeed in the 17 months I chaired the Judiciary Committee, the Senate proceeded to confirm 100 of this President's nominees. It took Republicans more than twice as long to match our record. Democrats proceeded in spite of the recent history of Republicans pocket filibustering more than 60 of President Clinton's qualified, moderate nominees.

As is clear from our record since that time, we have been willing to continue working with the Republican majority to fill vacancies on the federal bench—if only the President would send nominees. Unfortunately, along with home heating prices, gasoline prices, interest rates, the budget deficit and the trade deficit, judicial vacancies have also increased dramatically this year. It almost seems that unless the White

House can pick a partisan political fight, it really does not care very much about the Federal judiciary. I noted in the spring that we had not received new nominations this year from the President. Only recently has that begun to change but there are still more than 25 vacancies without a nominee. I urge the President, as the Democratic leader and I have urged him for some time, to work with Senators on both sides of the aisle to identify qualified, consensus candidates to fill these vacancies.

#### NOMINATION OF VIRGINIA MARY KENDALL

Mr. DURBIN. Mr. President, included in the nominations just approved by the Senate is the nomination of Virginia Mary Kendall of Illinois to be the U.S. district judge for the Northern District of Illinois. She is replacing the retired Susanne Conlon. This is an extraordinary woman who will make a great contribution to the Federal judiciary.

She is strongly supported by Senator OBAMA and myself, as well as Speaker DENNIS HASTERT. On a bipartisan basis, we reviewed many fine candidates for this vacancy and found Virginia Kendall to be the best. With the approval of the White House, she moved through the Senate Judiciary Committee.

I am anxious, as soon as I finish these remarks, to go to the cloakroom, place a phone call, and give her a Christmas present and let her know her nomination has been approved by the Senate.

I would like to thank Judiciary Committee Chairman SPECTER, as well as Ranking Member LEAHY, for expediting the consideration of Ms. Kendall's nomination. I also want to thank Senator OBAMA for the significant role that he played in the selection process. Finally, I want to thank House Speaker HASTERT for his role in the process and for his willingness to continue an Illinois tradition of seeking bipartisan cooperation in the recommendation of Federal district court nominees for presidential consideration.

Virginia Kendall is a highly respected federal prosecutor in Chicago with a stellar reputation for diligence, intelligence, and integrity. She has been in the U.S. Attorney's office in the Northern District of Illinois for the past decade, and she has a great depth of experience.

She is one of the leading prosecutors in the country in the area of child exploitation over the Internet, and she was the lead counsel in the first Internet kidnaping case brought by the Department of Justice. She has also prosecuted domestic terrorism and corporate fraud cases.

Ms. Kendall has helped reduce Chicago's murder rate, by creating a novel program that emphasizes better outreach by law enforcement to parolee gun offenders and to at-risk students in the Chicago Public Schools. She has been the lead prosecutor in cases involving the sale of weapons over the Internet to minors.