

spending proposals. That is why the budget calls for a massive tax hike. In fact, this budget calls for the largest tax increase in history, including a new energy tax that will be charged to every single American who turns on a light switch, drives a car, or buys groceries. Unless you are living in a cave, this new energy tax will hit you like a hammer.

During the campaign, the President said his plan for an energy tax will "cause utility rates to skyrocket." He was right. The new energy tax will cost every American household. I can't imagine how increasing the average American's annual tax bill will lift us out of the worst recession in decades.

There is more. A new tax related to charitable giving would punish the very organizations Americans depend on more and more during times of distress. One study suggests that the President's new tax on charitable giving could cost U.S. charities and educational institutions up to \$9 billion a year—money that will presumably be redirected to the 250,000 new Government workers the budget is expected to create. There is no question that this budget taxes too much.

Remarkably, the largest tax increase in history and a new energy tax still aren't enough to pay for all the programs this budget creates. To pay for everything else, we will have to borrow—borrow a lot. This budget calls for the highest level of borrowing ever.

Now, if there is one thing Americans have learned the hard way over the past several months, it is that spending more than you can afford has serious, sometimes tragic, consequences. Yet Government doesn't seem ready to face that reality—not when it is spending other people's money and not when it is borrowing from others to fund its policy dreams.

It is not fair to load future generations with trillions and trillions of dollars in debt at a moment when the economy is contracting, millions are losing jobs, and millions more are worried about losing homes. It is time the Government realized that it is a steward of the people's money, not the other way around, and that it has a responsibility not only to use tax dollars wisely but to make sure the institutions of Government are sustainable for generations to come.

I don't know anybody who would borrow money from people thousands of miles away for things they don't even need. Yet this is precisely what our Government is doing every single day by asking countries such as Saudi Arabia, Japan, and China to finance a colossal budget in the midst of an economic crisis.

The administration has said it intends to be bold, and I have no doubt this budget reflects their honest attempt to implement what they believe to be the best prescription for success. We appreciate that effort. We simply see it differently. A \$3.6 trillion budget that spends too much, taxes too much,

and borrows too much in a time of economic hardship may be bold, but the question is, Is it wise? Most of the people who have taken the time to study this budget have concluded it is not wise. Republicans will spend the next few weeks explaining why to the American people.

Americans want serious reforms. But in the midst of a deepening recession, they are looking at all this spending, taxing, and borrowing, and they are wondering whether, for the first time in our Nation's history, we are actually giving up on the notion that if we work hard, our children will live better lives and have greater opportunities than ourselves.

Americans are looking at this spending, taxing, and borrowing, and they are wondering whether we are reversing the order—whether we are beginning to say with our actions that we want everything now—and putting off the hard choices, once again, for future generations to make. That would be a most important question in this upcoming budget debate.

It is important, once again, to sum up the core problem with the budget we will be voting on in a few weeks: It spends too much, taxes too much, and it borrows too much.

POLITICAL EXPRESSION WITHOUT FEAR

Mr. McCONNELL. Mr. President, I wish to address the so-called card check legislation which was introduced in both the House and Senate yesterday.

As Americans, we expect to be able to vote on everything from high school class president to President of the United States in private. Workers expect the same right in union elections. This legislation goes against that fundamental right of political expression without fear of coercion.

We have had the secret ballot in this country for 100 years—130 years, at least—and it was common even before then. We have said to other countries around the world: If you want to have a democracy, you have to have a secret ballot. And yet this measure, to put it simply, would be better called the "Employee No Choice Act." It is totally undemocratic. To approve it would be to subvert the right to bargain freely over working terms and conditions. It would strip members of a newly organized union of their right to accept or reject a contract.

In addition, this bill ushers in a new scheme of penalties which are antiworker and which apply only to employers and not to unions. Even though Americans have regarded secret ballot elections as a fundamental right—as I indicated earlier, for more than a century—some Democrats seem determined to strip that right away from American workers.

If this were not bad enough, a study released last week by economist Dr. Anne Layne-Farrar showed that if en-

acted, card check legislation could cost 600,000 American jobs—600,000 American jobs potentially lost. At a time when all of us are looking to stimulate the economy and put Americans back to work, we are threatening to undermine those efforts with this job-killing bill.

Republicans will oppose any legislation which attempts to undermine job creation, and we will oppose the effort to take away a worker's right to a secret ballot.

Mr. President, I yield the floor.

EXECUTIVE SESSION

NOMINATION OF DAVID W. OGDEN TO BE DEPUTY ATTORNEY GENERAL

The PRESIDING OFFICER (Mr. CASEY). 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 David W. Ogden, of Virginia, to be Deputy Attorney General.

The PRESIDING OFFICER. Under the previous order, the time until 4:30 p.m. will be equally divided and controlled between the leaders or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I am opening this debate in my capacity not only as a Senator from Vermont but as chairman of the Judiciary Committee.

We are here today to consider President Obama's nomination of David Ogden to be Deputy Attorney General, the number two position at the Department of Justice. This is a picture, incidentally, of David Ogden. I had hoped we could vote on this nomination soon—although apparently, because of objections on the other side, we will not be able to vote until tomorrow. This is unfortunate. Every day we delay the appointment of the Deputy Attorney General is a day we are not enhancing the security of the United States.

In this case, we have a nominee who I had hoped to have confirmed weeks ago. Mr. Ogden is a highly qualified nominee who has chosen to leave a very successful career in private practice—one I might say parenthetically pays considerably more than the Department of Justice does—to return to the Department, where he served with great distinction. His path in many ways reflects that of the Attorney General, Eric Holder, who, of course, also was a highly successful and respected partner in one of the major law firms in Washington. And he left to become Attorney General of the United States at the request of President Obama to serve his Nation. Mr. Ogden is doing the same thing.

Interestingly enough, once Mr. Ogden's nomination was announced, the letters of support started to come

in from leading law enforcement organizations across the country. Let me put a few of these up on this chart. As you can see, Mr. Ogden's nomination received support from leading law enforcement organizations; children's advocates; civil rights organizations; and former Government officials from both Republican and Democratic administrations.

Indeed, Larry Thompson, the former Deputy Attorney General under President George W. Bush, a highly respected former public official, has endorsed David Ogden to be Deputy Attorney General.

The Boys and Girls Clubs of America, an organization I have spent a lot of time with and one I highly respect. This organization provides alternative programs and a great mentoring system for children in many cities to keep them out of trouble. And this fine organization has endorsed David Ogden.

A dozen retired military officers who serve as Judge Advocates General have endorsed Mr. Ogden's nomination.

The Fraternal Order of Police and the Federal Law Enforcement Officers Association, two major law enforcement organizations, have endorsed him.

The Major Cities Chiefs Association have endorsed him.

The National Center for Missing and Exploited Children, another organization I have worked a great deal with, and one that has done such wonderful things to help in the case of missing and exploited children, has also endorsed him.

The National Association of Police Organizations has endorsed David Ogden.

The National District Attorneys Association has endorsed him, which I was particularly pleased to see. I once served as vice president of the National District Attorneys Association. As an aside, I should note that I gave up the honor and glory of becoming president of the National District Attorneys Association for the anonymity of the Senate.

The National Narcotics Officers' Associations' Coalition has endorsed David Ogden.

The National Sheriffs' Association has endorsed David Ogden.

The Police Executive Research Forum has endorsed David Ogden.

The National Center for Victims of Crime has endorsed David Ogden.

Why have they endorsed him? Because he is an immensely qualified nominee, and he has the obvious priorities that we want in a Deputy Attorney General. His priorities will be the safety and security of the American people and to reinvigorate the traditional work of the Justice Department in protecting the rights of all Americans. That is why he will be a critical asset to the Attorney General. He will help us remember it is the Deputy Attorney General of the United States, and it is the Department of Justice for all Americans.

With all of these endorsements, including all of the major law enforcement groups endorsing him, and all the endorsements from both Republicans and Democrats, what is astonishing for all these law enforcement organizations wanting him there is that Republicans threatened to filibuster this nomination. They refused to agree to this debate and a vote on the nomination, and they required the majority leader to file a cloture motion, which he did on Monday. For more than a week we were told that Republicans would not agree to a debate and vote and would insist on filibustering this nomination.

It is amazing. I don't know if Republicans are aware of what is going on in this country—the rising crime rates which began rising in the last year or so and the critical nature working families are facing. And yet they want to filibuster a nominee, one of the best I have seen for this position in my 35 years in the Senate.

I noted that development and the threat of a filibuster at a Judiciary Committee business meeting last Thursday, after a week of fruitless efforts to try to move this nomination forward by agreement and obviate the need for a filibuster. I noted my disappointment that, despite the bipartisan majority vote in favor of the nomination by Republicans and Democrats on the committee, despite the support from law enforcement groups, despite the support from children's advocates, and despite the support from former Government officials for Republican and Democratic administrations, we have been stalled in our ability to move forward to consider this nomination. And, of course, the Justice Department, which is there to represent all Americans—Republicans and Democrats, Independents, and everybody—is left without a deputy for another week.

Quite frankly, I found the news of an imminent Republican filibuster incomprehensible. I could not think of any precedent for this during my 35 years in the Senate. A bipartisan majority—14 to 5—voted to report this nomination from the Judiciary Committee to the Senate. The ranking Republican member of the committee, Senator SPECTER, voted to support this nomination. The assistant Senate Republican leader, Senator KYL, and the senior Senator from South Carolina, Mr. GRAHAM, voted in favor of Mr. Ogden. And yet, in spite of this bipartisan support, someone or a group of Senators on the Republican side of the aisle were intent on filibustering this nominee to stop us from having a Deputy Attorney General who might actually be there to help fight crime in America.

Why there was this attempt of filibustering President Obama's nomination for Deputy Attorney General of the United States, and depriving law enforcement in this country of his support, I cannot not understand.

Two weeks ago, we debated and voted on the nomination in the Judiciary

Committee. Those who opposed the nomination had the opportunity to explain their negative vote. I urge all Senators to reject these false and scurrilous attacks that have been made against Mr. Ogden. I also held out hope that they would reject applying an obvious double standard when it comes to President Obama's nominees. Remember, these are the same people who voted unanimously for one of the worst attorneys general in this Nation's history, former Attorney General Gonzales.

I am glad some semblance of common sense has finally prevailed on the Republican side of the aisle. I guess somebody looked at the facts and said: "This makes absolutely no sense whatsoever, and there is no way of justifying this to Americans, other than to the most partisan of Americans," and they reversed their position. They now say they will not filibuster this nomination.

It was disturbing to see the President's nomination of Mr. Ogden to this critical national security post being held up this long by Senate Republicans apparently on some kind of a partisan whim.

I voted for all four of the nominees that the Senate confirmed and President Bush nominated to serve as the Deputy Attorney General during the course of his Presidency. In fact, each of the four was confirmed by voice vote. Not a single Democratic Senator voted against them and some may not have been the people we would have chosen had it been a Democratic President. But we respected the fact the American people elected a Republican President and he deserved a certain amount of leeway in picking his nominees.

Of course, we heard the same preaching from the Republican side. Suddenly their position has now changed since the American people, by a landslide, elected a Democratic President. What Republicans are essentially saying is President Obama does not get the same kind of credit that President Bush did. That amounts to a double standard, especially after every Republican Senator supported each of President Bush's nominees, as they did the nomination of Alberto Gonzales.

Today, however, there will be no more secret and anonymous Republican holds. Any effort to oppose the President's nominees—executive or judicial—will have to withstand public scrutiny. There can be no more anonymous holds. We can turn at last to consideration of President Obama's nomination of David Ogden to be Deputy Attorney General, the No. 2 position at the Department.

Let me tell you a little bit about David Ogden. As a former high-ranking official at both the Defense Department and the Justice Department, he is the kind of serious lawyer and experienced Government servant who understands the special role the Department of Justice must fulfill in our democracy. It is no surprise that his

nomination has received strong support from leading law enforcement organizations, children's advocates, civil rights organizations, and former Government officials from Republican and Democratic administrations.

The confirmation of Mr. Ogden to this critical national security post should not be further delayed. The Deputy Attorney General is too important a position to be made into a partisan talking point for special interest politics.

Now, I understand some people want to do fundraising as they talk about their ability to block nominations of President Obama. I wonder if they know how critical the situation is in this country. This is not the time for partisan political games. This is a time where all of us have a stake in the country getting back on track and we ought to be working to do that. Stop the partisan games. The Deputy Attorney General is needed to manage the Justice Department with its many divisions, sections, and offices and tens of thousands of employees. As Deputy Attorney General, Mr. Ogden would be responsible for the day-to-day management of the Justice Department, including the Department's critical role of keeping our Nation safe from the threat of terrorism.

I want to thank Mark Filip, the most recent Deputy Attorney General and a Republican. Judge Filip came from Chicago last year motivated by public service. He had a lifetime appointment as a Federal judge where he served with distinction as a conservative Republican. He gave up his lifetime appointment after the scandals of the Gonzalez Justice Department, where not only did the Attorney General resign but virtually everybody at the top echelon of the Department of Justice resigned because of the outrageous scandals at that time. I urged his fast and complete confirmation and he was confirmed just over one year ago, unanimously, by voice vote.

Now, are Judge Filip and I different politically? Yes, of course we are. We differ in many areas. Yet, I saw a man dedicated to public service. He gave up his dream of a lifetime position on the Federal bench. He saw the scandals of the former Attorney General and all the people who had to be replaced by President Bush because of the scandalous conduct, and he came in for the good of the country to help right it. I admire him for that. I was chairman of the committee that unanimously endorsed his nomination. As chairman of the committee, I came to the floor of the Senate and urged his support.

On February 4, after 11 months of dedicated and commendable service to us all he left the Justice Department. It is time, over a month later, that his replacement be confirmed by the Senate.

The Senate's quick consideration of Mr. Filip's nomination was reflective of how Senate Democrats approached the confirmations of nominees for this

critical position. President Bush's first nominee to serve as Deputy Attorney General, Larry Thompson, received similar treatment. At the beginning of a new President's term, it is common practice to expedite consideration of Cabinet and high level nominees. I remember that nomination very well. I was the ranking Democrat on the committee at that time. His hearing was just 2 weeks after his nomination. He was reported by the Judiciary Committee unanimously. Every Democratic Senator voted in favor of reporting his nomination. And he was confirmed that same day by voice vote by the Senate. No shenanigans. No partisanship. No posturing for special interests.

His replacement was James Comey. He, like Mr. Ogden, was a veteran of the Department of Justice. The Democratic Senators in the Senate minority did not filibuster, obstruct or delay that nomination. We knew how important it was. We cooperated in a hearing less than 2 weeks after he was nominated. He was reported from the committee unanimously in a 19-0 vote, and he was confirmed by the Senate in voice vote.

Even when President Bush nominated a more contentious choice, a nominee with a partisan political background, Senate Democrats did not filibuster. Paul McNulty was confirmed to serve as the Deputy Attorney General in 2006 in a voice vote by the Senate. While there were concerns, there was no filibuster. As it turned out, Mr. McNulty resigned in the wake of the U.S. attorney firing scandal, along with Attorney General Gonzales and so many others in leadership positions at the Department of Justice.

I voted for all four of the nominees that the Senate confirmed and President Bush appointed to serve as the Deputy Attorney General during the course of his presidency. In fact, each of the four was confirmed by voice vote. Not a single Democratic Senator voted against them. And, of course, every Republican Senator supported each of those nominees as they did the nomination of Alberto Gonzales and the other nominations of President Bush to high ranking positions at the Justice Department.

I bring up this history to say let us stop playing partisan games. Mr. Ogden's nomination to be Deputy Attorney General, a major law enforcement position, is supported by Republicans and Democrats, at a time when we need the best in our law enforcement in this country.

The Justice Department is without a confirmed deputy at a time when we face great threats and challenges. Indeed, one of the recommendations of the bipartisan 9/11 Commission was that after Presidential transitions, nominees for national security appointments, such as Mr. Ogden, be accelerated. In particular, the 9/11 Commission recommended:

A president-elect should submit the nominations of the entire new national security

team, through the level of undersecretary of cabinet departments, not later than January 20.

The commission also recommended that the Senate:

should adopt special rules requiring hearings and votes to confirm or reject national security nominees within 30 days of their submission.

President Obama did his part when he designated Mr. Ogden to be the Deputy Attorney General on January 5, more than 2 months ago. We now are at March 11. It is time for the Senate to act. Stop the partisan games, stop the holding up, stop the holds and the threats of filibusters and all the rest. The problems and threats confronting the country are too serious to continue to delay and to play partisan games, no matter which fundraising letter somebody wants to send out. Forget the fundraising letters for a moment; let us deal with the needs of our Nation.

Scurrilous attacks against Mr. Ogden have been launched by some on the extreme right. David Ogden is a good lawyer and a good man. He is a husband and a father. The chants that David Ogden is somehow a pedophile and a pornographer are not only false, they are so wrong. Senators know better than that. Forget the fundraising letters, let us talk about a decent family man, an exceptional lawyer. Let us talk about somebody who answered every question at his confirmation hearing, not only about those he represented legally but about his personal views.

I questioned Mr. Ogden at his hearing and he gave his commitment to vigorously enforce Federal law, regardless of the positions he may have taken on behalf of his clients in private practice. I asked him if he had the right experience to be Deputy Attorney General and he pointed out his extensive experience managing criminal matters at the Department and in private practice. I asked him to thoroughly review the practice of prosecutors investigating and filing law suits on the eve of elections, and he said he would. I asked him to work with me on a mortgage and financial fraud law, and he was agreeable. I asked about his experience in the type of national security matters that have become more than ever before central to the mission of the Justice Department, and he highlighted his extensive national security experience and lessons he learned as General Counsel for the Department of Defense. On all these matters he was candid and reassuring.

That is why Mr. Ogden's nomination has received dozens of letters of support, including strong endorsements from Republican and Democratic former public officials and high-ranking veterans of the Justice Department, from the National Center for Missing and Exploited Children, the Boys and Girls Clubs of America, and from nearly every major law enforcement organization.

As one who began his public career in law enforcement, I would not stand

here and endorse somebody for such a major law enforcement position if I did not feel it was a person who should do this. Larry Thompson, a former Deputy Attorney General himself, and somebody I worked with on law enforcement matters when he was here as a Republican nominee, described Mr. Ogden as

A brilliant and thoughtful lawyer who has the complete confidence and respect of career attorneys at Main Justice. David will be a superb Deputy Attorney General.

Chuck Canterbury, who is the national president of the Fraternal Order of Police, wrote that Mr. Ogden

... possesses the leadership and experience the Justice Department will need to meet the challenges which lay before us.

A dozen retired military officers who served as judge advocates general have endorsed Mr. Ogden's nomination, calling him

... a person of wisdom, fairness, and integrity, a public servant vigilant to protect the national security of the United States, and a civilian official who values the perspective of uniformed lawyers in matters within their particular expertise.

I know something about law enforcement, not only from my past career but the 35 years I have served in this body, most of that time on the Senate Judiciary Committee dealing with law enforcement matters. I know that David Ogden is an immensely qualified nominee whose priorities would be the safety and security of the American people, but also to reinvigorate the traditional work of the Justice Department in protecting the rights of Americans—all Americans. We do not want to go back to the scandalous time of a former Attorney General, where the rights of only certain Americans were protected, and political and partisan decisions were made about whose rights would be protected. This is the Department of Justice. It is the Deputy Attorney General of the United States. It is not the Deputy Attorney General of the Republican Party or the Democratic Party, but the Deputy Attorney General for all of us. That is why he is going to be a critical asset to the Attorney General.

I urge all Senators to support him. Give the same kind of support to Mr. Ogden as Democrats did to Judge Filip when he came in to try to clean up the mess created by a former Attorney General.

One of the joys of being chairman of the Senate Judiciary Committee are the people I get to serve with. Over the years, I have served with numerous Senators, including the father of one of our current Senators. For a lawyer, it is an intellectually exhilarating committee to serve on, but again because of some of the great people who serve here.

The Senator from Delaware is the newest member of the committee because the former Senator from Delaware—whom I served with for well over 30 years on that committee. Part of the time he was chairman and part of the time he was ranking member; part of

the time I was chairman and part of the time he was ranking member—has left the Senate to be involved in the Senate now only as the presiding officer, because he went on to become Vice President of the United States. His replacement, Senator KAUFMAN of Delaware, moved into that seat on the Senate Judiciary Committee as though he had served there for all those decades. In a way, he did, as a key person working for former Senator BIDEN.

I have often joked that Senators are merely constitutional impediments or constitutional necessities to the staff, who do all the work. Now we have somebody who has both the expertise of having been one of the finest staff people I have ever served with and now one of the best Senators I have served with, and a great addition to the Senate Judiciary Committee.

So as not to embarrass him further, I will yield to the distinguished Senator from Delaware.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, people have asked me what it is like to be a Senator as opposed to being chief of staff, and one of the great things is getting to work with a chairman such as Chairman LEAHY on the Judiciary Committee; someone who knows what he is about, knows the Senate, and is a former prosecutor. We are truly fortunate to have him as chair and also to have a truly great staff on the Senate Judiciary Committee, led by Bruce Cohen. So it is a great and a genuine pleasure. Pleasure is used a lot of times on the floor. Sometimes it is not too pleasurable. But this is truly pleasurable, to work with the chairman and the staff of the Judiciary Committee, but especially the chairman. So I thank the chairman for his kind remarks.

I do agree with so much of what he has to say about David Ogden for Deputy Attorney General. I, along with him, am deeply disappointed that the nomination of David Ogden for Deputy Attorney General has been so needlessly delayed. This has real consequences for the administration of law in our country during a challenging time. Depriving the Department of Justice of senior leadership at this critical juncture is much more than unfortunate.

As we saw from his confirmation hearings in the Judiciary Committee more than a month ago, David Ogden has excellent academic credentials and broad experience in law and government. He fully understands the special role of the Department of Justice and is deeply committed to the rule of law. He has broad support from lawyers of all political and judicial philosophies.

President Obama designated Mr. Ogden be Deputy Attorney General on January 5, which seems like an eternity ago—over 2 months ago. We held his confirmation hearing in the Judiciary Committee over a month ago and,

on February 26, after thorough consideration, a bipartisan majority of the committee, 14 to 5, voted to report his nomination. The ranking member, the Senate minority whip and the well-respected senior Senator from South Carolina, voted in favor of his nomination.

Despite that bipartisan vote and broad support from law enforcement groups, children's advocates, civil rights organizations, former Democratic and Republican officials, his nomination has faced unwarranted delay. This delay is unfortunate in itself, particularly when the nominee has impeccable credentials and broad support. However, as important, this delay has come at a critical time for the Department of Justice. Without a Deputy Attorney General, the Department is forced to deal with some of the most important issues facing this Nation with one hand tied behind its back.

The Deputy Attorney General holds the No. 2 position at the Department of Justice and, as we all know, is responsible for the day-to-day management of the Department, including critical national security responsibilities. The Deputy Attorney General, for example, signs FISA applications. These are essential to ensuring that our intelligence services get the information they need to protect us from terrorism and other national security threats. The Deputy Attorney General will also play an important role in overseeing the Guantanamo Bay detainee review, to make sure we assess each of the remaining detainees and make sure they are safely and appropriately transferred—I know an issue that everyone in this body shares a concern about.

One of the recommendations of the bipartisan 9/11 Commission was that after Presidential transitions, nominations for national security appointments, such as Mr. Ogden's, be accelerated. The delay we are seeing now, to put it mildly, is not helping those who are sworn to protect our country. The Deputy Attorney General manages the criminal division of the FBI, which helps keep Americans safe, not only from violent crime but also from financial fraud. In the aftermath of the financial fraud meltdown that has thrown the American economy into a serious recession, we must ensure that lawbreakers will be identified and prosecuted for financial fraud. Punishing complex financial crimes and deterring future fraud are vital in restoring confidence in our decimated financial markets. How can people be expected to go back in the market again when they do not know or cannot have confidence that the people who perpetrated these crimes are not still there but are in jail? This is important. As we know in dealing with crime, the sooner you deal with it after the crime happens the better your chance of catching the people involved. Getting the Deputy Attorney General involved as soon as possible is essential for our financial well-being.

The Deputy Attorney General also oversees efforts to fight waste and corruption in Federal programs by means of the False Claims Act. As we expend vast sums in two wars and work to stimulate the economic recovery, we must do everything we can to make sure the taxpayer dollars are well spent. Along the same line, the Deputy Attorney General oversees the distribution of billions of dollars in economic recovery funds in support of critical State and local law enforcement initiatives. Everyone agrees that to fulfill the promise of the economic recovery package, we need to get the funds out the door quickly. Again, depriving the Department of Justice of senior leadership at this critical time is bad policy.

The American people need a Deputy Attorney General in place now, to meet all these critical efforts. The problems and threats confronting the country are too serious to delay.

We know David Ogden is extraordinarily well qualified. We know the Judiciary Committee fully vetted his background, experience and judgment and reported out his nomination with a bipartisan majority. We know the Attorney General needs his second in command as well as other members of his leadership team in place and working as soon as possible. We know further delay in this crucial nomination is inexcusable.

I hope on this nomination, and going forward, we do better.

I yield the floor, suggest the absence of a quorum, and ask the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. SPECTER. Madam President, at the outset in addressing the Chair, may I note that it is my distinguished colleague, Senator CASEY from Pennsylvania. Nice to see you acting as Vice President, Senator CASEY.

May I just say that in the 2 years plus that you have been here, I have admired your work and found it very gratifying to be your colleague in promoting the interests of our State and our Nation.

I have sought recognition to comment on the nomination of David W. Ogden to be Deputy Attorney General. In reviewing the pending nomination, I have noted Mr. Ogden's academic and professional qualifications. I have also noted certain objections that have been raised by a number of organizations. As a matter of fact, some 11,000 contacts in opposition to the nomination have been received by our Judiciary Committee offices.

As to Mr. Ogden's background, his resume, his education, and his profes-

sional qualifications—he received his undergraduate degree from the University of Pennsylvania in 1976, Phi Beta Kappa, and his law degree from Harvard, magna cum laude, where he was an editor of the Law Review.

I know it is difficult to get a Phi Beta Kappa key at the University of Pennsylvania. I know that being on the Law Review at a school like Harvard is an accomplishment. He then clerked for Judge Sofaer on the United States District Court for the Southern District of New York. I came to know Judge Sofaer when he was counsel to the New York Department of State. I have a very high regard for him.

Mr. Ogden then clerked for Harry Blackmun on the Supreme Court. That is a distinguished achievement. Then he worked for Ennis Friedman Bersoff & Ewing and became a partner there. Then he was a partner at Jenner & Block and was an adjunct professor at Georgetown University Law Center from 1992 to 1995. He then had a string of prestigious positions in the Department of Justice: Associate Deputy Attorney General, Counselor to the Attorney General, Chief of Staff to the Attorney General, Acting Assistant Attorney General for the Civil Division, and Assistant Attorney General for the Civil Division—all during the administration of President Clinton.

We have seen quite a series of nominees come forward when the current administration selects people from a prior administration. There have been quite a few people who served in President Reagan's administration who later served in President George H.W. Bush's administration. Then some of those individuals served in the administration of President George W. Bush. Similarly, individuals from President Carter's administration came back with President Clinton, and the people from President Clinton are now serving in President Obama's administration. So it is a usual occurrence.

Contrasted to the resume Mr. Ogden has, I have noted the objections raised by the Family Research Council headed by Mr. Tony Perkins, who wrote the committee expressing his concerns about Mr. Ogden's nomination because, as Mr. Perkins puts it:

Mr. Ogden has built a career on representing views and companies that most Americans find repulsive . . . Mr. Ogden has also profited from representing pornographers and in attacking legislation designed to ban child pornography.

It was also noted by those opposing his nomination that a brief filed by Mr. Ogden in *Planned Parenthood v. Casey* argued that "women who have had abortions suffer no detrimental consequences and instead should feel 'relief and happiness' after aborting a child." Fidelis, a Catholic-based organization, Concerned Women of America, Eagle Forum, and the Alliance Defense Fund have also written the committee in opposition to Mr. Ogden's nomination based on similar concerns; specifically, his representation of sev-

eral entities in the pornography industry and organizations that oppose restrictions on abortions.

As I noted earlier, the committee has received an unprecedented number of opposition phone calls and letters for a Department of Justice nominee. In total, the committee has received over 11,000 contacts in opposition to the nomination.

The objections raised call into focus the issue as to whether an attorney ought to be judged on the basis of arguments he has made in the representation of a client. I believe it is accurate to say that the prevailing view is not to bind someone to those arguments. I note an article published by David Rivkin and Lee Casey, who served in the Justice Department under President Reagan and President George H.W. Bush, that advances the thesis that a lawyer is not necessarily expressing his own views when he represents a client. They point out how Chief Justice Roberts' nomination to serve on the U.S. Court of Appeals for the District of Columbia Circuit was vociferously opposed by pro-choice groups based upon briefs he had filed when he served as Deputy Solicitor General under President George H.W. Bush and the arguments for restrictions of abortion rights contained in those briefs. I recollect that NARAL had a commercial opposing then-Judge Roberts. I spoke out at that time on the concern I had about their inference that those were necessarily his own views. As I recollect, NARAL withdrew the commercial.

The article by Mr. Rivkin and Mr. Casey notes the objections of the Family Research Council, Focus on the Family, and Concerned Women for America, and comes to the conclusion that a person's representation of a client does not necessarily state what a person's views are on an issue.

I further note that Mr. Ogden has been endorsed by very prominent people from Republican administrations: Deputy Attorney General Larry Thompson, former Assistant Attorney General Peter Keisler, former Assistant Attorney General Rachel Brand, and former Acting Assistant Attorney General Daniel Levin.

Professor of law Orin Kerr at George Washington University Law School noted that he disagreed with arguments that Mr. Ogden had made, but despite his disagreement with Mr. Ogden's arguments, he believed those arguments should not be held against him.

In the consideration of nominees who are now pending before the Judiciary Committee, we are taking a very close look at all of them. I think it appropriate to note at this point that the nomination of Harvard Law School dean Elena Kagan is being analyzed very carefully. Without going into great detail at this time because her nomination, which has been voted out of committee, will be on the floor at a later date, I and others voted to pass

on Ms. Kagan because we are not satisfied with answers to questions that she has given.

I ask unanimous consent to put in the RECORD a letter that I wrote to Dean Kagan, February 25, 2009, and her reply to me on March 2, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 25, 2009.

Dean ELENA KAGAN,
Harvard Law School,
Cambridge, MA.

DEAR DEAN KAGAN: I write to express my dissatisfaction with many of the answers you provided to the Committee in response to my written questions following your confirmation hearing. I believe these answers are inadequate for confirmation purposes.

In a 1995 review of a book entitled *The Confirmation Mess*, you made a compelling case for senatorial inquiry into a nominee's judicial philosophy and her views on specific issues. You stated, "when the Senate ceases to engage nominees in meaningful discussion of legal issues, the confirmation process takes on an air of vacuity and farce, and the Senate becomes incapable of either properly evaluating nominees or appropriately educating the public." You further asserted that the Senate's inquiry into the views of executive nominees, as compared to Supreme Court nominees, should be even more thorough, stating, "the Senate ought to inquire into the views and policies of nominees to the executive branch, for whom 'independence' is no virtue." I agree with the foregoing assessment, and, therefore, am puzzled by your responses, which do not provide clear answers concerning important constitutional and legal issues.

For example, in response to several questions related to the constitutionality of the imposition of the death penalty, you offer only the following: "I do not think it comports with the responsibilities and role of the Solicitor General for me to say whether I view particular decisions as wrongly decided or whether I agree with criticisms of those decisions. The Solicitor General must show respect for the Court's precedents and for the general principle of *stare decisis*. If I am confirmed as Solicitor General, I could not frequently or lightly ask the Court to reverse one of its precedents, and I certainly would not do so because I thought the case wrongly decided." You repeatedly provide this answer verbatim, or a similarly unresponsive answer, to numerous questions regarding the First and Second Amendments, property rights, executive power, habeas corpus rights of detainees, the use of foreign law in constitutional and statutory analysis, and the Independent Counsel statute, among others. I think you would agree that, given the gravity of these issues and the significance of the post for which you are nominated, this Committee is entitled to a full and detailed explanation of your views on these matters.

Please provide the Committee with adequate answers to these questions so that I may properly evaluate your nomination and determine whether any supplemental questions are necessary.

Sincerely,

ARLEN SPECTER.

HARVARD LAW SCHOOL,
OFFICE OF THE DEAN,
Cambridge, MA, March 2, 2009.

Senator ARLEN SPECTER

U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: I am writing in response to your letter of February 25. I am sorry that you believe some of my answers to written questions to be inadequate. I wish to respond to your request for additional information as fully as possible while still meeting the obligations attendant to a nominee for the Solicitor General's office.

Let me first say how much I respect the Senate and its institutional role in the nominations process. As the members of a co-equal branch of government charged with the "advice and consent" function, you and your colleagues have a right and, indeed, a duty to seek necessary information about how a nominee will perform in her office. By the same token, each nominee has a responsibility to address senatorial inquiries as fully and candidly as possible. But some questions—and these questions will be different for different positions—cannot be answered consistently with the responsible performance of the job the nominee hopes to undertake. For that reason, some balance is appropriate, as I remarked to Senator Hatch at my nomination hearing and as you quoted approvingly in the introduction to your written questions.

I endeavored to strike that proper balance in responding to your and other senators' written questions. I answered in full every question relating to the Solicitor General's role and responsibilities, including how I would approach specific statutes and areas of law. I also answered in detail every question relating to my own professional career, including my relatively extensive writings and speeches. Finally, I answered many questions relating to general legal issues. In short, I did my best to provide you and the rest of the Committee with a good sense of who I am and of how I would approach the role of Solicitor General. The only matters I did not address substantively were my personal views (if any) regarding specific Supreme Court cases and constitutional doctrines. These personal views would play no role in my performance of the job, which is to represent the interests of the United States; and expressing them (whether as a nominee or, if I am confirmed, as Solicitor General) might undermine my and the Office's effectiveness in a variety of ways.

In answering these questions as I did, I was cognizant of the way other nominees to the position of Solicitor General have replied to inquiries from senators. For example, in answering a question about his views of the use of foreign law in legal analysis, Paul Clement wrote: "As Solicitor General, my role would be to advance the interests of the United States, and previous statements of my personal views might be used against the United States' interests, either to seek my recusal, to skew my consideration of what position the United States should take, or to impeach the arguments eventually advanced by the United States." Similarly, Seth Waxman stressed in responding to questions about his understanding of a statute that "[i]t is the established practice of the Solicitor General not to express views or take positions in advance of presentation of a concrete case" and prior to engaging in extensive consultation within and outside the office. The advice I received from former Solicitors General of both parties prior to my nomination hearing was consistent with what the transcripts of their hearings reveal: all stressed the need to be honest and forthcoming, but also the responsibility to pro-

tect the interests of the office and of the United States. In my hearing and in my responses to written questions, I believe I have provided at least as much information to the Committee as any recent nominee.

As you noted to me when we met, I have lived my professional life largely in the public eye. I have written and spoken widely, so the Committee had the opportunity to review many pages of my law review articles and many hours of my remarks. I tried to answer every question put to me at my hearing completely and forthrightly. I met with every member of the Committee who wished to do so in order to give all of you a more personal sense of the kind of person and lawyer I am. I submitted letters from numerous lawyers, who themselves hold views traversing the political and legal spectrum, indicating how I approach legal issues. And as noted above, I answered many written questions from you and other members of the Committee.

In all, I did my best to provide you and the other members of the Committee with a complete picture of who I am and how I would approach the role of Solicitor General, consistently with the responsibilities of that office and the interests of the client it serves. But I am certainly willing to do anything else I can to satisfy your concerns, including meeting with you again.

Thank you for your consideration of this letter.

Sincerely,

ELENA KAGAN.

Mr. SPECTER. The comments that are in Ms. Kagan's letter require further analysis. She has, as a generalization, stated that she does not think it appropriate to answer certain questions about her views because she has the ability as an advocate to disregard her own personal views and to advocate with total responsibility to the law, even though she may have some different point of view. I think as a generalization, that is valid. However, as I discussed at her hearing, some of her points of view raise a question as to whether, given the very strongly held views she has expressed, she can totally put those views aside. When her nomination was before the committee for a vote, I passed. I agreed it ought to go to the floor, and we ought not to delay; but I wanted to have another talk with her. I have scheduled a meeting for tomorrow to go over Dean Kagan's record because I think it is important to take a very close look at it.

I also think it is relevant to comment about the pending nomination of Dawn Johnsen for Assistant Attorney General in charge of the Office of Legal Counsel. That is the Assistant Attorney General who passes on legal questions, a very important position. They all are important, whether it is Deputy Attorney General or Solicitor General or Assistant Attorney General for the various divisions. But the Office of Legal Counsel, OLC as it is called, is especially important. We now have challenges in dealing with opinions on the torture issue by people who held leadership positions in the Office of Legal Counsel under President George W. Bush—whether they were given in good faith and whether they went far beyond the law as to what interrogation tactics were appropriate.

With respect to Ms. Johnsen's nomination, she has equated limiting a woman's right to choose with slavery in violation of the 13th amendment. While I personally believe, as did Senator Goldwater, that we ought to keep the Government out of our pocket-books, off our backs, and out of our bedrooms, I am not going to raise the contention that abortion restrictions are a violation of the 13th amendment and that it constitutes slavery. Her nomination is being subjected to very careful analysis, especially the part of her testimony where she disclaimed making that the connection between abortion restrictions and the 13th amendment because the records and a footnote suggest the contrary.

I talk about the nominations of Dean Kagan and Ms. Johnsen briefly, when considering the nomination of Mr. Ogden, to point out that there is very careful scrutiny given to these very important positions. I am looking forward to meeting Dean Kagan tomorrow to examine further her capabilities to be the Solicitor General and advance arguments with the appropriate adversarial zeal. We have an adversarial system. We put lawyers on opposite sides of the issue and we postulate that, from the adversarial system, the truth is more likely to emerge. An advocate has to pursue the cause within the range of advocacy. With Ms. Johnsen, we are going to be considering further her qualifications in light of her statements to which I have referred.

But coming back to Mr. Ogden, my net conclusion is that he ought to be confirmed. I say that based upon a resume that is very strong, both academically and professionally. I think it is important to note that when questioned about some of his positions, Mr. Ogden has, one might say, backed off some of his earlier views. When asked about some of the things he had written, he criticized a 1983 memo he wrote when he was a law clerk to Justice Blackmun that referred to the defenders of a challenged law in a way that disparagingly suggested their insincerity. He told the committee that after maturing, he had some different views.

In a 1990 tribute to Justice Blackmun, he expressed agreement with the Justice's endorsement of affirmative action programs that entailed set-asides or quotas. At his hearing, he said he now believes that such an approach was inappropriate and instead believes that consideration of race, as he put it, "in limited circumstances" should be one of many factors in affirmative action programs.

Mr. Ogden also stated he no longer agrees with the position he took in a 1980 case comment that "state expansion of speech rights at the expense of property rights does not constitute a taking." That case comment involved the issue of whether there was an unlimited right of speech on private property. So he has maintained a little different position. It is fair to raise a

question about whether statements made in the confirmation amount to a confirmation conversion. That has been an expression used from time to time that you have to take statements at a confirmation with a grain of salt because of the motivation to be confirmed. That has to be taken into account. But I listened to what Mr. Ogden had to say, and I think he is entitled to modify his views over a substantial period of time from what he did in 1983 and 1990, with a maturation process.

Then there is the consideration that the President is entitled to select his appointees within broad limits. The Deputy Attorney General, while important, is not a lifetime appointment as a judge. I had a call from the Attorney General who raised the issue that he does not have any deputies and the Department of Justice has now been functioning for more than a month and a half. It is a big, important department, and we ought to give appropriate latitude to President Obama and appropriate latitude to Attorney General Holder and move ahead with Mr. Ogden's confirmation.

For all of those factors, I intend to vote in favor of Mr. Ogden. I think those who have raised objections have done so, obviously, in good faith. They are entitled to have their objections considered and to know that the Judiciary Committee is giving very careful analysis to their facts and will do so, as I have outlined, on the consideration of other nominees.

Madam President, I ask unanimous consent that the full text of an article I referred to from Mr. Rivkin and Mr. CASEY be printed in the CONGRESSIONAL RECORD, along with the résumé of Mr. Ogden.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DON'T BLAME THE LAWYER

(By David B. Rivkin Jr. and Lee A. Casey)

President Barack Obama's selection of David Ogden as deputy attorney general has drawn fire from conservative family values groups, including the influential Family Research Council, Focus on the Family, and Concerned Women for America. Conservative talk show hosts including Fox News' Bill O'Reilly, have highlighted the story, and there appears to be a real effort under way to derail the nomination.

This effort undoubtedly has not escaped notice on Capitol Hill, and several Republican senators on the Judiciary Committee—including Orrin Hatch (Utah), Jon Kyl (Ariz.), and Jeff Sessions (Ala.)—have pressed Ogden on some of the issues raised by these groups.

Unfortunately, much of this opposition from the family values groups is based upon Ogden's representation of controversial clients and the positions he has argued on their behalf. This tactic has been used against conservatives in the past, including Chief Justice John Roberts Jr. Punishing lawyers for who they represent and what they argue before the courts is not in the interest of justice and makes for bad public policy.

"FROM PLAYBOY"?

Among the principal objections to Ogden's nomination is that he has represented adult

magazine, book, and film producers, including Playboy and Penthouse, on whose behalf he has argued for a broad interpretation of First Amendment protections.

Ogden also represented a number of library directors who filed an amicus brief supporting the American Library Association's challenge to the Children's Internet Protection Act of 2000, which among other things required the use of Internet filtering software by public libraries.

In addition, as noted by the Family Research Council, "Ogden worked for the ACLU and filed a brief in the landmark abortion case *Planned Parenthood v. Casey* that denied the existence of adverse mental health effects of abortion on women."

His participation and arguments in cases involving parental notification, the Pentagon's "don't ask, don't tell" policy, and gay rights has also raised conservative hackles. According to the president of an important Catholic values organization, "David Ogden is a hired gun from Playboy and the ACLU. He can't run from his long record of opposing common-sense laws protecting families, women, and children."

ZEALOUS REPRESENTATION

The premise of this opposition is a familiar one—that lawyers must be presumed to agree with, or be sympathetic to, the clients they represent or, at a minimum, that they should be held accountable for the arguments they advance on a client's behalf. In fact, of course, lawyers represent clients for many and varied reasons—for money or fame, out of a sense of duty, an interest in a particular subject matter, or for professional growth and development. Sometimes lawyers are motivated by all of the above, and more.

It is simply inaccuracy to attribute to a lawyer his or her client's beliefs. That is just not the way our legal system works—at least not all the time.

Sometimes, of course, lawyers do personally agree with the client's substantive views and the legal positions they advance. There is no doubt that lawyers are often drawn to a particular area of practice, or undertake to represent particular clients—especially on a pro bono basis—because they do believe in the client's cause. It is possible, however, to believe in a client's cause—a broad application of free speech rights, for example—and not to approve of the client's personal behavior or business model.

And, just as a lawyer's character cannot be judged based on a client list, neither can a lawyer's policy preferences easily be divined by reading his or her briefs. Lawyers must represent their clients zealously, and this means they often must deploy legal arguments with which they personally disagree.

SUBVERTING THE SYSTEM

Moreover, even in cases where a lawyer does share the client's opinions, or where he or she personally believes that the law means, or should mean, what the briefs say, there are very good reasons why this should not disqualify such individuals from high government office.

Lawyers are human beings, and punishing them in this way would result in many avoiding controversial clients and causes. Indeed, this is often the purpose and intent of such opposition, but it also is subversive of our legal system. That system is adversarial and works only if both sides of an issue are adequately represented. If there are clients or causes, be they the adult entertainment industry, tobacco companies, or Guantánamo detainees, that are classified as being so disreputable or radioactive that their lawyers are later personally held to account for representing them, the quality of justice will suffer.

Conservatives and Republicans who are tempted in that direction now that a liberal

Democrat is in office should recall that similar arguments about supposedly disreputable clients and unacceptable arguments have been raised against their own nominees in the past. For example, now-Chief Justice Roberts' nomination to serve on the U.S. Court of Appeals for the D.C. Circuit was vociferously opposed by pro-choice groups based upon briefs he had filed—and the arguments for restriction of abortion rights they contained—when he served as deputy solicitor general under President George H.W. Bush.

CLEARLY QUALIFIED

Although there are many issues on which conservatives can and should disagree with Ogden as ideological matters, those disagreements are not good reasons why he should not be confirmed as deputy attorney general. His views of the law and legal policy are certainly legitimate topics of inquiry and debate, both for the Senate and the public in general, but only in the context of what they may mean about Obama's own beliefs and plans.

Like his presidential predecessors, Obama is entitled to select the men and women who will run the federal government, including the Justice Department, exercising the executive authority vested in him as president by the Constitution.

It is entirely appropriate that Obama's appointees share his policy preferences and ideological inclinations. If their legal views are considered by some to be out of the "mainstream," that is the president's problem. If they push for extreme policies, it will be up to Obama to curtail them. If not, there will be another election in 2012, at which time the country can call him to account.

In the meantime, so long as the individuals Obama chooses to serve in the executive branch have sufficient integrity, credentials, and experience to perform the tasks they will be assigned, they should be confirmed.

This is the case with Ogden. He is clearly qualified for the job. His training and experience are outstanding, including a Harvard law degree and a Supreme Court clerkship. Ogden has practiced at one of the country's premier law firms. He served as Attorney General Janet Reno's chief of staff and as assistant attorney general in charge of the Justice Department's Civil Division—its largest litigating unit—in the Clinton administration. This service is important. The deputy attorney general is, in large part, a manager, and Ogden clearly understands the Justice Department, its role in government, its career lawyers, and its foibles.

Significantly, his nomination has been endorsed by a number of lawyers who served in the Reagan and two Bush administrations, including one who preceded, and one who succeeded, Ogden as head of the Civil Division. They are right; he should be confirmed.

DAVID W. OGDEN

DEPUTY ATTORNEY GENERAL

Birth: 1953; Washington, DC.

Legal Residence: Virginia.

Education: B.A., *summa cum laude*, University of Pennsylvania, 1976, Phi Beta Kappa; J.D., *magna cum laude*, Harvard Law School, 1981, Editor, Harvard Law Review.

Employment: Law Clerk, Hon. Abraham D. Sofaer, U.S. District Court Judge for the Southern District of New York, 1981–1982; Law Clerk, Hon. Harry A. Blackmun, U.S. Supreme Court, 1982–1983; Associate, Ennis, Friedman, Bersoff & Ewing, 1983–1985, Partner and Attorney, 1986–1988; Partner and Attorney Jenner & Block, 1988–1994; Adjunct Professor, Georgetown University Law Center, 1992–1995; Deputy General Counsel and Legal Counsel, Department of Defense, 1994–1995; Department of Justice, 1995–2001, Asso-

ciate Deputy Attorney General, 1995–1997, Counselor to the Attorney General, 1997–1998, Chief of Staff to the Attorney General, 1998–1999, Acting Assistant Attorney General for the Civil Division, 1999–2000, Assistant Attorney General for the Civil Division, 2000–2001; Partner and Attorney, Wilmer Cutler Pickering Hale and Dorr LLP, 2001–present; Agency Liaison for the Department of Justice, Presidential Transition Team, 2008–2009.

Selected Activities: Member, American Bar Association, 1983–present, Ex officio member and governmental representative, Council of the Section of Litigation, 1998–2001; Member, First Amendment Lawyers Association, 1991–1994; Fellow, American Bar Foundation, 2002–present; Member of Advisory Board, Bruce J. Ennis Foundation, 2002–2009; Member of Advisory Board, Washington Project for the Arts, 2004–2007; Member, Senior Legal Coordinating Committee, Barack Obama's Presidential Campaign, 2007–2008.

Mr. SPECTER. I thank the Chair and yield the floor to my distinguished colleague from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent that I be allowed to speak as in morning business and that the time be charged against the time under the control of the majority on the nomination.

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

HEALTH CARE REFORM

Mr. BAUCUS. Mr. President, on February 24, President Obama said:

[N]early a century after Teddy Roosevelt first called for reform, the cost of our health care has weighed down our economy and the conscience of our nation long enough. So let there be no doubt: Health care reform cannot wait, it must not wait, and it will not wait another year.

I could not agree more with our President. Our next big objective is health care reform. Comprehensive health care reform is no longer simply an option, it is an imperative. If we delay, the problems we face today will grow even worse. If we delay, millions more Americans will lose their coverage. If we delay, premiums will rise even further out of reach. And if we delay, Federal health care spending will soak up an even greater share of our Nation's income.

In the Finance Committee, we have now held 11 hearings preparing for health care reform. We held our latest hearing yesterday. The Director of the Office of Management and Budget, Dr. Peter Orszag, testified to the Finance Committee about the President's health care budget.

Yesterday, Director Orszag told the committee the cost of not enacting health care reform is enormous. He said:

The cost of doing nothing is a fiscal trajectory that will lead to a fiscal crisis over time.

Director Orszag said if we do not act, then we will further perpetuate a system in which workers' take-home pay is unnecessarily reduced by health care costs. Director Orszag said if we do not act, then 46 million uninsured Americans will continue to be denied ade-

quate health care. According to the Center for American Progress, the ranks of the uninsured grow by 14,000 people every day—14,000 more people uninsured every day. And Director Orszag said if we do not act, then a growing burden will be placed on State governments, with unanticipated consequences. For example, health care costs will continue to crowd out State support of higher education. That would have dire consequences for the education of our Nation's young people.

We must move forward. Senator GRASSLEY and I have laid out a schedule to do just that. Our schedule calls for the Finance Committee to mark up a comprehensive health care reform bill in June. We should put a health care bill on the President's desk this year.

The President's budget makes a historic downpayment on health care reform. Over the next 10 years, the President's budget invests \$634 billion to reform our health care system.

Reforming health care means making coverage affordable over the long run. It means improving the quality of the care. And I might say, our quality is not as good as many Americans think it is, certainly compared to international norms. It means expanding health insurance to cover all Americans. We need fundamental reform in cost, quality, and coverage. We need to address all three objectives at the same time. They are interconnected. If you do not address them together, you will never really address any one of them alone.

Costs grow too rapidly because the system pays for volume, not quality. Quality indicators such as lifespan and infant mortality remain low. Why? Because too many are left out of the system. Families do not get coverage because health costs grow faster than wages. And without coverage, health insurance costs increase because providers shift the cost of uncompensated care to their paying customers. It is a vicious cycle. Each problem feeds on the others.

We need a comprehensive response. Let us at long last deliver on the dream of reform Teddy Roosevelt called for nearly a century ago. Let us at long last lift the burden of health care costs on our economy and on the conscience of our Nation. And let us at long last enact health care reform this year.

Madam President, I suggest the absence of a quorum and ask unanimous consent that the time consumed during the quorum call be charged equally against both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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