

this obviously qualified nominee. Mr. Ogden was favorably reported by the Judiciary Committee by a vote of 14-5, so it seems clear he will be confirmed. But apparently some far-right advocates have made this nomination more controversial than it should be.

As I understand it, those who oppose this nominee disagree with positions he took on behalf of some of his clients, including media organizations. In my view, that is a very unfair basis for opposing a nominee. As a former practicing lawyer, I feel strongly that a lawyer should not be held personally responsible for the views of his clients.

President Obama deserves to have his advisors, especially members of his national security team, in place as quickly as possible. I urge confirmation of this outstanding nominee.

Mr. LEAHY. Madam President, even after abandoning their the ill-conceived filibuster of President Obama's nomination of David Ogden to be Deputy Attorney General, we still hear Republican Senators making scurrilous attacks against Mr. Ogden, launched by some on the extreme right.

As I said on the Senate Floor earlier, David Ogden is a good lawyer and a good man. He is a husband and a father. Yet, regrettably and unbelievably, we still hear chants that he is a pedophile and a pornographer. Those charges are false and they are wrong. Senators know better than that.

Special interests on the far right have distorted Mr. Ogden's record by focusing only on a narrow sliver of his diverse practice as a litigator spanning over three decades. Dating back to the 1980s, Mr. Ogden's practice has included, for example, major antitrust litigation, counseling, representation and authorship of a book on the law of trade and professional associations, international litigation and dispute resolution, False Claims Act and Export Controls Act investigations, and a significant practice in administrative law. In other words, he has been a lawyer, representing clients. For the last 8 years, since leaving Government service, Mr. Ogden has represented corporate clients in a range of industries, including transportation clients like Amtrak and Lufthansa, insurance and financial institutions like Citibank and Fireman's Fund, petrochemical companies like Shell and BP and pharmaceutical concerns like PhRMA and Merck.

Here are the facts that underlie the overheated rhetoric: As a young lawyer in a small firm with a constitutional practice, along with other lawyers in that respected DC law firm, Mr. Ogden represented a range of media clients. He represented the American Library Association, the American Booksellers Association, and Playboy Enterprises.

In the early 1990s, while at the respected firm of Jenner & Block, Mr. Ogden represented a Los Angeles County firefighter. The firefighter was being prohibited from possessing or reading Playboy magazine at the firehouse,

even when on down time between responding to fires. The Federal Court reviewing the matter held that the first amendment protected the firefighter's right to possess and read the magazine. That representation does not make Mr. Ogden a pornographer, a pedophile or justify any of the other epithets that have been thrown his way.

He also challenged a prosecution strategy that threatened simultaneous indictments in multiple jurisdictions with the goal of negotiating plea agreements that put companies out of business without ever having to prove that the materials they were distributing were obscene. That sounds like the kind of overreaching prosecution strategy that Senator SPECTER and other Republican Senators would condemn, just as they have the excesses of the "Thompson memo" pressuring investigative targets to waive their attorney-client privilege.

Those who have argued that Mr. Ogden has consistently taken positions against laws to protect children ignore Mr. Ogden's record and his testimony. What these critics leave out of their caricature is the fact that Mr. Ogden also aggressively defended the constitutionality of the Child Online Protection Act and the Child Pornography Prevention Act of 1996 while previously serving at the Justice Department. This work has led to support and praise from the National Center for Missing and Exploited Children. He has the support of the Boys and Girls Clubs of America. In private practice he wrote a brief for the American Psychological Association in *Maryland v. Craig* in which he argued for protection of child victims of sexual abuse. In his personal life, he has volunteered time serving the Chesapeake Institute, a clinic for sexually abused children.

Nominees from both Republican and Democratic administrations and Senators from both sides of the aisle have cautioned against opposing nominees based on their legal representations on behalf of clients. When asked about this point in connection with his own nomination, Chief Justice Roberts testified, "it has not been my general view that I sit in judgment on clients when they come" and, "it was my view that lawyers don't stand in the shoes of their clients, and that good lawyers can give advice and argue any side of a case." Part of the double standard being applied is that the rule Republican Senators urge for Republican nominees—that their clients not be held against them—is turned on its head under a Democratic President.

As recently as just over 1 year ago, every Senate Republican voted to confirm Michael Mukasey to be Attorney General of the United States. That showed no concern that one of his clients, and one of his most significant cases in private practice as identified in the bipartisan committee questionnaire he filed, was his representation of Carlin Communications, a company that specialized in what are sometimes

called "dial-a-porn" services. It is more evidence of a double standard.

Senators should reject the partisan tactics and double standards from the extreme right and support David Ogden's nomination. The last Deputy Attorney nominee to be delayed by such a double standard was Eric Holder, whose nomination to be Deputy Attorney General in 1997 was delayed for three weeks by an anonymous Republican hold after being reported favorably by the Judiciary Committee before being confirmed unanimously. Like now Attorney General Holder, Mr. Ogden is an immensely qualified nominee whose priorities will be the safety and security of the American people and reinvigorating the traditional work of the Justice Department in protecting the rights of Americans.

Mr. CARDIN. Mr. President, I ask unanimous consent that on Thursday, March 12, the Senate resume consideration of the Ogden nomination at 12 noon and that it be considered under the parameters of the order of March 10; that the vote on the confirmation of the nomination occur at 2 p.m.; further, that upon confirmation of the Ogden nomination, the Senate remain in executive session and consider Calendar No. 23, the nomination of Thomas John Perrelli to be Associate Attorney General; that debate on the nomination be limited to 90 minutes equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to a vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### OMNIBUS APPROPRIATIONS ACT

Mrs. BOXER. Mr. President, during consideration of the Omnibus Appropriations Act, members of the minority party attempted to attach amendments in an effort to delay passage of this important bill. Because further delay in passing this bill could have resulted in the shutdown of the Federal Government, I voted against all amendments to the bill.

I believe that this omnibus bill is important for job growth and will help revitalize our economy. That must be our concern at this critical time.

I would like to clarify my position of some of these amendments:

Amendment 630 would have required the Secretary of State to report on whether additional military aid to Egypt could be used to counter the illegal smuggling of weapons into Gaza. The omnibus bill already explicitly authorizes the use of military aid provided to Egypt for border security programs so the amendment was completely unnecessary.

Amendment 631 would have prohibited funds for reconstruction efforts in Gaza unless the administration certifies that the funds will not be diverted to Hamas or entities controlled by Hamas. The Omnibus bill and permanent law already prohibit any funds from being provided to Hamas or entities controlled by Hamas so this amendment was also completely unnecessary.

Amendment 634 would have prevented funds in this bill from going to companies that assist Iran's energy sector. While I have long supported tough action against Iran for its illicit nuclear program, sending this provision back to the House of Representatives could have endangered final passage of the bill.

Amendment 613 would have cut off all U.S. funding for the United Nations if it imposes any tax on any United States person. The U.N. has never imposed a tax, is not a taxing organization, and if the U.N. ever decided it wanted to impose a tax the U.S. would veto it. This amendment is unnecessary.

Amendment 604 would have extended the E-Verify worker identification program for an additional five years. The omnibus bill already contains a 6-month extension of this program.

Amendment 662 would prohibit the use of funds by the Federal Communications Commission to promulgate the fairness doctrine. On February 26, 2009, I voted in favor of an amendment offered by the junior Senator from South Carolina to prevent the FCC from promulgating the fairness doctrine. This amendment passed the Senate as part of S. 160, the Washington, DC voting rights bill. Also, there are no provisions in the omnibus bill related to the fairness doctrine, making this amendment unnecessary.

Amendment 604 repeats the provision of the Legislative Reorganization Act which grants Members an automatic pay adjustment each year. The amendment would take effect beginning December 11, 2010, and would require the enactment of new legislation to grant Members a pay raise. I believe the junior Senator from Louisiana was doing nothing more than playing politics with his amendment, as he objected to passing a stand-alone bill offered by the Senate majority leader that would have accomplished the same goal as the Vitter amendment. I would have supported passing the majority leader's bill.

Mr. DODD. Mr. President, earlier this week the Senate voted down amend-

ment No. 668 offered by my colleague Senator ENZI by a vote of 42 to 53. I strongly opposed this amendment and am pleased that my colleagues defeated this harmful amendment.

The amendment, if passed, would have cut more than \$983,000 in Ryan White Part A funding to the city of Hartford, CT, and more than \$770,000 in funding to the city of New Haven, CT, in fiscal year 2009. The Enzi amendment would have forced these cities to absorb a combined cut of more than 35 percent to their Ryan White Part A grant in 1 year.

During floor debate on the Enzi amendment, the amendment was represented as a proposal that would simply cut funding from San Francisco. That is not the case and if the Enzi amendment had become law, thousands of individuals living with HIV/AIDS in the State of Connecticut would have been denied direct medical services for the treatment of their disease.

Cuts in funding as envisioned under the Enzi amendment would have deprived individuals living with HIV/AIDS in Connecticut access to medications, clinics would have to turn away patients, and programs would have to make drastic cuts to counseling, transportation, and nutrition assistance.

In fact, 13 cities in Florida, California, New York, New Jersey, Puerto Rico, and Connecticut would have seen huge funding cuts under the Enzi amendment.

For the information of my colleagues, the State of Connecticut was severely disadvantaged because of the way the last reauthorization was handled. Despite receiving assurances and seeing numbers that told a different picture, the 2006 reauthorization bill has led to more than \$3 million in annual losses to Connecticut. The funding provided in the omnibus is essential to restoring these cuts.

It is my sincere hope that we can address the problems underlying the cuts to Connecticut when we reauthorize this program which expires this year. I find it regretful that the senate had to take up this funding fight yesterday because reauthorizations of the Ryan White CARE Act program have traditionally enjoyed bipartisan support.

I want to thank Senators HARKIN and INOUE for including the largest increase in Part A of Ryan White in 8 years in the fiscal year 2009 omnibus bill. With the defeat of the Enzi amendment, cities under Part A will receive a total increase of more than \$25 million.

I thank my colleagues for defeating this harmful amendment.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have

dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Thanks for asking our input. As Republican delegates to the convention in Sandpoint, my wife and I were pleased to help pass resolutions encouraging energy development.

I am really not sure what blend of ineptitude/conspiracy (not you, sir) to blame for not drilling in Alaska and off our coasts for the last 15 years, but I am glad to see that clearing up.

I do encourage domestic and offshore drilling; China is already drilling past the 16 mile limit off the coasts of California and Florida. (I gave a letter from delegate Jack Streeter to Bill Sali regarding this at the convention; he may recall it).

Also, I would like to plug Idaho developing not only nuclear power (I could go either way on that) but I really think, as our forefathers had the wisdom to use government resources to develop hydroelectric power, which we still benefit from, so we should develop wind power, in a state so blessed with wind, water and mountains!

Rather than our children inheriting simply an enormous U.S. debt burden, I would like to see us drill on a national level (Idaho might benefit from deep drilling, like the Russians are doing, 30-40,000 foot deep wells, unlike anything we have—that is how you get oil in high altitude regions like Idaho) and produce cheap, renewable energy from wind in Idaho to bless our selves, and children and generations beyond.

Please let me hear your thoughts; wind power for Idaho by state funding or even a U.S. bill would be an earmark few in the state would hold against you.

BOB, *Mountain Home.*

I heard on the radio that you want input from Idahoans on the subject of gas prices and ideas for solutions. That is why I am writing. In my opinion, this is a manipulated situation, designed to pull more money from the pockets of working Americans and put it in the coffers of corporate America and a few of the mega wealthy citizens. We have seen this happen before with the Enron debacle and the spike of electricity prices a few years ago. We have seen it with the .com stock market crash. We have seen it with the housing market crisis. This is but another symptom of the larger problem—corporate irresponsibility and subsequent government bailout.

The larger problem is the corruption in Washington. Corporate business cannot run government and have the citizens of the country be the winner in anything. The only solution to the problem of gas prices (and drug prices, and food prices) is to kick corporate lobbies out of Washington, step up to