

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Vermont is recognized.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 582 are located in today's RECORD under "Statements on introduced Bills and Joint Resolutions.")

Mr. SANDERS. Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### THE BUDGET

Mr. ENSIGN. Madam President, I wish to talk about the state of our country and the President's budget that has recently been offered.

There are many Americans who are hurting right now. Many have lost their homes or are afraid of losing their homes. Many are concerned that the value of their home, their greatest asset, has gone down tremendously and they can longer count on their home as an asset when they retire. They have seen their 401(k)s devastated. Certainly, many of us in this chamber who have Thrift Savings Plans have seen our plans go down because of the problems in the stock market. Over half of Americans are invested in some way in the stock market. So there are a lot of people who are hurting out there right now. The unemployment rate all across the country is rising. I think California is over 10 percent now. My home State of Nevada is over 9 percent. Nationwide, unemployment is a little over 8 percent. So we should be focusing on the economy.

During Bill Clinton's campaign back in 1992, he coined a phrase: "It's the economy, stupid." That is when we were in a very minor recession. Today, we are in a severe recession with no end in sight. Some people say we are going to recover next year. Other people say this is going to be a long, deep recession. No one really knows for sure. We do know that is the past, when we do the wrong things, recessions can become very severe, and can lead to depressions. When we do the right things, recessions become more mild.

We recently passed a so-called stimulus bill. I don't think it is going to do a lot. It is going to help short term in a few areas, but I think the long-term damage is going to vastly outweigh the short-term prospects. Last week, we passed another massive spending bill

that increased funding 8 percent over the same programs we had last year. An 8-percent increase at a time when families are cutting their own budgets, businesses are cutting their budgets, is irresponsible.

I just had the mayor of Las Vegas in my office. Local governments across America are having to cut their budgets. State governments are cutting spending because Governors are required by constitution in almost every State to balance their budget. They are looking for any kind of waste. The only place that is not looking for any waste is right here in Washington, DC. Why? Because we can print money. We can borrow from our children.

Every generation of American has said: I may not have everything I want, but I want my children to have a better America than I did. Growing up, part of the American dream has been: I want to go past what my parents did. Today's generation has become selfish. We want to keep our standard of living and borrow from our children's future, no matter the cost to our children. That idea is what the President's budget accomplishes.

The President's budget double the public debt in the first 5 years. Let me repeat that. In the first 5 years of the President's budget, the debt doubles. In the first five years of the Obama Administration, assuming he is re-elected, this budget will increase the debt more than the debt has ever increased since the founding of the Republic, all the way from George Washington to George W. Bush. After 10 years the public debt triples. This is not sustainable. If we go down this path, it could lead to the downfall of America as we know it.

There are many items in the budget that are problematic. We had a discussion this morning about the differences between Europe and America. In Europe, they believe the state is the answer, government is the answer.

One of the things de Tocqueville observed when he visited America in the 1800s was the charitable nature of Americans, how we helped in communities through voluntary acts, through our churches, through our community organizations, secular, religious—we helped each other voluntarily. It was not forced on us by the government.

Europe today believes the state is the answer. As a matter of fact, not too long ago, the King of Sweden made a charitable contribution to private charities, and people in Sweden criticized him because instead of giving the money to charities, they said he should have given the money to the state. That is the European attitude.

Most Americans believe that the private sector can deal with problems in our communities person to person through charitable giving. We are the most generous Nation in the history of the world when calculating the percentage of our income we give to charities. That has been part of the miracle of America. Whether it is for disease

research, whether it is for organizations such as the Boys and Girls Clubs or Big Brothers Big Sisters, community food banks, Catholic Charities.

We have some amazing charities that give compassionate care to those who truly need it. As a matter of fact, the word "compassion," if you take it at its root, means "to suffer with." Charities and individuals can relate to people on a one-on-one basis and suffer with them. They can walk through life with them. That is why when the President put in his budget that we were going to eliminate charitable deductions for people making over \$250,000 a year, there was a hue and cry across America, especially from charities saying: Mr. President, this is going to hurt. You are going to hurt us at a time when, because of the economy, charitable contributions are down.

We have seen that. Food pantries across America are hurting. Every organization that has come to me in Nevada has told me: We are hurting right now. Please don't allow this part of the budget to be adopted. Don't let the charitable deduction go away.

We have to ask ourselves: Why would someone want to eliminate the charitable deduction just to increase the size of Government? Is it because they believe the state is a better answer than the private sector? Maybe. If that is the case, this is a very dangerous precedent we are setting going forward.

The budget has many other problems. There is a tax in this budget on which, I believe, the President violated his pledge. He said taxes were only going to go up on those people making \$250,000 a year or more. I guess that is true as long as you don't use energy because there is an energy sales tax in the President's budget. So if you use electricity, if you use gasoline, or if you buy any products made with energy in the United States, you are going to pay higher taxes on products, higher taxes on your electric bills, higher taxes on your gasoline.

Madam President, I ask unanimous consent to speak as in morning business for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEAHY. Madam President, I won't object, but I would ask that 3 minutes be added to the time for the Ogden debate.

Mr. ENSIGN. I thank the chairman of the Judiciary Committee.

Madam President, this energy tax I was talking about is a very regressive tax. I understand why people want to do it, I support the transition to a greener economy, but instead of putting incentives for us to go to a greener economy, they want to put a tax on Americans that will hurt the poor more than anybody else. It will severely affect those making under \$250,000 a year.

They say they are going to distribute that money to those through the Making Work Pay tax credit. But that is for lower income people. What about

the people who are truly middle-income people—the people making around \$100,000 a year, or \$80,000 to \$100,000 a year. This includes teachers, firefighters, and police officers. They are going to pay that tax.

According to MIT, the refundable aspect of this tax provision is going to raise about \$300 billion a year. They are not refunding that. So this is another giant problem the President has with his budget.

A couple other concluding points. We have a situation here where we should sit down together and think about our children, our grandchildren. Instead of giving us what we want today, let us think about the debt we are passing on to them. What is that debt like? It is as though we have taken their credit card and we are running up their credit card and they have to pay the finance charges. That means they have to work harder and they have to pay higher taxes in the future to pay those finance charges. This debt adds trillions of dollars in interest payments on their credit card—trillions of dollars.

This is not the direction our country should be going in today. We should be thinking about being fiscally responsible and thinking about future generations, just as generations before us have done.

Madam President, I yield the floor.

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#### CONCLUSION OF MORNING BUSINESS

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The PRESIDING OFFICER (Mr. UDALL of New Mexico). Under the previous order, morning business is closed.

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#### EXECUTIVE SESSION

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#### NOMINATION OF DAVID W. OGDEN TO BE DEPUTY ATTORNEY GENERAL—Resumed

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

The bill clerk read the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate equally divided and controlled between the two leaders or their designees.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the distinguished presiding officer, a good friend from New Mexico.

Mr. President, before I begin on the David Ogden matter, I have been listening to a couple of days of debate not on Ogden but on the budget, and I see these crocodile tears. Oh, my gosh, we might eliminate some of these special tax breaks given to people making over \$250,000 or \$500,000 or \$1 million or \$2 million. My heart breaks for them, it really does, that they do not get all

kinds of special tax breaks, that they might be unwilling to actually give money to charity. But then I look at the people who make \$25,000 or \$30,000 a year—people I see when I go to mass on Sunday, digging deep and putting money in, a far greater percentage of their pocket—and they are not getting any tax break for that. They are not getting a tax break. They take a standard deduction and they give to charity because it helps the people in this country who are in need. These are people who barely have enough money to pay for food for their own families, yet they give to charity.

Let us stop setting up a straw man that somehow the very wealthy among us won't give anything to charity if we remove some of their tax breaks. You either feel a moral responsibility to give to charity or not. It is not because you are doing it to placate the IRS. You do it because it is the right thing to do. It is like the story in the Gospel of the widow's mite. She gave all she had. And to those wealthy who wanted to denigrate what she gave, the Lord said: She gave more than you did because she gave all she had.

So let us not cry, or pull out the world's smallest violin for this. People will give to charity if they feel they can and should help the least among us, not because they are getting some kind of a tax break.

Now, this idea that we must have tax breaks for the wealthiest here, because, after all, that is how we will pay for the war in Iraq—remember the last administration saying: We will give huge tax breaks and that will pay for the war in Iraq. It gave us the biggest deficit in the Nation's history and it precipitated the problems we are having today.

Let us be honest about this. If we give tax breaks, give them to the hard-working men and women in this country who are paying Social Security taxes, who are getting a weekly, or even hourly salary. They are the ones who need the tax breaks. Warren Buffett, one of the wealthiest people in the world, has argued against these huge tax breaks for people like himself. As he pointed out, he pays a lesser percentage of his income to taxes than people cleaning up his office—to janitors in his office; to secretaries in his office.

So let us be honest about this. People give to charity if they feel it is their moral duty, as my wife and I feel it is to give to charity, not because of any tax exemption. Let us be honest about that.

Now, on the other issue, David Ogden. The Senate is finally ready to stop the delaying tactics we have had to put up with and will conclude its consideration of President Obama's nomination of David Ogden to be Deputy Attorney General. We will finally give the nomination an up-or-down vote that in the past, when George Bush was President, Senate Republicans used to claim was a constitutional right of every nominee.

After all, all four of President Bush's Deputy Attorney General nominees were confirmed without a single dissenting vote by Democrats. Notwithstanding that, Senate Republicans have decided to ignore the national security challenges this country is facing since the attacks of 9/11, and they have returned to their partisan, narrow, ideological, and divisive tactics of the 1990s.

In fact, it was the nomination of Eric Holder to be the Deputy Attorney General in 1997 that was the last time a President's choice for Deputy Attorney General was held up in the Senate. He, of course, was also nominated by a Democrat. Senate Republicans have unfortunately returned to their old, tired playbook. They ought to listen to what is best for the country, not what they are told to do by radio personalities.

David Ogden will fill the No. 2 position at the Department of Justice. As Deputy Attorney General, Mr. Ogden is going to be responsible for the day-to-day management of the Justice Department, including the Department's critical role in keeping our Nation safe from the threat of terrorism. He is highly qualified to do so. He is leaving a very lucrative and successful career in private practice, taking an enormous cut in pay to return to the Justice Department, where he previously served with great distinction, and having previously served with such distinction at the Department of Defense.

Senators KAUFMAN, KLOBUCHAR, and DURBIN made statements yesterday in support of the nominee, and I was very pleased to hear these three distinguished Senators speak so highly and favorably of him. Senator SPECTER, the Judiciary Committee's ranking member, also spoke yesterday in support of Mr. Ogden's nomination, and I was very pleased to hear Senator SPECTER's statement. I thank them all.

But after that, I was disappointed at the handful of opposition statements that parroted outrageous attacks against Mr. Ogden that had been launched by some on the extreme right. These attacks from extremists distort the record of this excellent lawyer and this good man. They begin by ignoring the truth, the whole truth, and then mischaracterizing a narrow sliver of his diverse practice as a litigator. Those who contend that Mr. Ogden has consistently taken positions against laws to protect children are unwilling to tell the truth. They chose to ignore Mr. Ogden's record and his confirmation testimony.

What these critics leave out of their caricature is the fact that Mr. Ogden aggressively defended the constitutionality of the Child Online Protection Act and the Child Pornography Prevention Act of 1996 when he previously served at the Justice Department. In private practice, he wrote a brief for the American Psychological Association in *Maryland v. Craig* in which he argued for the protection of child victims of sexual abuse.