

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.

CONCLUSION OF MORNING BUSINESS

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

EXECUTIVE SESSION

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.