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Senate

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, November 13, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,

President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

MEASURES PLACED ON THE CALENDAR—H.R. 3495 AND H.R. 3685

Mr. REID. Mr. President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 3495) to establish a National Commission on Children and Disasters, and for other purposes.

A bill (H.R. 3685) to prohibit employment discrimination on the basis of sexual orientation.

Mr. REID. I object to any further proceedings at this time, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will proceed to executive session to consider the nomination of Robert Dow to be U.S. District Judge. That will take place immediately. The confirmation of that nomination is slated to occur at 10:10 this morning.

Following this vote, the Senate will go into a period of morning business until 12:30. That time is equally divided between the two parties, with the first portion under the control of the minority, with Senator DORGAN controlling 30 minutes of the majority's time.

At 12:30, we will recess for our regular party conferences and reconvene at 2:15. The Senate will then resume consideration of the farm bill.

There are a number of things I am going to speak to the Republican leader about in a few minutes, and then I will have another statement later in the day to talk about what we can expect in the next few days. This is the last week prior to the Thanksgiving holiday. This will be a busy week. We hope it doesn't spill into next week.

Tomorrow, Secretary Rice and Secretary Gates will brief Members on the current situation in the Middle East. That briefing will begin at 2 p.m. in S-407.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WISDOM OF BENJAMIN FRANKLIN

Mr. McCONNELL. Mr. President, right outside this Chamber stands a statue of Ben Franklin. According to the Office of the Senate Curator, sculptor Hiram Powers received a contract from President James Buchanan himself to sculpt Franklin back in 1859. The statue arrived in the Capitol in 1862 and has been in that spot ever since.

Franklin wrote many famous aphorisms that live on to this day, and I wanted to talk about one of my favorites.

Two hundred eighteen years ago today, Franklin wrote to a friend words that will long outlive most

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our gracious King, You are the one clear power of love in the midst of lesser powers. Thank You for giving us the confidence to know that You hear and answer prayer.

Use the Members of this body as ambassadors of reconciliation. Help them to create laws that will bring wholeness to a fragmented Nation and world so that You might be glorified. Teach them, Lord, how to discover Your love in each other and to see Your beautiful image in all of creation. Lord, settle them down into a contemplative stillness so that they will find joy in righteousness, justice, and charity. May they speak wise words from a reservoir of wisdom that will transform discord into symphonies of peace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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things we say. This is what Franklin had to say:

Nothing can be said to be certain, except death and taxes.

Proving the aphorism, Franklin died less than a year later.

While we know the certainty of death and taxes, we can do something to ease the burden for the 23 million Americans who will be in for a rather unpleasant surprise on April 15 if Congress doesn't act now to stop the middle-class tax hike, which goes by the rather innocuous name of AMT—a law that was originally intended in 1969 to impose taxes on a handful of high-income individuals who used loopholes in the code to avoid paying any regular income tax.

Congress has known about the need to fix this problem all year long, but the majority hasn't brought a bill to the floor. Now they say it will be December before a bill is brought to the floor.

Now, the consequences of mismanaging this stealth tax are very real. This tax will grab \$65 billion out of the pockets of middle-class taxpayers, an average of \$2,000 per family. Millions will be hit for the very first time.

The IRS sent a letter warning the majority that unless they act before December, the tax returns of 50 million people and \$75 billion in tax refunds will be delayed.

Last week, Democrats in the House of Representatives passed a bill that purports to delay the burden of the AMT for 1 year by socking a massive \$80 billion tax increase to the American people. That is the last thing they need right now, and it would be a disastrous jolt to the economy.

Maybe a massive tax hike wrapped in an AMT fix sounds like a very good idea to some people, but I have a message to anyone who thinks that: Such a proposal is dead on arrival in the Senate.

The AMT was never meant to be collected from the millions of Americans whom it will hit this year if we don't act. I say this Congress ought to cut taxes by cutting taxes—cut taxes by cutting taxes—not by raising taxes.

I yield the floor.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to speak for a short time and then Senator DURBIN wants to speak for a brief time. It is an Illinois judge we are voting on.

So I ask unanimous consent that the vote be put off until after Senator DURBIN speaks.

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

FISCAL POLICY

Mr. REID. Mr. President, at this point, I will respond to my friend from Kentucky, the distinguished Republican leader.

We have something new in town that has been going on now for almost 11 months, and that is we are paying for things. That is the reason the Clinton economic machine worked as well as it did. When we had a new program, we paid for it. When taxes were decreased, we paid for that.

We are going to go ahead and do the AMT fix, but we are going to do it by paying for it. We cannot continually run this country in the red. I repeat what I have said on a number of other occasions. When President Bush took office 7 years ago, we had a \$7 trillion surplus over 10 years. He has driven us into near bankruptcy as a result of his fiscal irresponsibility.

We are responsible. We are going to fix AMT before the end of the year, but we will do it the right way; we are going to pay for it.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF ROBERT M. DOW, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Robert M. Dow, Jr., to be United States District Judge for the Northern District of Illinois.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:10 a.m. shall be equally divided between the leaders and their designees.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank Senator REID and Senator LEAHY, Chairman of the Senate Judiciary Committee, for bringing Robert Dow up for a vote this morning in the Senate. I enthusiastically support his nomination. If confirmed, he will fill a Federal District Court vacancy in Chicago that has been pending for over a year.

Robert Dow is an outstanding lawyer and an outstanding person. We have a process in Illinois that has worked almost flawlessly for the last 11 years, where we have bipartisan cooperation in screening judicial candidates. We have had the cooperation of the White House and leaders on both sides of the aisle, and we have not run into a problem. Robert Dow is the latest example.

Mr. Dow was recommended for this position by former Speaker of the House DENNIS HASTERT, the Republican leader in our delegation, with the understanding he faced a veto from myself or Senator OBAMA if we objected.

Having met the man, having reviewed his background, there is no objection. He is an extraordinarily gifted and talented person.

He is a partner at one of Chicago's largest and most prestigious law firms—Mayer Brown—and he has been named as one of the 21 leading lawyers in the United States in the field of telecom, broadcast, and satellite.

There are many things you can say about Robert Dow, but I think there is one that stands out, as I reflect on what he had to say to us. Robert Dow has received an accolade that is noteworthy. In 2004, he received the annual Pro Bono Service Award from his law firm, which has over 1,500 attorneys, for his personal commitment to unpaid legal work to help those less fortunate.

That means a lot to me. It says he understands that being an attorney is not just a job, it is a profession, and a profession carries with it social responsibilities. His willingness to help the disadvantaged went a long way in convincing me he will bring to the court the kind of temperament and values which are so important.

The nomination of Robert Dow is a tribute to the successful bipartisan approach and the fact both parties look forward to his tenure on the Federal bench and the contributions he will make. Speaker HASTERT, Senator OBAMA, and I stand today excited about the prospect that Mr. Dow will soon fulfill this vacancy, which has been there for too long.

I ask my colleagues to join me in supporting Mr. Dow to be a district court judge in the Northern District of Illinois.

I yield the floor.

Mr. LEAHY. Mr. President, the Senate continues, as we have all year, to make progress filling judicial vacancies when we have the cooperation of the White House. The nomination before us today for a lifetime appointment to the Federal bench is Robert Michael Dow, Jr., for the Northern District of Illinois. He has the support of both home-State Senators. I thank Senators DURBIN and OBAMA for their work in connection with this nomination.

After we consider the confirmation of this nominee today, the Senate will have confirmed 35 nominations for lifetime appointments to the Federal bench this session alone. That matches the total number of judges confirmed for 2004. It exceeds the total number of judicial nominations that a Republican-led Senate confirmed in all of 1999, 2005 or 2006 with a Republican majority; all of 1989; all of 2001; all of 1983, when a Republican-led Senate was considering President Reagan's nominees; all of 1993, when a Democratic-led Senate was considering President Clinton's nominees; and, of course, the entire 1996 session during which a Republican-led Senate did not confirm a single one of President Clinton's circuit nominees.

Already this year, we have confirmed five circuit judges to the Federal