

is not just houses and schools, but the criminal justice system was hard-hit in terms of jail space, the sheriff's office, the district attorneys. So we have an extra responsibility to work with this team in Washington to make sure they keep their eyes on our people down in the gulf coast as we rebuild that great region of this country. I know this team will, and I am happy to support Lanny Breuer for Assistant Attorney General.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATIONS OF TONY WEST TO BE ASSISTANT ATTORNEY GENERAL; LANNY A. BREUER TO BE ASSISTANT ATTORNEY GENERAL; CHRISTINE ANNE VARNEY TO BE ASSISTANT ATTORNEY GENERAL

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

The assistant legislative clerk read the nominations of Tony West, of California, to be Assistant Attorney General; Lanny A. Breuer, of the District of Columbia, to be Assistant Attorney General; Christine Anne Varney, of the District of Columbia, to be assistant Attorney General.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate, equally divided, prior to a vote on the West nomination.

Mr. LEAHY. Madam President, this evening, the Senate should act to confirm three of President Obama's Justice Department nominees: Tony West to serve as the Assistant Attorney General for the Civil Division, Lanny Breuer to serve as the Assistant Attorney General for the Criminal Division, and Christine Varney to serve as the Assistant Attorney General for the Antitrust Division.

I am disappointed that Republican Senators have delayed action on these nominations. In my view, they should have been confirmed before the 2-week Easter recess. There was once a time in the Senate when we acted on nominees pending on the Senate Executive Calendar before a long recess. Certainly at the beginning of a presidential term, it makes sense to have the President's nominees in place earlier, rather than engage in needless delay, especially when there is no controversy. I know of

no controversy regarding any of these outstanding nominations.

All three nominees were named by the President on January 22, 3 months ago. They each participated in a confirmation hearing on March 10, 6 weeks ago. After allowing time for follow-up written questions and answers, they were each considered by the Judiciary Committee, approved without a single negative vote, and reported to the Senate on March 26. Another week passed, but Republicans remained unwilling to confirm them before the April recess. That is how we find ourselves here, more than 12 weeks after they were designated by the President, without having acted on those named to head the Criminal Division, the Antitrust Division, or the Civil Division.

I will be very interested to hear why these nominations could not be approved before the Senate recessed on April 2, and why these additional weeks of delay were needed. I will be interested to see who opposes these nominees, who comes to the floor to speak against them, and who justifies the delay in their confirmations. To date, I know of no one who opposes them. I know that no Republican member of the Judiciary Committee voted against any of them when they were considered by the committee at a business meeting more than 3 weeks ago. As I say, there used to be a tradition of comity, and of acting on executive nominations before a recess. I will be interested to learn how that delay is justified to the Justice Department, to the country and to each of these nominees.

In a statement 2 weeks ago, I noted my disappointment that the Republican minority has returned to the tactics of anonymous and unaccountable holds, and needless delays. Attorney General Holder needs his leadership team in place to rebuild and restore the Department. None of these are controversial nominees. They all received numerous letters of strong support, and endorsements from both Republican and Democratic former public officials. They were all reported out of the Judiciary Committee by unanimous consent. They should have been confirmed weeks ago.

What accounts for the delay? I hope that someone will explain. To date no one has. I am left to think back to a February column written by William Kristol, where he urged the Republican minority to practice obstruction and delay. He was specifically referring to the Republican efforts to oppose the President's proposals to revive our economy and build a new foundation for lasting prosperity. That they have done. Not one Republican Member of the House or Senate voted for the budget and not one Republican Member of the House voted for the emergency economic recovery package. They are adhering to a pundit's advice on important legislation and on the President's nominations. Their creed is to "obstruct and delay." It is not one of bi-

partisanship to help the President enact his agenda this year. It is one designed to "slow down the train." Mr. Kristol counseled Republicans to insist on "lengthy debate," while noting that they "can't win politically right now," but they can "pick other fights—and they can try in any way possible to break Obama's momentum." That is a destructive prescription, and we see it being played out day after day, issue after issue, nomination after nomination. Rather than join with the new President as he rallies the country and the world to economic recovery and enhanced security, they persist in their efforts to obstruct and delay.

Recently the New York Times described the results of a New York Times/CBS News poll of the American people. Since the Republican opposition is so interested in poll-driven politics, I urge them to consider it, and reconsider their own ill-fated course. The Obama administration is just 11 weeks old, and already the American people have grown more optimistic about the economy and the direction of the country. Americans approve of the President's handling of the economy and foreign policy with fully two-thirds saying they approve of his overall job performance. Following his recent trip to Europe, meetings with other world leaders, his outreach to Turkey and his visit to Iraq, I expect those numbers may be even higher today. More and more people feel that things are headed in the right direction—despite Republican obstruction. Two and one half months into office, President Obama has broad support on economic and national security matters with almost two-thirds of Americans believing that President Obama is likely to make the right decisions.

By contrast, only 20 percent of Americans believe that congressional Republicans would more likely make the right decisions about the nation's economy. The Republican nay-saying is sinking in. So I urge Senate Republicans, if they will not honor our traditional deference to a new President and vote for his nominees, if they will not join together with President Obama at a time of great challenges to America by working cooperatively and quickly to approve the administration's law enforcement leadership team, if none of those worthwhile reasons convince them to do the right thing, then I urge them to consider how the American people are reacting to their obstruction. I urge them to abandon the across-the-board tactics of resistance and delay. The majority of the American people are calling for us to work together and are rejecting Republican obstruction and delay.

Tony West knows the Department of Justice well. He served in the Department as a Special Assistant to Deputy Attorneys General Philip Heymann and Jamie Gorelick. He then worked as a Federal prosecutor in the U.S. Attorney's Office for the Northern District of California. His commitment to public service continued when he became a

Special Assistant Attorney General in the California Department of Justice. He has also worked in private practice. Mr. West is a graduate of Harvard University and Stanford University Law School, where he served as president of the Stanford Law Review.

His nomination has earned support from both sides of the aisle. The former chairman of the California Republican Party, George Sundheim, sent a letter to the committee stating that Mr. West is admired by "both sides of the aisle" for his "integrity, honesty and decency," and that there is no one "more qualified to assume a position of leadership in the Department of Justice." The Federal prosecutors who worked across the table from Mr. West during the high-profile prosecution of John Walker Lindh witnessed Mr. West's "extraordinary professionalism," and "smart advocacy . . . executed with the highest degree of integrity." We should confirm this outstanding leader for the Civil Division and should not have delayed his confirmation this long.

President Obama has said that Lanny Breuer has the "depth of experience and integrity" to fulfill the highest standards of the American people and the Department of Justice. I agree. Mr. Breuer began his legal career as an assistant district attorney in the Manhattan District Attorney's Office. He told us during his hearing that his commitment to ensuring justice for all Americans stemmed from his days working on the front lines of the fight against crime as a Manhattan prosecutor. His call to public service continued while serving in the White House Counsel's Office as a special counsel to President Clinton. Mr. Breuer has also worked in private practice for the prestigious Washington, DC, law firm of Covington & Burling. He is a graduate of Columbia Law School and Columbia University.

Michael Chertoff, who led the Criminal Division at the Department of Justice during the Bush administration, endorsed Mr. Breuer's nomination, saying he has "exceptionally broad legal experience as a former prosecutor and defense attorney" and has "outstanding judgment, a keen sense of fairness, high integrity and an even temperament." Brad Berenson, a veteran of the Bush administration's White House counsel's office, writes that Mr. Breuer is "everything one could hope for in a leader of the Criminal Division."

Mr. Breuer's former colleagues from the Manhattan District Attorney's Office have said that as a criminal prosecutor, he "distinguished himself as a tenacious but scrupulously fair trial lawyer, driven by the unwavering goal of achieving justice." Former Deputy Attorney General Larry D. Thompson and former Congressman and DEA Administrator Asa Hutchinson have also written to the committee in support of Mr. Breuer's nomination. I agree with all their comments and wish the Re-

publican minority had not stalled the confirmation of Mr. Breuer's nomination needlessly for an additional 2 weeks.

Christine Varney was confirmed to be a U.S. Federal Trade Commissioner in 1994, after being nominated by President Clinton. As a Federal Trade Commissioner, Ms. Varney gained valuable experience in antitrust enforcement and in reducing anticompetitive measures that harm American consumers. Her Government service work includes a high level position in President Clinton's White House, where she served as an assistant to the President and secretary to the Cabinet. She has worked in private practice for the prestigious Washington, DC, law firm of Hogan & Hartson. She also graduated from my alma mater, the Georgetown University Law Center.

Her nomination is supported by individuals who served in the Antitrust Division during both Democratic and Republican administrations. John Shenefield and James Rill, both former heads of the Antitrust Division, say that she is "extraordinarily well qualified to lead the Antitrust Division." Twenty former chairs of the American Bar Association section of antitrust law have described Ms. Varney as a "highly accomplished, capable nominee who will serve consumers and this country with distinction" and who will have "immediate credibility" in her new position.

I agree. At a time when our economy is suffering, there is a temptation to act anticompetitively. We need to make sure that we have a strong and effective advocate for competition and the interests of consumers in place. This was not the time for delay.

Republican Senators delayed for weeks the confirmation of Harvard Law School dean Elena Kagan to be the Solicitor General of the United States, before demanding an extended debate on her nomination. They delayed for 2 weeks what was a unanimous vote in favor of David Kris to serve as the Assistant Attorney General in charge of the National Security Division at the Justice Department. And they have refused for more than a month to consent to a time agreement for debate and a vote on the nomination of Dawn Johnsen to lead the critical Office of Legal Counsel. The nominations the Senate considers this evening are three additional nominations they held up needlessly this month.

On April 1, both the New York Times and Roll Call featured reports suggesting that Senate Republicans intend to, and are planning to, filibuster the nomination of Dawn Johnsen to serve as the Assistant Attorney General for the Office of Legal Counsel at the Justice Department. That was no April fool's joke. That is a serious matter and one that hurts the President's efforts to restore the rule of law. I cannot remember a time when Democratic Senators filibustered a Justice Department nomination.

Speech after speech by Republican Senators just a few short years ago about how it would be unconstitutional to filibuster Presidential nominees appear now to be just speeches that served a partisan political purpose at the time. Last month, in an online column for Slate entitled "How Many Ways Can Senate Republicans Show Intellectual Hypocrisy?" Dahila Lithwick observed:

"The irony now on display among Republicans on the Senate Judiciary Committee is staggering." She could have included Republican Senators who have recently championed the principle that "elections have consequences," that the President is entitled to his nominees, and that filibustering is an "obstructionist tactic" and "obscene."

In her April 8 column in the Washington Post, Ruth Marcus reminded "the people who are considering a Johnsen filibuster how hypocritical this stance would be." She reminded them that Democrats did not filibuster President Bush's nominations of John Ashcroft or Ted Olson, although there were more than 40 negative votes on each of those nominations. She noted:

"[T]he president is entitled, absent extraordinary circumstances, to have the advisers of his choosing. Voting against a president's nominee is a serious step. Voting to prevent that nomination from getting an up-or-down vote kicks it up several notches." She concluded by explaining why, from her own experience and knowledge, Dawn Johnsen is not out of the mainstream or extreme: "This is hardly the kind of nominee so extreme that she should not be entitled to an up-or-down vote."

The men and women at the Department of Justice have a special duty to uphold the rule of law because, as President Obama reminds us, "laws are only as effective, only as compassionate, [and] only as fair as those who enforce them." The three nominees Republicans agreed to consider this evening, and Dawn Johnsen, whose nomination they refuse to debate and vote on, are all nominees who meet President Obama's standards and will work on behalf of the American people in the best traditions of the Department of Justice. I urge Republican Senators to vote to confirm these Assistant Attorney General nominations tonight.

Then I hope we will be able to proceed to a time agreement to consider and vote on the nomination of Dawn Johnsen to serve as the Assistant Attorney General to head the important Office of Legal Counsel at the Justice Department. Her work has been delayed too long. The President designated her back on January 5. The time has come to debate that nomination and vote it up or down. The President has suspended the OLC opinions until they can be reviewed; she will head that review. The delay has gone on long enough. The Senate should vote.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination of Tony West to be Assistant Attorney General for the Civil Division of the Department of Justice.

As we saw from his confirmation hearing in the Judiciary Committee, Tony West has the superb intellect, seasoned judgment, and wealth of experience necessary to be an outstanding head of the Civil Division.

Mr. West's academic credentials are extremely impressive. He earned his BA from Harvard, where he was the publisher of the Harvard Political Review. He received his JD from Stanford Law School, where he was president of the Stanford Law Review.

Following law school, Mr. West began a career in which he has demonstrated great devotion to public service. In 1993 and 1994, he served with distinction as a Special Assistant in the Department of Justice, where he was involved in the development of national crime policy, including the 1994 omnibus crime bill. He has also served as an assistant U.S. attorney for the Northern District of California, and as a California special assistant attorney general.

In private practice at one of the country's leading law firms, Mr. West has also excelled, representing a wide range of clients from indigent individuals in civil rights litigation to multinational corporations in complex commercial matters.

Outside of his practice, Mr. West has been a significant contributor to the legal community. He has served on the governing board of the Northern California Association of Business Trial Lawyers, as a Ninth Circuit lawyer representative, and as a member of the Litigation Section Executive Committee for the San Francisco Bar Association.

Just as important, while in private practice, Mr. West has directed his considerable talent and energy to important pro bono work and public service. By way of example, he has served as a judge in Oakland's McCullum Youth Court, a courtroom run by students that focuses on rehabilitation of first-time youth offenders.

The Assistant Attorney General for the Civil Division has a set of responsibilities that are always important, never more so than right now.

As just one example, the Civil Division is integral to keeping Americans, and taxpayer dollars, safe from financial fraud. In the aftermath of the financial meltdown that has thrown the American economy into a serious recession, we must ensure that lawbreakers do not keep their ill-gotten gains. And for our economic recovery plans to work, we must ensure Americans' faith in our government's ability to exercise appropriate oversight in the use of the economic recovery funds Congress has appropriated.

The President has made an excellent choice in selecting Tony West to lead the Civil Division. He is a skilled and accomplished lawyer, a leader and a team player, and a person of unquestioned integrity. The Attorney General and the country need him in place as soon as possible.

Mr. UDALL of New Mexico. Madam President, we yield back all remaining time.

The PRESIDING OFFICER. The time is yielded back.

Mr. UDALL of New Mexico. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Tony West, of California, to be Assistant Attorney General? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 4, as follows:

[Rollcall Vote No. 155 Ex.]

YEAS—82

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Graham	Murray
Bayh	Grassley	Nelson (NE)
Bennet	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Sanders
Burr	Inouye	Schumer
Burriss	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Snowe
Cardin	Kerry	Specter
Carper	Klobuchar	Stabenow
Casey	Kohl	Tester
Coburn	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dorgan	McCaskill	Whitehouse
Ensign	McConnell	
Enzi	Menendez	

NAYS—4

Bunning
Chambliss

Isakson
Shelby
NOT VOTING—13

Begich	Kennedy	Rockefeller
Bennett	Kyl	Wicker
Cochran	Lieberman	Wyden
Dodd	McCain	
Durbin	Roberts	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will now be 2

minutes of debate equally divided prior to a vote on the Breuer nomination.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, we have three nominations that should have been confirmed by voice vote. Before we left on recess, the Republicans asked to hold them up for 2 weeks. I wish they had not because these are nominees to vital positions in the Department of Justice. Only four Senators, after holding them up for 2 weeks, not allowing them to be there, only four Senators voted against Tony West to be head of the Civil Division. We now have Lanny Breuer to serve as Assistant Attorney General for the Criminal Division. These are people who were voted out of the Judiciary Committee unanimously by Republicans and Democrats. I hope we have a similar vote. A rollcall has been requested on the Republican side, which is fine; they have that right. But I hope we will confirm this nomination also.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I believe Mr. Breuer warrants confirmation.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination Lanny Breuer to be Assistant Attorney General for the Criminal Division of the Department of Justice.

Lanny Breuer is a superb lawyer with unquestioned integrity. We are fortunate that the President has selected him to head the Criminal Division of the Department of Justice.

As we saw from his confirmation hearing in the Judiciary Committee, Mr. Breuer has the sharp intellect, wealth of experience, and superb judgment necessary to be an outstanding leader.

Early in his career, he served as a prosecutor in the Manhattan District Attorney's Office, working for the legendary Robert Morgenthau. While there, he not only gained an appreciation for the important work on the front lines of criminal prosecution, but he also demonstrated the sort of temperament and judgment that are critical to success in the position for which he has been nominated.

Mr. Breuer also served with distinction in the White House as Special Counsel to the President. From there, he moved to one of the country's great law firms, where he currently cochairs its white collar defense and investigations group. Taken together, this broad experience will serve him well as Assistant Attorney General.

Just as important, Mr. Breuer has a deep appreciation for the importance of public service. Since 2003, he has served as vice chair of his firm's Public Service Committee, which oversees the firm's pro bono programs.

His personal pro bono work has been impressive as well. One of the letters in support received by this committee details Mr. Breuer's application of his impressive legal skills and considerable

determination to rid a District of Columbia neighborhood of a powerful drug dealing organization that operated out of a local bar. Almost 20 years later, the neighbors he helped still remember and praise his important work on their behalf.

The Assistant Attorney General for the Criminal Division has a set of responsibilities that are always important, never more so than right now.

As just one example, the Criminal Division is integral to keeping Americans safe not only from violent crime but also from financial fraud. In the aftermath of the financial 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 to restoring confidence in our decimated financial markets. We need to get Lanny Breuer in place just as soon as we can, to make sure that the trail of any criminals who contributed to this meltdown does not grow cold.

Finally, I would like to add that Mr. Breuer is not just a brilliant legal mind, but he's also a person of great character. As Robert Morgenthau said in his letter of support:

Mr. Breuer consistently handled his responsibilities with keen analytical ability, common sense, total integrity and an exemplary sense of justice. . . . [H]e also understood that the power and authority possessed by a prosecutor will be best balanced by humility and discretion. He never wavered in his pursuit of fairness and justice.

That is precisely the sort of person we need, right now, to head the Criminal Division of the Department of Justice.

The PRESIDING OFFICER. Is there further debate? If not, the question is, Will the Senate advise and consent to the nomination of Lanny A. Breuer, of the District of Columbia, to be an Assistant Attorney General?

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 156 Ex.]

YEAS—88

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Hutchison	Sanders
Bunning	Inhofe	Schumer
Burr	Inouye	Sessions
Burris	Isakson	Shaheen
Byrd	Johanns	Shelby
Cantwell	Johnson	Snowe
Cardin	Kaufman	Specter
Carper	Kerry	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Landrieu	Udall (CO)
Collins	Lautenberg	Udall (NM)
Conrad	Leahy	Vitter
Corker	Levin	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dorgan	McCaskill	Wicker
Durbin	McConnell	
Ensign	Menendez	

NOT VOTING—11

Begich	Kennedy	Roberts
Bennett	Kyl	Rockefeller
Cochran	Lieberman	Wyden
Dodd	McCain	

The nomination was confirmed.

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to a vote on the Varney nomination.

The Senator from Vermont.

Mr. LEAHY. Madam President, the 88-to-0 vote, again, was one that, instead of having a voice vote before the recess on a key member of the Department of Justice, our friends on the Republican side insisted we have. We held it up for 2 weeks. I am glad to see that now the right thing has been done with not a single dissenting vote. I wish it could have been done 2 weeks earlier so they could get to work at the Department of Justice.

Mr. SPECTER. Madam President, I can't hear Senator LEAHY, so I will not know how to formulate my rebuttal.

The PRESIDING OFFICER. The Senator from Vermont may continue.

Mr. LEAHY. Madam President, the third vote is Christine Varney—and I hope we have a similar vote—to serve as Assistant Attorney General for the Antitrust Division. Again, I wish it could have been done 2 weeks ago, but I would hope we would go forward.

Mr. HATCH. Madam President, as the ranking Republican on the Antitrust Subcommittee, I rise to voice my support for the confirmation of Christine Varney to be the next Assistant Attorney General in charge of the Department of Justice's Antitrust Division.

This is a role to which, I believe, she is ideally suited.

Ms. Varney served as a Federal Trade Commissioner from 1994 to 1997. As we all know, our Nation has two separate agencies, the Department of Justice's Antitrust Division and the Federal Trade Commission, that are responsible for enforcing our antitrust laws.

Ensuring that these agencies efficiently and effectively execute those laws is a major concern of the Antitrust Subcommittee. In fact, I recently posed the theoretical question as to whether a merger of the FTC's antitrust arm and the Department of Justice's Antitrust Division would not create a more efficient regulatory regime. Although I believe this question deserves further close consideration by the Antitrust Subcommittee, I was delighted to see that Jon Leibowitz, Chairman of the FTC, was present, and even an active participant, at Ms. Varney's nomination hearing. Undoubtedly, this was to support her confirmation and, presumably, to show the intent of these two leaders to bring greater cooperation between the Antitrust Division and the FTC.

In addition to Ms. Varney's experience with an executive agency enforcing our antitrust laws, she has also developed a strong reputation in the private sector. Ms. Varney was heavily involved in one of the most important antitrust cases of modern time: U.S. v. Microsoft. In that matter, she represented Netscape. She also represented Netscape in its merger with AOL. Presently, she is a partner at Hogan and Hartson, where she is head of that firm's Internet Law practice group. Her experience in these matters is of particular relevance due to the recent number of proposed mergers affecting the Internet. The importance of these contemplated mergers has only been highlighted by the number of hearings that the Antitrust Subcommittee has held on the issues that have arisen because of these proposed transactions.

I also appreciate the commitment she made in her written responses to the committee's questions to work with me on an antitrust issue that is close to the hearts of every Utahn: the inequities that occur currently due to the so-called Bowl Championship Series. The current system is a clear violation of our Nation's antitrust laws and I look forward to working with the Antitrust Division to develop an appropriate remedy.

On a personal level, I have had an opportunity to meet and talk to Ms. Varney. I appreciate her collegial and professional manner. I believe she is an individual who will strive to work with Congress to ensure that fair competition is maintained and the rule of law enforced.

Therefore, I recommend Ms. Varney's confirmation to colleagues and look to working with her in the years to come.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination of Christine Varney to be Assistant Attorney General for the Antitrust Division of the Department of Justice.

In selecting Ms. Varney, the President has chosen wisely. She has the experience, the intellect, and the judgment necessary to be a superb leader of

the Antitrust Division. Just as important, she has the character and integrity to help the Attorney General restore the public faith in the Department of Justice.

Over the course of her impressive 23-year legal career, Ms. Varney has held a wide range of significant positions that make her uniquely qualified for this critical position. After starting her career in private practice, she served in the Clinton administration as an Assistant to the President and Secretary to the Cabinet. In October 1994, President Clinton nominated Ms. Varney to the Federal Trade Commission. After Senate confirmation, she held that position until 1997. As a Commissioner, she distinguished herself in several important ways. Most important to me, she demonstrated her commitment to the idea that antitrust enforcement must be both vigorous and fair.

At this decisive time for our Nation's economy, we need an approach to antitrust enforcement that promotes competition, drives innovation, and protects the consumer. Based on her time at the FTC, and in private practice, I have no doubt that Ms. Varney is the right person to lead the Antitrust Division. Ms. Varney should be confirmed without delay.

Mr. LEAHY. Madam President, I ask for the yeas and nays on the nomination, as the Republicans had requested.

Mr. SPECTER. Is my time reserved, Madam President?

Mr. LEAHY. Yes, it is. I am just asking for the yeas and nays.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Let's confirm her.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. Does the Senator from Pennsylvania wish to use his time?

Mr. SPECTER. Madam President, I used all the time I wanted. Let's confirm her.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christine Anne Varney, of the District of Columbia, to be an Assistant Attorney General?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 157 Ex.]

YEAS—87

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bingaman	Gregg	Nelson (FL)
Bond	Hagan	Pryor
Boxer	Harkin	Reed
Brown	Hatch	Reid
Brownback	Hutchison	Risch
Burr	Inhofe	Sanders
Burriss	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Johanns	Shaheen
Cardin	Johnson	Shelby
Carper	Kaufman	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Cornyn	Levin	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Warner
Dorgan	Martinez	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker

NAYS—1

Bunning

NOT VOTING—11

Begich	Kennedy	Roberts
Bennett	Kyl	Rockefeller
Cochran	Lieberman	Wyden
Dodd	McCain	

The nomination was confirmed.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise today to state my support for the three nominees that the Senate confirmed earlier today. Due to weather delays, I was unavoidably absent from the Senate during the votes on the three nominees to be Assistant Attorneys General in the Department of Justice. Had I been present I would have voted yea for all three nominees.

All three individuals are eminently qualified and I believe will be superb additions to President Obama's administration.

Let me briefly talk about these well-qualified individuals. Tony West will be the next Assistant Attorney General for the Civil Division. He served previously in the Department of Justice as a Special Assistant to two Deputy Attorneys General during the Clinton administration. He also served in the U.S. Attorney's Office for the Northern District of California as a prosecutor. Mr. West is a graduate of Harvard University and Stanford University Law School, where he served as president of the Stanford Law Review.

Lanny Breuer received both his undergraduate and law degree from Columbia University. After law school, he worked as an Assistant District Attorney in Manhattan. During the Clinton administration, he served as Special Counsel in the White House. He has also worked at the law firm Covington

& Burling. Mr. Breuer will serve as the next Assistant Attorney General for the Criminal Division.

Finally, Christine Varney will serve as the next Assistant Attorney General of the Antitrust Division. I believe she is uniquely qualified for this position. A graduate of the Georgetown University Law Center, Ms. Varney served as a U.S. Federal Trade Commissioner and, later, as an assistant to President Clinton and Secretary to the Cabinet.

Again, had I been present I would have voted yea on these nominations and I am pleased that all three nominees were approved overwhelmingly in the Senate today.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DURBIN. Mr. President, on vote No. 155, I was unavoidably detained. Had I been present for the vote, I would have voted to confirm the nomination of Tony West to be an Assistant Attorney General for the Department of Justice, Civil Division.●

NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read as follows:

Nomination of Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

The PRESIDING OFFICER. Under the previous order, there is now 20 minutes equally divided for debate on the motion to invoke cloture on the nomination of Christopher Hill.

Who yields time?

Mr. KERRY. I yield 5 minutes to the Senator from Indiana, the distinguished ranking member of the Foreign Relations Committee.

Mr. LUGAR. Madam President, I rise in support of the nomination of Christopher Hill to be Ambassador to Iraq. During his 32-year career, he has led three embassies and served as Assistant Secretary of State for East Asian and Pacific Affairs. In that position, he was the Bush administration's point man at the six party talks on North Korea. As Assistant Secretary, Chris Hill demonstrated outstanding diplomatic and managerial skills in dealing with one of our most difficult foreign policy challenges. His innovative approach contributed to successes, including the ongoing disablement of the Yongbyon nuclear complex in the presence of American monitors, the reentry into North Korea of IAEA officials, and the potential transition of the six party process into a forum for broader multilateral engagement in Northeast Asia.

North Korea remains an inscrutable regime with unpredictable motivations. Any suggestion that the North Korea nuclear issue lends itself to obvious solutions or the application of a