

weeks ago today was the holiday our country has set aside to celebrate and rededicate ourselves to the cause of freedom and equality.

Three and a half weeks ago, the day of Mr. Holder's hearing, was the 80th anniversary of the birthday of the extraordinary man for whom that holiday is named. With this confirmation, we take another step up the path toward the time Dr. King foresaw when people are judged by the content of their character. Eric Holder has the character to serve as the Attorney General of the United States. He passes any fair confirmation standard.

America's diversity when drawn together is the source of our Nation's strength and resilience. Americans have to be able to trust their Justice Department. That trust must not be squandered or taken for granted. We need leaders who are prepared to take up the laboring oars of a Justice Department whose dedicated law enforcement professionals have been misused and even demoralized. Eric Holder is such a leader.

With this confirmation, we mark the distance from when an Attorney General of the United States did not believe that the Constitution of the United States allowed an African American to be considered a citizen of the United States to an Attorney General who knows that the Constitution is our country's great charter of freedom and equality for all people.

It was former Attorney General, Roger Taney, who wrote the Supreme Court's *Dred Scott* decision denying the humanity of slaves, former slaves, and free people. It is perhaps the worst legal opinion ever rendered in this country. That is not what the Constitution said, and it is not the promise of America.

Today, each one of us, acting pursuant to our constitutional responsibilities as U.S. Senators, can, by our votes and by the overwhelming endorsement of this institution for this nomination, demonstrate how far we have come as a nation.

The election of Barack Obama and JOE BIDEN and the President's nomination of Eric Holder to be Attorney General of the United States provide an historic opportunity for the country to move beyond the partisanship of the past decades. We can make a real difference if we come together to solve the Nation's problems, protect against serious threats, and meet the challenge of our time.

Let us honor the wishes of the American people who in November broke through debilitating divisions to join together in record numbers. Let us acknowledge that our inspirational new President has moved forward promptly to assemble an extraordinarily well-qualified and diverse group of Cabinet officers and advisers. And let us move away from petty partisanship in order to serve the greater good.

Of course, any Senator is free to oppose a nomination and vote against

confirmation. In this instance, I think they will be on the wrong side of history. I believe that when we take a step back and look at the big picture and the best interests of the country, Eric Holder is someone who deserves our support and merits our votes. In order to serve effectively as Attorney General he will also need our help. The challenges are too great not to join together to confirm Mr. Holder and proceed promptly to consider the entire Justice Department leadership team that President Obama has selected.

I urge all Senators to join together to do what is right and approve this extraordinary public servant to the critical post for which President Obama has nominated him. Go on the right side of history and vote for Eric H. Holder, Jr. to be the 82nd Attorney General of the United States.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are due to vote at 6:15. I believe everybody has spoken for Mr. Holder who chooses, so I ask unanimous consent to be permitted to use the remaining time to talk about the stimulus package.

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

Mr. LEAHY. Mr. President, reserving the right to object, the Senator wants to use the rest of the Republican time; is that what you meant?

Mr. SPECTER. Well, unless—

Mr. LEAHY. How much time remains on both sides, Mr. President?

The PRESIDING OFFICER. The minority has 1 minute 45 seconds; the majority has 8 minutes 25 seconds.

Mr. LEAHY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

STIMULUS PACKAGE

Mr. SPECTER. Mr. President, later this evening, we are going to be moving ahead to discuss the stimulus package, and I want to use a few moments now to express my views on the subject. There is no doubt about the need for stimulating the U.S. economy. January figures show 7.2 percent unemployed, 2.8 million jobs lost last year, more layoffs all the time, and more foreclosures. It is my hope that there will be a very strong stimulus package which is directed at putting people to work.

The proposals which have come from the House bill are laudable and in many respects are measures which I have long supported. But on analysis, it seems to me they belong more directly in a budget program where we have targets for spending—discretionary spending—making an evaluation of priorities and moving in that direction. But when the American people are being asked to support a stimulus program of more than \$800 billion, which is deficit financing, the programs ought to be directed at job opportunities.

Mr. President, I ask my distinguished colleague, the chairman, if nobody wants his time, if I might use 5 minutes of it.

Mr. LEAHY. I intend to use the rest of my time. If you want another minute or two, I will give you two minutes of my time, but then I intend to use the rest of it.

Mr. SPECTER. I yield the floor.

Mr. LEAHY. How much time remains, Mr. President?

The PRESIDING OFFICER. Eight minutes.

Mr. LEAHY. How much time remains for the Republicans?

The PRESIDING OFFICER. That time has expired.

Mr. LEAHY. Would the Senator like 2 minutes of my remaining time?

Mr. SPECTER. Mr. President, 2 minutes won't do me any good. The chairman wants his time; he has it.

Mr. LEAHY. Mr. President, I have a feeling we are all going to be spending hours talking about the stimulus package. Right now, I am more concerned to talk about the Holder nomination.

I have heard a great deal about the second amendment. I couldn't help but think during the hearing, when he was asked about the second amendment and how he would support the rights of those who are gun owners, and I looked down at some of those asking from the different States. I looked at the States that are represented on the Senate Judiciary Committee—Wisconsin, California, New York, Illinois, Maryland, Rhode Island, Oregon, Minnesota, Delaware, Pennsylvania, Utah, Iowa, Arizona, Alabama, South Carolina, Texas, and Oklahoma, as well as the State of Vermont. There is only one of those States that does not have restrictive gun laws—the State of Vermont. We do not have any gun laws in effect, except during hunting season. We limit the number of rounds you might have in your semiautomatic during deer season. It is supposed to give the deer a chance. Anyone who wanted to carry a loaded concealed weapon without a permit in the State of Vermont, the distinguished Senator from Virginia or anyone else, could.

I mention that only because several of the Senators who have come from States with very restrictive gun laws went after Eric Holder on gun laws. So I asked him: "Would you, as Attorney General, support legislation that would require Vermont to change its gun laws?" And thus make Vermont as restrictive as these Senators who were giving him grief on his support of the second amendment. He said: Absolutely not. I asked him if there was any question whether he would steadfastly protect the second amendment rights of law-abiding Americans to purchase, transport, and use guns. He said he would. I asked if he would follow the law, including the Supreme Court decision in the recent case in the District of Columbia versus Heller. He said, of course he would follow the law.

I mention that because I put into the RECORD already 130 or more organizations. Every single law enforcement organization of any significance in this country is supporting Eric Holder. Civil rights groups are supporting Eric Holder. Past prosecutors, including those of the Bush and Reagan administrations, have supported Eric Holder. Current prosecutors, the members of the immediate past President, President Bush's administration, have endorsed him.

I say this because I think we are seeing straw men put up here—straw men who are saying they do not want Eric Holder as Attorney General; yet these same people voted unanimously for Alberto Gonzalez, an Attorney General who left in disgrace.

This man restores the lustre of the Department of Justice. This man will be as independent as the Attorney General I talked with in his office when I was a young law student and we were talking about what it would be like to come to the Department of Justice. I asked that Attorney General if he would allow anybody in the White House, up to and including the President, to interfere with any criminal prosecution or civil rights prosecution. He said absolutely not, and I have told the President that. That Attorney General I was talking with was Robert F. Kennedy. He was talking about his brother John F. Kennedy. And when it came time to prosecute a man who had been critical to his brother's election as President of the United States, Robert Kennedy prosecuted him.

I left as a young law student, tempted to stay in Washington, but my wife Marcelle and I went back to Vermont, where we were both born and where we wanted to be. But I have never forgotten that discussion with Attorney General Kennedy. That has been the touchstone for me. I don't want another Attorney General who sits in the room while others in our government approve secretly wiretapping Americans in violation of our law, or engaging in torture. I want an attorney who stands up for the rule of law and our long cherished American values.

That is the kind of Attorney General Eric Holder would be. Come on the right side of history. Come on the right side of history. Reject what we saw in the past. Vote for Eric Holder.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Eric H. Holder, Jr., of the District of Columbia, to be Attorney General? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. BEGICH) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. MARTINEZ).

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

The result was announced—yeas 75, nays 21, as follows:

[Rollcall Vote No. 32 Ex.]

YEAS—75

Akaka	Gillibrand	Merkley
Alexander	Graham	Mikulski
Baucus	Grassley	Murkowski
Bayh	Gregg	Murray
Bennet	Hagan	Nelson (NE)
Bennett	Harkin	Nelson (FL)
Bingaman	Hatch	Pryor
Bond	Inouye	Reed
Boxer	Isakson	Reid
Brown	Johnson	Rockefeller
Burris	Kaufman	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Carper	Kyl	Snowe
Casey	Landrieu	Specter
Chambliss	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	Lugar	Warner
Durbin	McCain	Webb
Feingold	McCaskill	Whitehouse
Feinstein	Menendez	Wyden

NAYS—21

Barrasso	Crapo	McConnell
Brownback	DeMint	Risch
Bunning	Ensign	Roberts
Burr	Enzi	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Cornyn	Johanns	Wicker

NOT VOTING—3

Begich	Kennedy	Martinez
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The nomination was confirmed.

Mr. LEAHY. I thank all my colleagues who took part in this debate over the past several weeks. It is a historic nomination. And of the last four—I have to check back—the last four attorneys general, Eric Holder had the largest "aye" vote of any of them.

I think it is a good sign for the country. It is a good sign for the Department of Justice. And this former prosecutor is very happy.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and tabled. The President shall be notified of the Senate's action and the Senate will return to legislative session.

THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009—Resumed

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

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

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

Mr. REID. Mr. President, we are on the economic stimulus package. We are going to start on that early in the morning, 10 o'clock. The first amendment we are going to offer, I have already told the Republican leader, is going to be an amendment offered by Senators MURRAY, FEINSTEIN, and others dealing with infrastructure.

We look forward to the next amendment. If the Republicans are ready, then they should be ready to offer their amendment. We will try to move through the process as quickly and as fairly as we can.

This is an extremely important piece of legislation. The problems we have economically in the country today are not the problems of Democrats or Republicans, they are problems that American people have. We together have to try to work through this bill. I hope we can have cooperation. There are many things that people have different responsibilities for. We have had a longstanding partial-day conference we are going to have, but we are going to have opportunities during the time we are there listening to Secretary Chu and Secretary Salazar and others to offer amendments here.

There will be a significant number of votes. We hope if the amendments are offered tomorrow and Wednesday, we will have a number of votes all day tomorrow. Starting about 3 o'clock Wednesday afternoon we can do the amendments that have been offered that day. So we have lots of work to do, and it is important we do it as quickly, I repeat, and as fairly as we can.

I ask unanimous consent the following be recognized for the time specified: UDALL of New Mexico, 15 minutes; BROWNBACK, 10 minutes; CASEY, 15 minutes; SNOWE, 20 minutes, KAUFMAN, 15 minutes. This request is for these Senators to speak this evening.

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

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, as I rise to give this maiden speech in our Chamber, we all know we are living in very difficult times. Our current economic crisis has only accelerated problems that have been growing for years. America's manufacturing sector was declining before this crisis, and when this crisis has passed, we will still need a blueprint for creating high-paying jobs and growing the middle class.

Meanwhile, our energy policies pose a threat to the economic, environmental, and national security of our Nation and the world. I believe these two problems, our economic stagnation and our energy irresponsibility, demand a common solution. We must put Americans to work building the energy economy of the future, and we must do so now.

I often say our energy policies have produced a perfect storm, a combination of three extraordinary challenges