

the Judiciary Committee on June 4 by a vote of 16 to 3, but has yet to be considered by the Senate. The nomination of Judge Beverly Baldwin Martin to the Eleventh Circuit has the support of both of Georgia's Senators, both Republicans, and was reported unanimously from the Committee by voice vote on September 10 but has yet to be considered or scheduled for consideration by the Senate. The nomination of Judge Joseph Greenaway to the Third Circuit has the support of both New Jersey Senators and was reported unanimously from the Committee by voice vote on October 1 but has yet to be considered or scheduled for consideration by the Senate. All of these nominees are well-respected judges. All will be confirmed, I believe, if only Republicans would consent to their consideration by the Senate. Instead, the President's good efforts are being snubbed and these nominees stalled for no good purpose.

The Senate's failure to adhere to its tradition of regularly considering qualified, noncontroversial nominees has not been limited to filling vacancies on the Federal bench. The Republican minority has irresponsibly stalled nominations to critical posts in the Department of Justice, depriving the President, the Attorney General, and the country of the leaders needed to head important divisions at the Justice Department. These are important leaders of our Federal law enforcement efforts. Presidents of both parties, especially newly elected ones, are normally accorded greater deference to put in place appointees for their administrations.

Yet, 10 months in to President Obama's first term, five nominations to be Assistant Attorneys General remain stalled on the Senate's Executive Calendar due to Republican opposition and obstruction. These are the President's nominees to run 5 of the 11 divisions at the Justice Department—nearly half. By comparison, at this point in the Bush administration the Senate had confirmed nine Assistant Attorneys General and only one nomination was pending on the Senate Executive Calendar. The difference is that the Republican minority is refusing to consider these nominations.

The President nominated Dawn Johnsen to be the Assistant Attorney General in charge of the Office of Legal Counsel at the Justice Department on February 11. Her nomination has been pending on the Senate Executive Calendar since March 19. That is the longest pending nomination on the calendar by over 2 months. We did not treat President Bush's first nominee to head the Office of Legal Counsel the same way. We confirmed Jay Bybee to that post only 49 days after he was nominated by President Bush and only 5 days after his nomination was reported by the committee.

Mary Smith's nomination to be the Assistant Attorney General in charge of the Tax Division has been pending

on the Senate's Executive Calendar since June 11—more than 4 months. We confirmed President Bush's first nomination to that position, Eileen O'Connor, only 57 days after her nomination was made and 1 day after her nomination was reported by the committee. Her replacement, Nathan Hochman, was confirmed without delay, just 34 days after his nomination.

President Obama's nomination of Ignacia Moreno to be the Assistant Attorney General in charge of the Energy and Natural Resources Division has been on the Senate Executive Calendar for over a month, even though it was reported by the Judiciary Committee by unanimous consent. By comparison, a Democratic majority in the Senate confirmed President Bush's controversial nomination of Thomas Sansonetti to the position only 1 day after it was reported by the Judiciary Committee.

Chris Schroeder's nomination to be the Assistant Attorney General in charge of the Office of Legal Policy has been pending on the Senate Executive Calendar since July 28. It was reported by voice vote without a single dissenting voice. President Bush's first nominee to head that division, Viet Dinh, was confirmed 96 to 1 only 1 month after he was nominated and only a week after he his nomination was reported by the committee. The three nominees to that office that succeeded Mr. Dinh—Daniel Bryant, Rachel Brand, and Elisabeth Cook—were each confirmed by voice vote in a shorter time than Professor Schroeder's nomination has been pending. Ms. Cook was confirmed 13 days after her nomination was reported by the committee even though it was the final year of the Bush Presidency. By contrast, the majority leader may have to file another cloture position in order to overcome Republican obstruction and obtain Senate consideration of Professor Schroeder's nomination.

Instead of withholding consents and filibustering President Obama's nominees, the other side of the aisle should join us in treating them fairly. We should not have to fight for months to schedule consideration of the President's judicial nominations and nomination for critical posts in the executive branch.

I look forward to congratulating Judge Berger and her family on her historic confirmation, and I thank the West Virginia Senators for their strong support of the nominee through another extended and unnecessary delay.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia?

Mr. HATCH. 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 assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. DEMINT).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 328 Ex.]

YEAS—97

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

NOT VOTING—3

DeMint Leahy Menendez

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the leaders or their designees.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. I ask unanimous consent that during the pendency of the quorum call, the time be charged equally against both sides.

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

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. LEVIN. Mr. President, currently the Nation's unemployment rate is higher than it has been since 1983. In my home State of Michigan, the unemployment rate is 15.3 percent, 5.5 percent higher than the Nation's unemployment rate of 9.8 percent. Translated into real people, this means over 15 million Americans are unemployed, more than 740,000 of whom are living in Michigan. As of October 16, more than 44,000 Michiganians have exhausted their much needed unemployment benefits, and by the end of this year, the number will rise to almost 100,000 people. Since the beginning of this year, Michigan has been losing on average 27,000 jobs per month. Our people need help.

My constituents make a simple request: Please act so our benefits do not run out. These people are eager, even desperate for work. Until the economic recovery that appears to be starting begins creating new jobs, these Americans need our help. They need us to listen. They need us to help ensure they can still feed and clothe their families and remain in their homes.

Economists tell us that direct payments such as unemployment insurance are also the best, most efficient way to boost economic activity in a downturn. In fact, economists estimate that for every \$1 we provide Americans in extended unemployment benefits, we generate \$1.64 in new economic activity.

Michigan's families are waiting. America's workers are waiting. We must pass this legislation extending unemployment benefits. Every day that passes without doing so deepens the pain and suffering of our people.

Today's vote on cloture on the unemployment benefits extension is a critical vote for millions of Americans. I hope we rise to the occasion. The people of Michigan, the people who so desperately need work and cannot find it are waiting eagerly and hopefully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, last week I spoke on the floor about the urgent need to pass an extension of un-

employment insurance that would help 18,000 people from the State of Washington and millions of Americans across the country. I came here and told the story of three Washington State families who have lost their jobs in the most difficult time since the Great Depression and who desperately need the support that an extension would give them to get back on their feet. Unfortunately, despite the hard work of many of my colleagues on the floor, this small measure of financial stability has been delayed to families across the country who need it the most, families who right now, as we debate about whether we will get to the bill, are having a much more agonizing debate at home about how to make next month's rent or even next week's grocery budget if their unemployment runs out.

For these families, this bill will provide real help. It provides every single unemployed worker who has exhausted his or her benefits, regardless of the State they live in, an additional 14 weeks of support. It extends unemployment to laid off workers in States hardest hit by job losses, including my home State of Washington, by 6 weeks. It makes critical changes to help more families, like making sure an additional \$25 per week in benefits that Congress included in the recovery act doesn't count against someone who is seeking food stamps.

Washington State workers and Americans across the country have been hurt through no fault of their own. They are out there every day looking for work. While we are seeing some progress on the economic front, for many of them the job market is still discouraging. Unemployment is now at 9.8 percent. That is a 26-year high. Since this recession began back in December of 2007, over 7.4 million people have lost their jobs, and the 15 million Americans who are trying to find jobs are searching for an average of 6.5 months before something comes through for them.

While those statistics clearly point out the need for this legislation, the stories behind those statistics are even more of a call to action. Last week, I told of the stories that have been pouring into my office from people who are unemployed in my home State of Washington. These are workers who are not asking for a handout; they are just asking for a small measure of support as they work very hard to try to get back on their feet. Today, I wish to share a couple more stories from the hundreds that have come into my office over the past few days urging me to do everything I can to get this bill passed.

I heard from a woman named Loretta Messick. She lives in Auburn, WA. She sent me a message just yesterday. She told me she has been working for more than 25 years, but she was recently laid off for the first time ever in her career. She said she is desperately looking for work, but she is not sure she is going

to be able to find any before her benefits run out. She is working with her bank, she told me, to try and adjust her mortgage payments, but she told me that if unemployment runs out, she fears her family is very much in danger of losing their home.

Loretta is not alone. I also have a story from a woman named Patricia Obrist. She lives in Renton, WA. Patricia and her husband both had jobs in the construction industry—good jobs, she told me—but they were laid off when business slowed down for the companies they worked for. She told me she has only 8 weeks of unemployment benefits left and then, she said, she is going to have to start dropping expenses such as health care, the car payment, their mortgage. She asked me for just a little more time for her to find a job and to give her a chance to avoid losing everything she has worked so hard for.

For Loretta, for Patricia, for their families, and millions more like them, these questions haunt them every day: What will we do if support runs out? Where will we go when our savings are exhausted, when the credit card payments can no longer be met? What do we do when the bank will not wait any longer for a mortgage payment? Whom do we turn to?

In a time of national crisis, it is our job to make sure we are answering those questions. We can, by helping to provide a bridge to financial stability. We cannot sit on the sidelines. Doing so would only compound the problems we already face. More families will be pushed into bankruptcy, more homes will be foreclosed upon, more people will lose their health care, and less progress will then be made on the road to financial recovery for all of us. We can't sit by as working families are pushed to the brink by a financial crisis they did not create but they are paying for.

I hope all our colleagues listen to the voices of their constituents and join us in passing an unemployment extension that makes sure the struggles of America's laid-off workers are not ignored. This bill could not come at a more crucial time.

I wish to point out that these benefits would mean very little if we don't quickly get them into the hands of the people who need it most. The people of our State workforce agencies, people such as the Employment Security Department in my home State, are critical to making that happen. Despite the increasing demand, they have been working tirelessly to serve unemployed claimants, and I know this time will not be any different. So I wish to take a second to applaud them for their efforts to make sure these funds are distributed as quickly as possible to eligible claimants.

I appreciate all those who have been working hard to bring the unemployment extension bill to the floor of the Senate. I urge us to act now. We should not block this with any other efforts,