

strong bipartisan support in the community he has been nominated to serve. And he has the support of his two home State Senators.

It is long past time for an up-or-down vote on his nomination.

I urge my colleagues to vote yes on the nomination of Judge Lucy Koh, and I also urge consent on a time agreement to let us move forward on the nomination of Magistrate Judge Edward Chen.

Thank you so very much. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. NELSON of Nebraska. 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 question is, Will the Senate advise and consent to the nomination of Audrey Goldstein Fleissig, of Missouri, to be United States District Judge for the Eastern District of Missouri?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUE), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 177 Ex.]

YEAS—90

| | | |
|------------|------------|------------|
| Akaka | Coburn | Johanns |
| Alexander | Cochran | Johnson |
| Barrasso | Collins | Kaufman |
| Baucus | Conrad | Kerry |
| Begich | Corker | Klobuchar |
| Bennet | Cornyn | Kohl |
| Bennett | Dodd | Kyl |
| Bingaman | Dorgan | Landrieu |
| Bond | Durbin | Lautenberg |
| Boxer | Enzi | Leahy |
| Brown (MA) | Feingold | LeMieux |
| Brown (OH) | Feinstein | Levin |
| Brownback | Franken | Lieberman |
| Bunning | Gillibrand | Lugar |
| Burr | Graham | McCain |
| Burris | Grassley | McCaskill |
| Cantwell | Hagan | McConnell |
| Cardin | Harkin | Menendez |
| Carper | Hatch | Merkley |
| Casey | Inhofe | Mikulski |
| Chambliss | Isakson | Murkowski |

| | | |
|-------------|----------|------------|
| Murray | Sanders | Thune |
| Nelson (NE) | Schumer | Udall (CO) |
| Nelson (FL) | Sessions | Udall (NM) |
| Pryor | Shaheen | Voinovich |
| Reed | Shelby | Warner |
| Reid | Snowe | Webb |
| Risch | Specter | Whitehouse |
| Roberts | Stabenow | Wicker |
| Rockefeller | Tester | Wyden |

NOT VOTING—10

| | | |
|--------|-----------|---------|
| Bayh | Ensign | Lincoln |
| Byrd | Gregg | Vitter |
| Crapo | Hutchison | |
| DeMint | Inouye | |

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, if I can get the attention of the Republican leader, I understand on the Republican side there is a wish for a rollcall vote on this nomination but not on the next; is that correct?

Mr. MCCONNELL. I say to the chairman of the Judiciary Committee, yes. The thought was that we would have another rollcall on the second nominee and a voice vote on the third.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, if nobody else seeks recognition, I yield back my time.

The PRESIDING OFFICER. If all time is yielded back, the question is, Will the Senate advise and consent to the nomination of Lucy Haeran Koh, of California, to be United States District Judge for the Northern District of California.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUE), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 178 Ex.]

YEAS—90

| | | |
|-----------|------------|-----------|
| Akaka | Bennett | Brownback |
| Alexander | Bingaman | Bunning |
| Barrasso | Bond | Burr |
| Baucus | Boxer | Burris |
| Begich | Brown (MA) | Cantwell |
| Bennet | Brown (OH) | Cardin |

| | | |
|------------|-------------|-------------|
| Carper | Johanns | Pryor |
| Casey | Johnson | Reed |
| Chambliss | Kaufman | Reid |
| Coburn | Kerry | Risch |
| Cochran | Klobuchar | Roberts |
| Collins | Kohl | Rockefeller |
| Conrad | Kyl | Sanders |
| Corker | Landrieu | Schumer |
| Cornyn | Lautenberg | Sessions |
| Dodd | Leahy | Shaheen |
| Dorgan | LeMieux | Shelby |
| Durbin | Levin | Snowe |
| Enzi | Lieberman | Specter |
| Feingold | Lugar | Stabenow |
| Feinstein | McCain | Tester |
| Franken | McCaskill | Thune |
| Gillibrand | McConnell | Udall (CO) |
| Graham | Menendez | Udall (NM) |
| Grassley | Merkley | Voinovich |
| Hagan | Mikulski | Warner |
| Harkin | Murkowski | Webb |
| Hatch | Murray | Whitehouse |
| Inhofe | Nelson (NE) | Wicker |
| Isakson | Nelson (FL) | Wyden |

NOT VOTING—10

| | | |
|--------|-----------|---------|
| Bayh | Ensign | Lincoln |
| Byrd | Gregg | Vitter |
| Crapo | Hutchison | |
| DeMint | Inouye | |

The nomination was confirmed.

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the nomination of Jane E. Magnus-Stinson, of Indiana.

Who yields time?

Mr. REID. I yield back the remaining time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jane E. Magnus-Stinson to be United States District Judge for the Southern District of Indiana?

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

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

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

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business.

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

UNEMPLOYMENT INSURANCE

Mr. BROWN of Ohio. All of us have just come back to the Senate after a Memorial Day work period, where most of us were traveling our States, meeting with people. I was in Toledo, Youngstown, Cleveland, and around much of my State.

While we have seen signs of recovery in Youngstown, in part because of the Recovery Act, in part because of where those dollars were absolutely well spent on infrastructure, making this expansion possible, in part because of a

trade decision the President of the United States made on the dumping of Chinese steel. In real terms—in real English—the dumping of Chinese steel meant the Chinese were cheating. Now we have restored competitiveness to the market so that American companies, with very productive American workers, can make steel and sell that steel at competitive prices.

We have seen an announced expansion and beginning of hiring in the auto industry, into the whole supply chain that leads into the automotive industry that makes the components—the so-called Tier I and Tier II suppliers. We have seen those signs of recovery. But if you are not working or your cousin is not working or your wife has lost her job or your sister or brother isn't working, you know there are still too many people who are hurting. We have not recovered, and we are not close to it, but we are making progress, while those families continue to struggle.

Too many Americans are waiting for us to act and extend the unemployment insurance they earned and the COBRA insurance they need while they look for work. Let me talk about unemployment insurance for a moment. It is not a vacation. It is not a whole lot of money people get. It is people who have lost their jobs and are looking for work. They have to continue to look for work. They have to show the employment bureau in their States—in new Hampshire, Ohio, wherever—that they are continuing to look for work.

Unemployment insurance is insurance. It is not welfare. You pay in when you are working and you get some help when you are not working. Because of the persistent unemployment caused by several years of bad economic policy, tax cuts for the rich, deregulation of Wall Street, a war that was not paid for—all the things that happened in the last decade which led us to this terrible economy—we have to help those workers who have lost their job through no fault of their own.

We have to help pay for COBRA; that is, helping to keep their health insurance. It is more expensive than a mortgage for most people. How COBRA works is, if you lose your job, you can keep your insurance if you pay for your side of the insurance—the employee's side—and you pay for the employer's contribution to your insurance. You have to pay both. That is clearly expensive. If you lost your job, how would you do that? You are going to be able to do that because of the Recovery Act.

The Congress and the President made a decision—with very few Republicans voting for it, for whatever reason. They do not think these people who are trying to keep their health insurance should be able to get help. But we were able to provide enough subsidy so that in my State tens of thousands of people—and I have met several dozen of them—have been able to keep their health insurance as a result.

A laid-off mechanic, factory worker, electrician, engineer—ask them how it feels to be out of a job. When I see my colleagues voting against unemployment benefits, the question I really want to ask is, Do you know anybody who lost their job? Do you know anybody who really needs this unemployment insurance? Have you really talked to somebody who lost their health insurance and, with a little bit of help, could continue to keep their insurance through COBRA? Ask people in Ohio. Ask somebody in Dayton who has lost a job in the auto industry. Ask somebody in Chillicothe who lost their job at a paper company. Ask somebody in Springfield who lost their job at DHL, the cargo company—how they live with the stress of job loss, compounded by the small number of job openings, if they exist at all, in or around their communities.

Unemployment insurance, as I said, is just that—it is insurance. Workers pay into an insurance fund while they are working. They have a safety net if they are unemployed, and there are requirements. Those collecting unemployment checks are required to actively seek work.

I know people in my State. They come up to me when I do a townhall or roundtable meeting. Whether I am in Galion or Lima or St. Clairsville or Zanesville, people come up to me and say they send out 10 or 20 or 30 resumes a week. Most of these resumes are not even answered because the economy is far from fully recovered. We are making progress. We are on track to recovery. We are not there yet. People are still out of work in huge numbers.

I hear lectures from those who believe emergency spending should not be used to help out-of-work Americans who lose their unemployment insurance. Yet many people in this body have no problem giving away—extending tax credits, tax cuts for the wealthiest Americans, subsidizing the insurance companies, the drug companies, in the name of Medicare privatization, voting for a war. None of that was paid for. I didn't hear my Republican colleagues saying: We can't do that; it is going to add to the deficit. We can't go to war. We can't raise taxes to pay for the war; it is going to contribute to the deficit.

They will vote for the Medicare privatization bill President Bush had—a giveaway to the drug insurance companies. They didn't say: How do you pay for it? They didn't say that. They didn't say we couldn't do those things. It is only when it is unemployment insurance and COBRA, things extending health insurance to people—it is only those things, and all of a sudden they are all concerned about the budget deficit.

I am concerned about the budget deficit too. One of the reasons I voted against the Medicare giveaway to the drug insurance companies was because of the deficit. One of the reasons I voted against the Iraq war—the pri-

mary reason was it was the wrong thing to do, but I was very concerned about the fact that we were not paying for it.

The tax cuts that went to the richest Americans—I didn't hear any Republicans saying we should not do this, with the exception of GEORGE VOINOVICH from my State, who raised that issue. I didn't hear any of them say we should not give those benefits because they are not paid for. Now that it is unemployed workers, people who have lost their insurance, all of a sudden they have some kind of deficit reduction issue in their minds. Lavishing goodies on the drug and insurance companies I guess does not qualify. That qualifies as emergency spending. That is OK. But helping working families stay afloat in a floundering economy is not OK.

Every day that people do not receive their unemployment insurance is another day more American workers and families will slip into poverty. Do you know what happens if they can't get their unemployment checks, if they are cut, if they no longer get unemployment insurance? We are going to see more home foreclosures. How are you going to have economic recovery when somebody's home is foreclosed on, it is then vandalized, it then plummets in value, then infects houses in the neighborhood, and so they have the same problems and the value of their home gets lower and lower. How is that going to help us with economic recovery? It is a human tragedy, and it is an economic blow our country cannot afford. Poverty reduces consumer spending, and it increases the need for public assistance. That is two steps back.

Not only is unemployment insurance a poverty prevention tool, it is a proven economic stimulus. Senator McCAIN, who ran, as we know, as Republican nominee for President—his chief economic adviser said unemployment insurance is the single best economic stimulus. Every dollar in jobless benefits, which were earned, as I said—you pay in as insurance, you get out—every dollar in unemployment benefits produces \$1.64 in economic growth. Why is that? It is because they don't take their dollar and put it in their pocket; they spend it on their kids or spend it on the necessities of life. It goes right back into the community. That is why it supports and produces \$1.64 in economic growth.

In the first 6 months following passage of the Recovery Act—and we know that almost every economist, except for those who have their own ideological game going, will say that without the Recovery Act we would be in a much higher unemployment situation today. Frankly, we would have a higher budget deficit as a result because so many more people would be out of work. Unemployment insurance pumped \$19 billion into the economy.

Let me close with a couple of letters from Ohioans. Richard from Cuyahoga County—the northern part of the State

on Lake Erie, just east of where I live—writes:

People like me are trying hard to find a job but this economy is presenting challenges for unemployed workers. To those who object to the cost of unemployment insurance—what about the cost of not helping the folks looking for a job and trying to get by? Not helping us means the loss of a strong multiplier effect—

This guy obviously gets it—spending on necessities like mortgage and rent and food and car payments, which stays in the community where we live.

That is exactly right. It is another one of the things government does sometimes. When you help one person, you are helping society. Look back at what happened in the 1940s when Franklin Roosevelt signed the GI bill. About 7 million, I believe, veterans used GI benefits. So those 7 million people were helped personally, one at a time. They got health care benefits, they got education benefits, they bought homes—whatever. But the GI bill didn't just help those millions of veterans. It created a prosperity like none the world has ever seen, postwar America, where everyone was lifted up. All of society was more prosperous because of this government program that helped one person at a time.

So is unemployment insurance. When you do unemployment insurance, you send a life preserver, if you will, to those individuals, tens of thousands in my State. But you also create prosperity so your next-door neighbor does better because the guy down the street is getting unemployment insurance because he might work at the hardware store or might work in the grocery store where the laid-off worker goes to shop for her food. He is able to keep a job because there is some prosperity created.

The last letter I would like to share for a moment is from David from Franklin county.

Many people like me who are looking for a job are well educated, white collar workers with long work histories. As we continue to look for jobs, we hope businesses will hire again. Unemployment insurance benefits have been a lifeline. I have been able to pay my mortgage, feed my family, and clothe my children. Without these benefits—

This is really key—

I will lose my home, be forced to go on welfare, and see my children go hungry and my family possibly destroyed. Please urge your colleagues to support an unemployment insurance extension. In the richest, most productive country in the world, please do the right thing and stand up for us during our time of need.

Forget about the statistics, forget about the economics of it. Think about somebody like David who knows that without these unemployment benefits—and he is not getting rich; he is barely getting along with a few hundred dollars. What it means is he can pay his mortgage. What it means is he can feed his family. What it means is he will go back, as he keeps looking for work, to being a productive member of society.

We need to act now—not tomorrow, not next week, not next month—now. We must act now.

I yield the floor.

I 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. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

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

KAGAN NOMINATION

Mr. LEAHY. Madam President, 3 weeks from now the Senate Judiciary Committee will hold the confirmation hearing for President Obama's nomination of Elena Kagan to succeed Justice John Paul Stevens as an Associate Justice of the Supreme Court of the United States.

Last year, after reviewing her record, a bipartisan majority of the Senate voted to confirm Elena Kagan to be the Solicitor General of the United States, actually the first woman in America's history to serve as Solicitor General. As the distinguished Presiding Officer knows, oftentimes the Solicitor General is referred to as the "Tenth Justice". Not only are we familiar with Elena Kagan from our review of her nomination last year, but we have already received an extraordinary amount of information about her in connection with this nomination.

Last week we received nearly 50,000 pages of documents from the Clinton Library related to Elena Kagan's service and her significant role in the Clinton White House. My initial review of these documents shows her to have been a pragmatic and thoughtful adviser to President Clinton as she helped him to advance the goals of his administration.

As a law clerk to Justice Thurgood Marshall, as a professor, as a policy adviser to the President, and dean of Harvard Law School, and as Solicitor General of the United States, she appeared to have a clear grasp of how to apply her abilities to meet the challenges of each of these varied positions. I point out in that regard not only is she the first woman to become Solicitor General, she was the first woman to become dean of the Harvard Law School.

I went back and I doublechecked with my staff, Bruce Cohen, Jeremy Paris, and others on my staff, and I said: How does the information we have received on this nomination compare with the Roberts or Alito nominations when

there was a Republican President? I am told the committee has received more information from the administration than was made available at this point in the confirmation process for either the Roberts or Alito nominations.

Last year we considered President Obama's nomination of Justice Sonia Sotomayor. Although she was confirmed with 68 votes, I was disappointed that so many chose to oppose her historic nomination, the first Hispanic to the Supreme Court, only the third woman.

I suspected and do suspect that many of those who voted against her confirmation will come to regret their action, if they do not already. Regrettably, many of the Senate Republicans, now that President Obama is in the White House, seem to want to apply a different standard from when they were considering President Bush's nominees to the Supreme Court.

As we begin the process of considering a new nominee to the Supreme Court, I candidly admit that after watching the unfounded opposition to the Sotomayor nomination last year, I would not be surprised if a majority of Republican Senators were to vote against Solicitor General Elena Kagan, despite her qualifications and no matter how she answers questions during the course of the hearing. I have joked that if President Obama nominated Moses, the lawgiver, or Mother Theresa, Senate Republicans would vote against the nomination. Such a willingness of many Republican Senators to heed the extreme ideological test imposed by the far right.

Indeed, were Justice Sandra Day O'Connor the nominee pending today, or Justice David Souter, or Justice John Paul Stevens, or, for that matter, Justice Anthony Kennedy, it is a sad reality that a majority of current Republican Senators would likely vote against their confirmations, as well, for failing the extreme ideological litmus test. Each of these Justices was nominated by a Republican President. I voted in favor of each of them.

Each of these Justices served or are serving now with distinction, and all still contribute to the Nation and its courts. The American people are fortunate to have had all of them serve on the Supreme Court.

Regrettably, most Senate Republicans, now that President Obama is in the White House, seem to want to apply a different standard from when they were considering President Bush's nominees to the Supreme Court. I welcome questions to Solicitor General Kagan about judicial independence. But let's be fair. Let us listen to her answers. No one should presume that this intelligent woman who has excelled during every part of her varied and distinguished career lacks the independence to serve on the U.S. Supreme Court. Indeed, many of the justices who are most revered in this country for their independence came to the Court with a background not unlike that of the nominee.