

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded; I ask unanimous consent that we reserve the Republican time and that I be able to speak for 2 minutes.

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

EXTENSION OF UNEMPLOYMENT INSURANCE

Mr. SCHUMER. Madam President, I want to speak about the unemployment situation in my home State of New York. By mid-March, 54,000 people will lose their benefits if we don't move forward with the short-term extension of unemployment insurance. That is tragic. It is virtually inhumane.

I have been around my State meeting with people who are looking for work. You look into their eyes and you feel their pain. Many of them are middle-class people who have had very good-paying jobs. Many of them have lost their jobs. Many lost their jobs more than a year ago and they have spent every day, 7 days a week, looking. I met a woman in Rochester. She was No. 2 in human resources for a big company. Her job was her life. She has been looking for 2 years and can't find a job. I plead with my colleague from Kentucky and all of my colleagues on the other side of the aisle—while we are debating a larger bill to extend unemployment benefits, we must allow this to go forward.

We must allow this short-term extension to go forward for the sake of those people who lost their jobs, through no fault of their own, and they are desperately looking for work, but in this awful economy they can't find it.

According to The Hill newspaper, New York is affected No. 1 by this. It is vital, vital, vital that we move this forward. I plead with my friend from Kentucky to reconsider and let the short-term extension move forward. We have done it before under the same conditions we have asked for this time.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SCHUMER. Madam President, I suggest the absence of a quorum and ask that the time during the quorum call not go against the morning business time of either side. I ask that the time now being used in morning business be equally divided.

Mr. BUNNING. Madam President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. I wish to understand what the Senator from New York is trying to do.

Mr. SCHUMER. Will the Senator yield?

Mr. BUNNING. Sure.

Mr. SCHUMER. I am just trying to equally divide the quorum call. I asked unanimous consent that I be allowed to speak for 2 minutes.

Mr. BUNNING. And that was granted.

Mr. SCHUMER. And we go back and everyone get their full allocation of morning business, and that was granted. There was no intention of a quorum call to be taken between either side.

Mr. BUNNING. But that is the normal procedure.

Mr. SCHUMER. I understand.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to now use time from morning business on this side.

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

UNEMPLOYMENT AND COBRA EXTENSIONS

Mrs. MURRAY. Madam President, right now, families across my home State and the entire country want nothing more than to see us come together and pass meaningful help for the people they see struggling every day. They want to see help for people such as their neighbors and friends and family members who, through no fault of their own, have found themselves out of a job and who, despite their best efforts, are unable to find one today. They want help for the seniors in their communities who are being turned away from doctors because of devastating cuts in Medicare reimbursement rates, or all those who are struggling to afford health care because they lost a job and are now facing the impossible task of affording care on their own.

Americans understand that during these difficult times people need help to make ends meet. They understand there needs to be a lifeline for people who never thought they would need assistance from the government but who now have nowhere else to turn. But what Americans and those in my home State of Washington do not understand is why Washington, DC, cannot seem to deliver; why, when they make hard choices every day in their own lives to support their families and help those in need, Washington, DC, cannot do the same; why, at a time when needs have never been greater, the only words they hear out of Washington, DC, are "gridlock," "stalemate," and "standstill."

Today we have a clear-cut example to show the American people what is

wrong with Washington, DC; that is because today one single Republican Senator is standing in the way of the unemployment benefits of 400,000 Americans. One single Republican Senator is blocking an extension of COBRA benefits for 500,000 Americans. One single Republican Senator is forcing doctors to take a 21-percent cut in Medicare reimbursement rates that could force seniors to be turned away from the Medicare coverage on which they rely. One single Republican Senator is blocking an extension of critical highway funds that has construction workers and transportation employees at home today and that has cut critical payments to struggling States. One single Republican Senator has put posturing before people, politics before families, and point scoring before the needs of struggling Americans.

The legislation we are trying so hard to pass is very straightforward. It is aimed at helping real families with real problems they face every day, and the consequences of it being blocked by one single Republican Senator are just as real.

The bill we are trying to pass includes an extension of unemployment insurance that, by the way, in my home State hundreds of thousands of individuals rely on to buy groceries and to pay their mortgages and to help pay for school for their kids. For years, these benefits have been routinely extended in tough times. And times, by the way, have rarely been tougher than they are now. But today families in every single one of our States are sitting around their kitchen table trying to figure out how they are going to make it through the weeks and the months ahead without these payments.

This package we are trying to pass also includes an extension of COBRA, health care for workers who lost their jobs through no fault of their own, and health care benefits that come with it. In my home State, thousands of unemployed workers have the ability to see a doctor solely because we have provided this important assistance. It is a provision that is critical because health care is often the single biggest cost that unemployed workers face. In fact, you should know on average a monthly health care premium payment to cover a family costs over \$1,000, which represents about 80 percent of the average unemployment check.

Another vital health care measure included in this bill we are trying to pass is a provision that would overturn a staggering 21-percent cut in payments to doctors who accept Medicare patients. Just yesterday my office heard from a doctor in a small community in my State, Poulsbo, WA, who is one of very few in the region who is taking new Medicare patients. He said he feared just what this cut would mean for him and his practice. He told my staff this cut would limit his ability to continue serving the needs of seniors in his area.

He is not alone. In Washington State that cut will affect over 60,000 employees, 700,000 Medicare patients, and nearly 350,000 TRICARE patients.

Finally, this bill also includes an extension of the Federal Transportation Funding Act, which is known as SAFETEA-LU. Allowing SAFETEA-LU to expire, which has now happened, not only hurts construction workers and contractors who are working on these major Federal highway projects in my State and across the country, it leaves our State governments bearing all the burden for the costs of these projects.

In Washington State, a reimbursement payment of \$13.5 million for federally sponsored projects that is due tomorrow—tomorrow—is now in limbo, again, all because of one single Republican Senator.

Last October, I was out on this floor fighting for an extension of unemployment benefits, and I told the story of a woman from Seattle whose name is Kristina Cruz. At the time, Kristina had been unemployed for 20 months after spending over 10 years in human resources. Kristina had just written to my office and talked about going above and beyond in her job search, a skill, by the way, she picked up in her career in HR. Even with all her experience, interviews for her have been few and far between. Kristina talked about how she was not interested in living off the government long term and how, in the midst of this economic crisis, she did not have any other choice.

Since I talked last October, Kristina has stayed in touch with my office, and, unfortunately, today she is still having a hard time getting back to work. She recently wrote an e-mail to my office and said:

It's truly devastating to me that I've made choices in my life like getting good grades in school and getting my education, and building up professional experience only to find that I'm unable to get a job.

I thought I had made decisions to help ensure my success in life, and many times, I barely had enough money for food.

My family isn't rich and can't afford to support me. I literally do not know what I'm going to do.

Kristina went on to voice the frustration of so many about the needless holdups in getting this bill passed on providing assistance to struggling Americans. She said:

I find it to be really egregious that we live in a democratic society and yet a few misguided, outlying voices, despite overwhelming bipartisan majority support, can hold up and block a much needed unemployment extension. It really flies in the face of all the things I've learned about in my history books.

I'm not sure how I can survive many weeks and weeks of needless holdups when I have rent and bills to pay. Sometimes I feel that if some of these Senators were forced to walk a day in our shoes, then maybe they would have a sense of how it is to try and survive in this economy.

That opinion is not unique to my State, to one political party, or to an issue. Every evening, families across

the country turn on the nightly news and hear another story about gridlock in our Nation's Capital. Oftentimes they have spent their days scanning through the classifieds, going to another job fair with long lines and few job opportunities, or working many times multiple jobs to meet their families' most basic needs. When they get home, they wonder just how we have spent ours.

What they see is this entire Congress forced to spend time fighting with one Republican Senator; a Congress that is forced to jump through procedural hoops and endure endless delay tactics to get meaningful and, by the way, largely bipartisan legislation passed; the obstruction of a single Republican Senator who, by the way, voted to extend these same benefits in 2008 but who has now suddenly changed his mind.

The entire Republican Party, except for a few who have been out here courageously, sit idly by as one of their members brings this entire body to a halt. The American people are sick of this, and the backlash to the blockage of this bill is evidence of that. It is time for all of us to stop and think. Think about Kristina and all the other Americans who sent us here to go to work for them; the people who will watch the news tonight and think: What about me? What about all of us?

Kristina wrote to me again recently to say it seems as though government is broken. I know that sentiment is something we hear all the time now. But the truth is, it is only broken if we allow it to be. It is only broken if we allow stunts such as is happening now to rule the day. If we can come together and put an end to shortsighted political point scoring that says obstruction is good politics and partisanship trumps progress, then we can help struggling families.

If we can join the way we did to pass the Children's Health Insurance Program or fair pay for women in the workplace, we can then restore the faith of the American people. Until we put an end to delays such as the one we face by one Republican Senator today, Americans are going to continue to have every right to be fed up.

I come to the floor of the Senate today to ask the Senator from Kentucky to allow us to finally move forward with consent on this bill so that Americans can get access to the help they desperately need in these very tough economic times. This is critical. Families across our States are hurting, through no fault of their own, through an economic recession they did not make happen.

We all want our country to get back on its feet. We all want to be strong again. We all want this lifeline for our families so that when our country begins running strong again, they can use the skills they have been holding in abeyance and go back to work; so they can get the health care they need for their children and their families until

they can get that job and get moving again; so these construction projects across our country do not come to a slamming halt causing more Americans to sit at home without a paycheck, more Americans who cannot go to the store and buy things; so more stores start to fail because they do not have the income they need, and restaurants where people cannot go because they do not have a paycheck.

We are asking that the Republican colleagues who worked with us on this bill come to the floor and urge one Republican Senator to work with us to get consent so we can move past this and get to the job we have come here to do: to get people back to work, to make sure families have health care, to make sure we do the business of this government in a way that works for American families.

I yield the floor.

Madam President, I suggest the absence of a quorum and ask that it be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Madam President, I ask unanimous consent to speak using the majority time in morning business.

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

Mr. CARDIN. Madam President, I take this time to first thank the Democratic leadership for bringing forward a bill that would extend unemployment insurance; COBRA protection, which allows the unemployed to get health insurance; to extend our highway program, and the reimbursement structure for our physicians under Medicare so our seniors can continue to receive the health care they need.

We have a short-term extension that many of my colleagues have been talking about which would extend these programs so there would be no gap in the unemployment insurance protection Americans are currently receiving—or were receiving as of February 28—allowing them to continue getting the COBRA protections and to continue our highway programs. As has been pointed out, one Senator has exercised his right to object, which has caused major problems for this country, and I feel compelled to talk about this because there are real people being hurt by that decision.

We need a short-term extension so we can continue the orderly process. It is the right thing to do. We all talk about jobs; that we need jobs. Each of us is committed to bringing up legislation that will create more job opportunities for Americans, and the bill that would be on the floor would help us in that effort by extending important tax provisions so businesses can invest in more

jobs for Americans, extending unemployment insurance.

Let me point out, for every dollar we spend in unemployment compensation, it brings back \$1.90 to our economy. It is the best stimulus dollar you can put out there. It is immediate. This is an insurance program where employees and employers put money away during good times to pay for benefits during recessions and tough times and we are in a tough time. There are millions of Americans who can't find jobs, who are looking for jobs. Americans want to work but can't find work. Many have been looking for work for a long time—for over a year. Now, because of the objection of one Senator, the benefits that should be paid this week cannot be paid this week.

In my own State of Maryland, 16,405 people were cut off as of Monday from their unemployment compensation. Each one of these individuals represents a family, and this insurance provides them the ability to feed their families, to keep their house out of foreclosure. This is wrong. They can't find work because there are not enough jobs out there, and we need to extend this unemployment compensation. I feel confident we will, but it is wrong for us to have this gap because of the objections of one Senator.

This is hurting our economy. That money should be in our economy. The people who receive this unemployment insurance will use it to buy food, to make purchases that will help our economy. Those dollars are being lost because of the objection of one Senator.

The same thing is true with the COBRA protection. COBRA protection says to a person who is unemployed or who has lost their job that we are going to help them maintain their insurance for their family. Now, because of the objections of the Senator, that help is no longer available to those who are unemployed. As of January, there were 6.3 million Americans who had been unemployed for 6 months or longer. Think about that. How can you afford to pay your insurance premiums for health care if you have been unemployed for 6 months? That is why we passed COBRA protection, so those who had lost their jobs could maintain their health insurance for their families, keep them out of bankruptcy, and to make sure, if they had an emergency, their family could get the needed health care and that it is properly reimbursed.

We all agree that should be done, and the underlying bill we will take up today would extend that throughout the year, which is what it should do. But in the meantime, that protection expired on Monday because of the objections of an individual Senator.

There is the short-term extension of the highway program I wish to mention because 2,000 employees in the Department of Transportation got furlough notices because of our failure to extend that program. I can tell you

what it means in my own State of Maryland. It halted work on Federal lands. We had a project—the Great Falls entrance road construction, a \$3.1 million project in Montgomery County—that was stopped as a result of the failure to pass this short-term extension.

I could talk about the situation in Medicare. CMS is doing everything they can to make sure the physicians—the 600,000 physicians who treat our seniors every day—will continue to participate in the Medicare system. But as of Monday, there was a 21.2-percent cut in physician reimbursement rates. That is unconscionable, unreasonable, and it will deny our seniors access to care.

We need to do this in an orderly way. The overwhelming majority of the Members of Congress supports the extension the majority leader and the assistant majority leader have made repeatedly on the floor to allow for this short-term extension. We need to move forward with that and then let us come to the floor and debate the longer term extensions. I have a feeling, when that vote comes up on the floor of this body, you will see an overwhelming number of Members voting in favor of the extension of unemployment compensation and insurance protection for the unemployed because it is the right thing to do.

It is the right thing to do as a nation in a recession. It is the right thing to do in order to strengthen our economy and create more job opportunities because that money is spent in our communities and it keeps and expands jobs. It must be part of our strategy in creating more job opportunities for Americans.

I take the floor to encourage my colleague to withdraw his objection, let us move forward in a way that is in the interest of the American people and in the interest of our economy so we can continue to see the types of improvements for job opportunity in America. That should be our priority. It is not a partisan issue. It shouldn't be a partisan issue. We need to work together—Democrats and Republicans—and it starts by removing the objection and letting us get this short-term extension and then coming to the floor to debate the bill on the floor that will extend it through the end of the year, as we should. That is what we should be doing today to help the people in Maryland and the people around this Nation and to help our economy grow.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I would like to echo the remarks of my very distinguished colleague from Maryland, who I know feels so passionately about this and whose own State will suffer dire individual consequences as the failure of unemployment insurance and COBRA and other things begin to hit home in the per-

sonal lives of the people in Maryland, the people in my home State of Rhode Island, and people across this country.

With so many Americans struggling to pay their bills, why—why—did thousands of the worst off, including hundreds of Rhode Islanders, have to wake on Monday morning to find their unemployment benefits and COBRA subsidies had expired? Why are people being kicked out of these essential, humane, lifeline programs before the economic storm that put them in that predicament has passed? The answer is, we have failed to do what is right for the American public, in part, because one Republican has chosen this time of great despair for millions of Americans to make a political point—to make a political point about the deficit—by hurting hard-working Americans who are struggling to get by. It appears it is actually more than just one Republican. Others have come to the floor to support him.

But on the home front, the cost is high. Many Rhode Islanders, through no fault of their own, struggle to find work. For many of them, unemployment insurance and COBRA are the lifeline for their ability to support their families, to keep food on the table, and to keep the family covered by health care. This is no abstract issue. It has had a serious impact in Rhode Island. We are a State of just over 1 million. In that State of just over 1 million people, there are 75,000 people, at least, unemployed and looking for work. These are hard-working people, many of whom have worked all their lives, but because of the recession they struggle to find work.

Margaret from North Providence is 61 years old, and she is 6 months away from being eligible for Social Security. She is years from Medicare eligibility. She has now been unemployed for 18 months and her unemployment benefits are expiring. COBRA, for her, has run out as well, so her health care is at risk. She has never been in this situation before in her life and she is, quite understandably, scared of where our irresponsible action leaves her.

Gretchen from Cranston is a laid-off teacher who was receiving COBRA benefits. That helps her pay for her health care. Because of a single Republican obstruction—apparently supported by others—her premiums have increased from roughly \$500 a month to over \$2,000 a month. She wrote to me saying:

How horrifying that I should work hard all my life, paying for my entire education, dedicate my career to helping children in poverty and find that my own may be among them.

Gretchen did not expect to be in poverty. She expected that her COBRA benefits would continue. But no, we have cut those off.

Richard in Warren wrote to me asking for us to move quickly on COBRA. Richard's wife has cancer, so they have no choice but to pay for health care coverage. Since he lost his job, Richard has been paying \$400 a month for their

health insurance, but the cost has tripled—tripled—with the expiration of COBRA subsidies. Richard should be able to worry about his family, to be able to help his wife through her cancer treatment. He should not have to worry about the political games being played in Washington and the skyrocketing cost he is looking at. He and his wife should be focusing on her care and her treatment. But no, sadly, obstruction and political point-scoring now come first for some of our colleagues.

Margaret, Gretchen, and Richard—and all those across the country who are facing similar situations—are wondering why they have to pay the price for Republicans to make this point about the deficit. Why them? When it was Halliburton's no-bid contracts in Iraq, for which money was borrowed to fund them, where was the concern about the deficit then? For Halliburton's no-bid contracts, the deficit is no problem, evidently. When it was Part D's colossal handout to the pharmaceutical industry—borrowed money—where was the concern then about the deficit? Not when it is the big interests.

When it was the tax cuts for CEOs—big tax cuts for CEOs, for big bankers, for derivatives traders, for hedge fund managers—where then was the concern about the deficit when those tax cuts were passed unfunded?

When the Bush administration inherited from the last Democratic President a balanced budget predicted to yield a zero national debt during the course of the Bush administration—a zero national debt during the course of the Bush administration—and instead the Republicans left us with \$12 trillion in national debt, where then was the concern about the deficit?

As one of my colleagues has said, this has been described as a point of principle. The way a principle is defined is that you always stand by it. If it is a sometime thing, it may be a lot of things; it may be an opinion, it may be a maneuver, it may even be an honestly held opinion, but it is not a principle if you only follow it selectively. If the only time you follow it is when struggling, working people are in the crosshairs. But when it is Haliburton's no-bid contracts, when it is tax cuts for CEOs and big bankers and fancy derivatives traders, and when it is the pharmaceutical industry, then it is all fine? That is not a principle. It may be a lot of things but it is no principle.

I urge my colleagues to put politics aside, to do what is right, and to help the millions of Americans who are so badly in need of a little help through this economic downturn that was no fault of their own—hard-working people, trapped in this recession through no fault of their own. I implore my Republican colleagues to start working constructively with us to end this unemployment crisis, to put people back to work, and to help those who are in such dire circumstances now through

no fault of their own. That is what we are sent here to do and that is what I will keep fighting for.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business.

Mr. LEAHY. Has all time been used in morning business?

The ACTING PRESIDENT pro tempore. No, it has not.

CONCLUSION OF MORNING BUSINESS

Mr. LEAHY. Madam President, I ask to yield back any time remaining in morning business on either side.

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

Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF BARBARA MILANO KEENAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

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

The legislative clerk read the nomination of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:15 will be equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, the nomination of Justice Barbara Keenan of Virginia to the Fourth Circuit should be noncontroversial; her nomination should have been confirmed long ago. She has the support of her home State Senators. She has the support of Virginians from both parties, and many others. She was approved unanimously by the Senate Judiciary Committee over 4 months ago.

I suspect that like the confirmations of Judge Viken, Judge Lange, Judge Berger, Judge Honeywell, Judge Reiss, Judge Kallon, Judge Nguyen, Judge Seeborg, Judge Gee, Judge Peterson, Judge Martin and Judge Greenaway, this nomination could well be approved unanimously. Instead, in what has become a sorry and unacceptable attitude on the part of Republicans, she has been filibustered. This nomination should have been approved unanimously. We will now have to vote to bring cloture on something that would normally have been done on a voice

vote. I am willing to predict she will get an overwhelming vote when they finally allow us to vote on her.

Because of what has happened with these filibusters, the Senate is far behind where we should be in filling judicial vacancies, vacancies that skyrocketed to be more than 100 and more have been announced. We need to do better. The American people deserve better.

Here it is, March 2. On March 2 of President Bush's first term the Senate had confirmed 39 Federal circuit and district court nominations. We, the Democrats, were in the majority. We moved very hard to get those 39 through. That included the period of the 9/11 attacks and the anthrax attack upon the Senate. In spite of all the obstacles, by March 2, Senate Democrats had moved forward to help confirm 39 of President Bush's judicial nominees.

Although the Senate Judiciary Committee has favorably reported 29 of President Obama's Federal circuit and district court nominees to the Senate for final consideration, because of Republican obstruction, the Senate has confirmed only 15 Federal circuit and district court nominees. So, by March 2 of the second year of President Bush's first term, 39; by March 2 of the second year of President Obama's Presidency, 15. That is more than 60 percent fewer. This is despite the fact that President Obama began sending judicial nominations to the Senate 2 months earlier than President Bush, after President Obama's 13 months in office the Senate has confirmed only 15 Federal circuit and district court judges.

The judiciary is supposed to be out of partisan politics. This is really unacceptable. In fact, I note that during 17 months of President Bush's first term when the Democrats were in charge, we confirmed 100 of his judges. During 31 months with the Republicans in charge, they confirmed approximately 100. We worked very hard to help President Bush though.

The return, instead, is that the Republicans have filibustered nominees, judicial nominees who, when they finally get a vote, get a unanimous vote. This has created a real crisis in the judiciary. Last year's total was the fewest judicial nominees confirmed in the first year of a Presidency in more than 50 years. Those 12 Federal circuit and district court confirmations were even below the 17 the Senate Republican majority allowed to be confirmed in the 1996 session. After that Presidential election year, Chief Justice Rehnquist began criticizing the pace of judicial confirmations and the partisan Republican tactics. I hope the Chief Justice would do what Chief Justice Rehnquist, another Republican did when Republicans were slowing up judicial nominations, and speak to the need to do this.

I have spoken repeatedly to Senate leaders on both sides of the aisle and I made the following proposal: Agree to immediate votes on those judicial