Akron, a little machine shop in Hamilton, OH, whatever—because they have lost their major customer. Look what happens to them and to their workers. So big companies move overseas and all the component manufacturers are out of luck, all because of this trade policy and this tax policy which makes it more attractive for a company and a CEO—well, the CEO doesn't move, he or she still lives here—to move their company to China and then sell back into the United States.

Second, our Nation's trade policy—this PNTR bill that passed 10 years ago—sold out American manufacturers and undermined our Nation's ability to lead the world in clean energy. China, which barely had a wind turbine or solar manufacturing presence at all a decade ago, by the end of this year may be making, or close to making, half of all wind turbines and solar panels in the world—in 10 years. And they are not making them—most of them—to sell in China but to export, much of which comes back to the United States. More than 70 percent of the world's clean energy components are manufactured outside the United States.

We know how to make things in my State. Ohio is the third biggest manufacturing State. We know how to make things. We invented and developed most of the wind and solar panel technology. In fact, 30 miles from my house is a taxpayer-funded NASA facility that developed the technology we use in wind turbines, most of which is built in China and Spain and other places around the world.

Supporters of this China trade policy will make the argument that everything is about exports. I agree, we have to boost our exports, but we have a $226 billion trade deficit per year. That is about $600 million a day. That means $600 million every single day, 7 days a week. It means we buy $600 million more from China than we sell to China. So how do you argue this trade policy is working for us? It means, in essence, that $600 million disappears from our shores every day going to China, and that is not going to work long term for our country when you build up those types of trade deficits.

We can do a couple of things about this. First of all, we have to do much better at enforcing trade laws and to revive the Super 301 mechanism that lapsed under the Bush administration that requires the administration to establish enforcement priorities for the most pressing trade barriers, including currency manipulation, restrictive procurement policies, and intellectual property theft. It would ensure that our government helps open foreign markets to U.S. exporters.

I am a member of the President's U.S. Export Council. There are about 10 House and Senate Members on this council—both parties, both Houses—and a number of American CEOs are on the council as well. We all want to export more. But as we try to export more, sell more U.S. products abroad, we have to enforce U.S. trade laws so those companies aren't selling things into our country illegally.

President Obama has done that, to some degree. He has done more on that than any previous President. He has not done close to enough. He has stepped forward on oil country tubular steel goods, which is the steel pipes that are used for gas and oil drilling. The Chinese were cheating on that. The President made the right trade decision on that, the right enforcement decision. We saw hundreds of new jobs in Mahoning Valley, in northeast Ohio. The President made a similar decision on Chinese tires that were sold in this country illegally. After the President made that decision, 100 people were hired at the Findlay Cooper tire plant in Findlay, OH, in northwest Ohio, and in other places around the State.

I would close with this. We hear a lot of talk from both parties about Made in America. What that means is standing up for American workers and manufacturers who are too often undercut by imports made in countries that violate the law. We are just asking to have the law enforced. So my challenge to my colleagues—and to the President—is to ensure American manufacturing grows rather than contracts during the next decade of the 21st century.

Thirty years ago, almost a third of our gross domestic product was manufacturing. Today, it is only 11 percent. Thirty years ago, 11 percent of our GDP was financial services. Today, that is 25 percent. So as not to overwhelm people with numbers, we have seen basically a flipping of our national priorities. Think back to 30 years ago: Almost a third of our GDP was manufacturing and only 11 percent financial services. That has flipped. Look where it has gotten us. It has gotten us the financial crisis that almost brought our economy down, if we hadn't stepped in on banking and autos to stabilize the economy. It has also robbed many Americans of a chance to join the middle class, because manufacturing has always been the ticket in this country for working-class men and women to get a chance to work in manufacturing, to buy a decent home in a decent neighborhood, to buy a car and send their kids to school so their kids would have a better life. That is the goal of all of us.

I close by saying that I hope we remember the China PNTR. I would hope that maybe we would even invoke some buyer's remorse; that some of my colleagues would come to the Senate floor and want to discuss this and maybe learn from the mistakes of the last 10 years. Maybe we could achieve a truly normal relationship with China. I want a good strong trade relationship with China. I want us to sell products to China. I think we should buy products from China. But I want to do it on a level playing field, with rules that work for the workers in both countries, not just the big corporations that move companies to China, and not just for the Chinese Communist Party and the Chinese military, which have benefitted greatly from our trade policy. It is time to learn from the last 10 years and to move forward in a very different way.

Mr. President, I yield the floor, and 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## JUDICIAL NOMINATIONS

Mr. SESSIONS. Mr. President, I wish to speak about the Senate's processing of judicial nominations, and I ask you to forgive me if I am a bit irritable, but we have had a lot of complaints about how fast President Obama's nominations are going forward. I think they are moving rather well. I think some people who are now complaining have forgotten how they handled President Bush's nominees—and in a much more unacceptable fashion.

I wish to emphasize that all of this is not to lay the groundwork for some sort of payback, because I think we all ought to rise to the challenge of handling nominations properly, but to set the record straight, because there has been a lot of misinformation and some of our newer Senators don't know how things have happened.

Allegations of unprecedented obstruction and delay have been bandied about—some in the press also—but the reality is that the Democrats' systematic obstruction of judicial nominees during the Bush administration was unprecedented then and it is unmatched now. Soon after President Bush was elected, a group of well-known liberal professors—Laurence Tribe, Marsha Greenberger, and Cass Sunstein—met with the Democratic leadership in the Senate. The New York Times reported on that meeting. I believe it was in January, before the session began, and the Times reported that they proposed ''changing the ground rules'' of the confirmation process. They proposed that with a Republican President and Democrats in the Senate, Senators consider a nominee's ideology—their personal political views, I suppose, they meant. For the first time in the history of the country, they proposed that the burden be shifted to the nominee to prove they are worthy of the appointment instead of having the Senate respect the presumptive power of the President to make the nomination and then object if there was a disagreement.

As time went on, it became clear that a majority of the Democratic Members of the Senate began to execute their unprecedented obstruction

plan, targeting President Bush's circuit court nominees while moving district court nominees to mask the obstruction. After Democrats took control of the Senate in 2001, the Senate confirmed only 6 of President Bush's 25 circuit court nominations that year. Two of the six were prior Clinton nominees that President Bush had renominated as an act of good faith. They weren't his nominations. He renominated them and they promptly confirmed them—two of the six.

The majority of President Bush's first nominees—nominated on May 9, 2001—waited years for confirmation. Let me list some of the names: Priscilla Owen, who was then on the Supreme Court of Texas—a brilliant jurist—was confirmed but only after 4 years, on May 25, 2005. These were in that first group. Now Chief Justice John Roberts—a fabulous nominee; probably—not probably, he was the premier appellate lawyer in America—was nominated to the DC Circuit. He was confirmed, but only after 2 years and after undergoing two Judiciary Committee hearings. He eventually was confirmed by a voice vote.

Jeffrey Sutton, another superb lawyer with great skill in the appellate courts, was confirmed but only 2 years later.

Deborah Cook, for the Sixth Circuit, was confirmed 2 years later on May 5, 2003.

Dennis Shedd was confirmed more than a year and a half later.

Michael McConnell, for the 10th Circuit, was confirmed more than a year and a half later but also by voice vote—he was delayed that long for no reason.

Terrence Boyle waited almost 8 years until his nomination was allowed to lapse at the end of President Bush's Presidency. He was never confirmed.

Perhaps the most disturbing story was that of Miguel Estrada, whose name was raised during the Supreme Court nomination of Justice Kagan. He was an outstanding, highly qualified nominee who was nominated on May 9, 2001, just like the others, right after President Bush took office. He waited 16 months just for a hearing in the Judiciary Committee, only to be confronted with demands that the Department of Justice turn over internal legal memoranda that had never been turned over before. They used that for 2½ years, leaving him in limbo, and then had a protracted 6-month filibuster. I think it was the first overt, direct filibuster of a highly qualified nominee the Senate had seen. This was one of the ground rule changes that occurred. There were seven cloture votes on Miguel Estrada, seven attempts by the Republicans to produce an up-or-down vote on the floor of the Senate on Miguel Estrada. It went on for weeks. I participated in that. I probably spoke on his behalf more than any other Senator. Eventually, Mr. Estrada withdrew his name from consideration. He had a private law practice to deal with. He could not continue this.

I remain baffled today as to why such a fine nominee was treated so poorly, his character assassinated, and his nomination was ultimately blocked for no reason. The record that they claim needed to be produced from the Department of Justice was, by every former living Solicitor General—they said those are internal lawyer-client documents that should not have been produced. It was a sad day. I hope the Senate has learned from that unfortunate event.

One of the most blatant examples of obstruction of Bush nominees occurred in the Fourth Circuit. This court sat one-third vacant. One-third of the judges had retired, and it was vacant. They needed judges. I did not hear any of my Democratic colleagues worrying then about vacancies and caseloads when they were deliberately delaying and blocking outstanding, well-qualified nominees to that court, including Federal District Court Chief Judge Robert Conrad, Judge Glen Conrad, Mr. Steve Matthews, and Mr. Rod Rosenstein. They deliberately blocked these nominees to keep those vacancies open so that a Democratic President would perhaps have the opportunity to fill them.

That actually turned out to be a success, from their perspective. A 2007 Washington Post editorial at the time lamented the dire straits of the Fourth Circuit at the time, writing:

> [T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crimes in the region the Fourth Circuit covers. Two nominees—Mr. Conrad and Mr. Steve A. Matthews—should receive confirmation hearings as soon as possible.

But they did not.

He was the chief presiding trial judge in a district court, a Federal district court. He was nominated to the seat for which President Obama's nominee, Judge James Wynn, was confirmed on August 5 of this year. They held that seat open for 8 years. Since the President has been in office, he nominated someone else, and he got his nominee confirmed by this Senate.

Chief Judge Conrad had the support of his home State Senators and received an ABA rating of unanimously ''well qualified,'' the highest rating you can get. He met Chairman LEAHY's standard for a noncontroversial, consensus nominee. He previously received bipartisan approval by the Judiciary Committee and was unanimously approved by the Senate to be U.S. attorney and later to be district court judge for the Western District of North Carolina. Of all the lawyers in the country, Attorney General Reno, when he was a Federal prosecutor, reached out to him and picked him to preside over the investigation of one of the campaign finance task force cases that implicated, perhaps, President Clinton, the President of the United States. He did that investigation professionally. He returned no indictments against the President or his top people. He was respected on both sides of the aisle. Yet he was flatly blocked, although representing the highest quality.

On October 2, 2007, home State Senators BURR and Dole sent a letter to Senator LEAHY requesting a hearing—at least a hearing on Judge Conrad. They also spoke on his behalf at a press conference on June 19 that featured a number of Judge Conrad's friends and colleagues who traveled all the way from North Carolina to show their support. The request for a hearing was denied.

On April 15, 2008, Senators BURR, Dole, GRAHAM, and DEMINT sent a letter to Senator LEAHY asking for a hearing on Judge Conrad and Mr. Matthews. That request was denied.

Despite overwhelming support and exceptional qualifications, Judge Conrad waited 585 days for a hearing that never came. His nomination was returned to the President on January 2, 2009. That was a horrible event, in my view. The Senate failed in its duty. Judge Conrad was a powerful, bipartisan nominee with great credentials and served Attorney General Reno and the Democratic President and should have been confirmed.

Another of President Bush's outstanding nominees was Judge Glen Conrad. He also had the support of his home State Senators, including Democratic Senator JIM WEBB of Virginia, and received an ABA rating of ''well qualified,'' the highest rating. He, too, met Chairman LEAHY's standard because he had already been confirmed to the District Court for the Western District of Virginia by a unanimous vote—89 to nothing.

Despite his extensive qualifications, Judge Conrad, who was nominated on May 8, 2008, waited 240 days for a hearing—just a hearing in the committee—that never came. His nomination was returned to the President in 2009, as President Bush left office. In stark contrast, President Obama's nominee to this seat, Judge Barbara Milano Keenan, received a hearing a mere 23 days after her nomination and a committee vote just 22 days later, and she was confirmed at the beginning of this year—a slot that should have been filled by Mr. Conrad.

President Bush nominated Steve Matthews in 2007 to the same seat on the Fourth Circuit to which Judge Diaz has now been nominated. Mr. Matthews had the support of his home State Senators and received an ABA rating of ''qualified.'' He was a graduate of Yale Law School and had a distinguished career in private practice in South Carolina.

Despite these qualifications, he waited 485 days for a hearing that never came. His nomination was returned to the President as he was leaving office.

That does not seem to slow down my Democratic colleagues who have forgotten all this, I guess, and their allies in the press from unabashedly complaining that Judge Diaz had been

waiting too long for this seat, for a confirmation vote, or decrying the need to rush to fill the vacancy—a vacancy that just has to be filled right now.

The truth is that the vacancy should never have existed if Mr. Matthews had been confirmed when he was supposed to have been confirmed.

Earlier this year, we confirmed Judge Andre Davis to the ''Maryland'' seat on the Fourth Circuit. A brief history of that bears mention. President Bush nominated Rod Rosenstein to fill that vacancy in 2007. The ABA rated him unanimously ''well qualified,'' the highest rating. Previously, he had been confirmed unanimously as the U.S. attorney for Maryland. Prior to that, he held several positions in the Department of Justice under both Republican and Democratic administrations.

Despite these stellar qualifications, Mr. Rosenstein waited 414 days for a hearing—just a hearing in the Judiciary Committee, which the Democrats never gave him. His nomination was returned to the President on January 2, 2009.

The reason given by the home State Senators for why his nomination was blocked was that he was ''doing [too] good [of a] job as U.S. Attorney in Maryland.'' I think the Washington Post editorial painted a more accurate picture, saying:

> Blocking Mr. Rosenstein's confirmation hearing . . . would elevate ideology and ego above substance and merit, and it would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship.

But it was only when President Obama nominated Judge Davis to this seat that we heard our Democratic colleagues express outrage over the fact that it had been vacant for 9 years. I said that was like the man who complained about being an orphan after having murdered his parents. Ironically, however, Judge Davis fared far better than President Bush's nominees to the Fourth Circuit. He received a hearing a mere 27 days after being nominated. A committee vote occurred 36 days later, and he has been confirmed.

Suffice it to say that the Democrats have capitalized on their 8 years of obstruction of outstanding, well-qualified Bush nominees by packing the Fourth Circuit Court of Appeals with Obama-picked nominees.

I want to say, parenthetically, President Bush did an excellent job of picking high-quality judicial nominees. Consistently, they sought out highly competent men and women of integrity and ability to appoint to the courts, people who had this fundamental belief—that some on the other side do not like—that a judge should follow the law, should be a neutral umpire, and should not take sides and ought not to be an activist and ought not to promote their personal agenda when they get a chance to rule and define the words of statutes and the Constitution. There is a fundamental difference. I will talk about that later. I may not get to that today, but I am going to talk about it some more. It is a big deal, what you think the role of a judge is. Should they be an activist? Should they promote greater vision, as President Obama said, of what America should be? Is that what we want judges to do? Classically, in America, judges are empowered to do one thing: to decide the discrete case before them objectively, impartially, under the laws and Constitution of the United States.

The Democratic Senators perpetrated similar systematic obstruction in the Sixth Circuit. I hate to say it. I hate to talk about it. I sound like I am being a partisan person over here, complaining. I am just reading the record.

In November of 2001, President Bush nominated Judges David McKeague, Susan Neilson, and Henry Saad to fill vacancies on that court. In June of 2002, he nominated Richard Griffin to fill an additional Sixth Circuit vacancy.

Mr. President, I see my time is up. I don't see anyone on the floor. I ask unanimous consent that I be able to proceed.

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

Mr. SESSIONS. Mr. President, I will yield the floor if and when my colleagues seek it.

But the Democratic home State Senators refused to return their blue slips for any of these nominees for the Sixth Circuit. President Bush renominated all four on January 2003. This time the Democratic home State Senators returned their blue slips—negative blue slips, opposing all four nominees.

Despite this, on July 30, 2003, 629 days after the initial nomination and 204 days after his renomination, the Republican-controlled Judiciary Committee—Republicans had just taken control—held a hearing on Judge Saad's nomination.

However, Democrats continued to delay the nomination for a year, until he was finally and favorably reported out of committee on a party-line vote. But it did not matter. The Democrats filibustered his nomination on the floor, and he never received an up-or-down vote in the Senate. He was filibustered, which was a changing of the ground rules. We had not filibustered judges before in the Senate. All this occurred after 2001.

President Bush renominated Judge Saad in February 2005, but the Senate failed to act on his nomination, and he was never confirmed. Judges Griffin and McKeague eventually received hearings on June 16, 2004, 721 days after Judge Griffin had been nominated, and 951 days after Judge McKeague's original nomination. They were both reported favorably out of committee a month later, but the Democrats filibustered them on the floor, and their nominations were returned to the President.

Both were renominated in the 109th Congress and were finally and overwhelmingly confirmed, Judge Griffin by a vote of 95 to 0 and Judge McKeague by a vote of 96 to 0.

As these votes show, the nominations were not controversial. They were just being held up. Yet they still waited over 1,000 days for their confirmation. Judge Susan Nielson received a hearing on September 8, 2004, over 1,000 days after her original nomination and over 600 days after her renomination. Although her nomination was reported favorably out of committee on October 4, 2004, Democrats refused to give her an up-or-down vote in the full Senate, and her nomination was returned to the President.

He renominated her in 2005, and 7 months later the Democratic home State Senators finally returned positive blue slips, after delaying the nomination for this long. She was easily confirmed 97 to zip, 1,449 days after her original nomination. Unfortunately, Judge Nielson passed away shortly thereafter.

On June 28, 2006, President Bush nominated Stephen Murphy and Raymond Kethledge to fill still more vacancies on the Sixth Circuit. However, the Democratic home State Senators withheld their blue slips, and the nominations were returned to the President. The President renominated them in March of 2007. After almost a year of delay, as part of a compromise, President Bush agreed to withdraw Mr. Murphy's nomination and to nominate Judge Helene White in his place. In exchange, home State Senators finally returned positive blue slips for Mr. Kethledge.

There is a story behind this. Why was there so much needless obstruction in the Sixth Circuit? One reason, it appears, was that the NAACP National Defense League made a personal request to Democratic Senators on the Judiciary Committee that they stall the confirmation of nominees to the Sixth Circuit until cases regarding the constitutionality of affirmative action in higher education were decided. They believed, apparently, that if Bush appointees were confirmed to that circuit, the outcome of the cases would not be to their liking. They were afraid President Bush's judges would be committed to color-blind policies.

So this is just one example of a larger agenda. Our Democratic colleagues criticized, during the Kagan confirmation hearings, Chief Justice Roberts' metaphor that a judge should act like a neutral umpire in a ball game, calling balls and strikes and applying the law to the facts.

No, they seem to want judges who will make policy and rule based on their personal policy preferences and political beliefs to advance desired outcomes.

Well, what is activism? Is this an exaggeration? I think we need to be frank that there are activist judges—and you can be a conservative activist or a liberal activist, but there is a difference in the sense that liberal judges and law

professors and commentators advocate judges being activists.

Chief Justice Roberts and Justice Alito were articulate spokesmen for the classical American view that a judge should be a neutral umpire and should be impartial and should decide the cases and not try to make law or advance a vision for America.

Many judges, however, are overriding the will of the people this very day. It is becoming apparent that many on the left hold the Federal judiciary as an engine to advance the agenda of the left, picking and choosing which constitutional rights they will protect and which ones they will cast aside. The only consistent principle—of which sometimes I think, and I am exaggerating, but I sometimes think—is to advance the agenda of the leftwing of the Democratic Party. That is about the only consistent guiding principle you can find in some of these opinions.

Just a few months ago, the preservation of the explicit constitutional right to keep and bear arms was upheld by a single vote on the Supreme Court. Four Justices, including Justice Sotomayor, contrary to, I think, what she said just 1 year earlier in her confirmation hearing, would have held that the right to keep and bear arms is different from other liberties protected by the Bill of Rights and should not apply to the States.

Hugely significant. If that were to be so, any State, any city or county, for that matter, could ban firearms altogether because the constitutional right to keep and bear arms would not apply to them. Four Justices on the Supreme Court ruled that way.

During the last term, the free speech clause of the first amendment barely escaped being rewritten by a single vote in Citizens United. In that case, the Supreme Court invalidated a portion of the McCain-Feingold campaign finance law, holding that political speech is not exempted from the first amendment guarantee of free speech merely because the speaker's expression is funded, in part, by money from a corporation, a group of Americans.

Four Justices on the Supreme Court would have rewritten the free speech clause to allow the government to ban statements made by such groups in an election cycle. I mean, the last thing we need to be doing is whacking away at the great liberties in free speech clause of the first amendment.

Just a couple years ago, one vote on the Supreme Court decided that a city could use its eminent domain power to take property, to take a woman's house, in order to give it to a private company for a redevelopment project, not for public use. So much for the constitutional guarantee of life, liberty and property and the constitutional guarantee that your property can only be taken for public use, not private use. You cannot take somebody's property because you would like to take it to give to somebody else who would use it in a way that the city thinks is better, maybe spend more money on it so they can get more tax revenue.

By one vote, the Supreme Court held it did not violate the first amendment for a public university to require a religiously oriented student organization to accept officers and members who do not subscribe to the organization's religious beliefs. How could they say that?

Recently, a judge in the Western District of Wisconsin, the same district to which Louis Butler has been nominated, held that the statute establishing the National Day of Prayer was unconstitutional because its sole purpose ''is to encourage all citizens to engage in prayer.''

In so doing, the judge held that the government had ''taken sides on a matter that must be left to individual conscience.'' Well, nobody is being made to pray. You do not have to bow your head if someone has a prayer, for heaven's sake.

One wonders, then, does this Senate violate the establishment clause each day when we open the session with a prayer, most often led by a paid Chaplain, former head of the entire Chaplain Corps of the United States Military?

There is a constitutional guarantee to the right of free exercise of one's religion, the free exercise clause, not found in the first amendment of the judge's constitution.

I will repeat, if other Senators would desire to speak, I will yield the floor.

The liberal Ninth Circuit, to which Professor Goodwin Liu has been nominated, held recently that the recitation of the Pledge of Allegiance in an elementary school was unconstitutional under the establishment clause of the first amendment because the pledge includes the words ''under God,'' and amounted to a government endorsement of a religion.

One wonders what the Ninth Circuit would have to say about teaching children the Declaration of Independence. After all, it does say: ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights.'' Is that now unconstitutional, to read the Declaration of Independence?

A single judge on the U.S. district court in Massachusetts recently invalidated the congressionally passed Defense of Marriage Act that passed on this floor. I remember the debate about it. The judge found it unconstitutional. Basically, what he said is: No State would have to give full faith and credit to a marriage in another State if it does not meet their definition of marriage as between a man and a woman.

The judge, in great wisdom, not having had to run for office, with a lifetime appointment, unaccountable to the public in any way, objected, found it to be unconstitutional because it did not have ''a legitimate government interest'' and was outside the scope of ''legislative bounds.''

Well, I remember the debate on that. People quoted the Constitution, and we discussed it at great length. I cannot imagine how that can be held to be unconstitutional.

A single judge in the Northern District of California, the same court to which Edward Chen has been nominated, held that a statewide ballot initiative defining marriage—this was a California initiative, statewide, that defined marriage as between a man and a woman, which was passed by a majority of California voters—violated the due process and equal protection clauses of the fourteenth amendment.

The judge decided, essentially by fiat, that the State, the people of California, had no legitimate interest in defining marriage.

Marriage has always been a matter of State law. A single judge in the central district of California recently held Congress's don't ask, don't tell policy was unconstitutional. This is the policy on gays in the military. The judge in the central district of California held that this policy was unconstitutional because it did not ''significantly further the government's interest in military readiness or unit cohesion.'' It was an impermissible content-based restriction that violated free speech, free association, and the petition clauses of the first amendment.

I don't think this judge has any responsibility for or knowledge about readiness and unit cohesion in the military. It is a matter Congress appropriately has dealt with, will have the opportunity to deal with again, and may well do so, although we did not move forward yesterday.

This is not a matter for the courts. The American people know this. They sense activism in their courts, and they are concerned and unhappy because these judges, once they declare something to be constitutional, or find something in the Constitution, it is as if an entire amendment was passed, and it becomes impossible for a city or county, a State or congressional action to overturn it.

These are big issues we have been talking about for some time. I do have my back up a little bit about being accused of obstructing, when nominees are moving along at a very good pace today, in my opinion. A few are controversial, and I could talk about them, but I see Senator KERRY in the Chamber now.

I believe when we get all the facts out, people will remember that many of the changes in the process occurred as a deliberate plan by the Democratic leadership in 2001.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

## THE DISCLOSE ACT

Mr. KERRY. Mr. President, in the 25 years I have had the privilege of serving in the Senate, I have regrettably, in the course of almost every election period, with one brief exception when we had the McCain-Feingold bill in