

Texas is not required to prove to the satisfaction of Eric Holder and the Justice Department that there is sufficient basis for them to pass a State law. As the occupant of the chair knows as a former attorney general of his State, the burden is on those who would contest the constitutionality of the law to prove it is unconstitutional or to otherwise prove that it violates Federal law. Under Attorney General Holder's view, the State of Texas and any State that passes a voter ID requirement is presumed guilty until proven innocent. As I said, that turns the legal question on its head. It is exactly the opposite of what it should be.

The Department of Justice also conveniently fails to mention that voter impersonation is almost impossible to detect or prove without a photo ID requirement such as the one passed by the Texas legislature. They similarly fail to mention that this type of law is perhaps the best way—the least burdensome way, the least intrusive way—to eliminate in-person voter fraud. Why would the Justice Department want to prevent States such as Texas from enforcing laws that help detect and deter voter fraud? I can't find an answer to that any other way other than to say that it is pure politics.

The Federal Government should be doing everything in its power to encourage States to protect the integrity of the ballot, to make sure that every legitimate voter's vote counts and is not diluted by the illegal vote of someone who is not qualified under the law to cast a ballot. Instead, Eric Holder's Justice Department is throwing up roadblocks to those State-based efforts to protect the integrity of the election process, forcing my State and taxpayers in my State to waste money to try to go to court and now to override his decision, which the Court will do. Why will they do that? How can I be so sure? Because the U.S. Supreme Court is the law of the land, not Eric Holder and not the Justice Department, and the Supreme Court has spoken on this issue. But that is irrelevant to Mr. Holder and the Justice Department, so my State has to spend—waste, really—taxpayer money to defend this legitimate and evenhanded requirement when we should be focusing on other important issues.

This Washington game of divisive identity politics is reprehensible, and Attorney General Holder should be ashamed of himself for engaging in it. I hope my colleagues will join me in calling on Attorney General Holder to respect the rights of the people of Texas and of their States by reversing his decision to block our commonsense voter identification law.

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

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

The Senator from New York is recognized.

#### JUDICIAL NOMINATIONS

Mr. SCHUMER. Mr. President, I rise today to praise the majority and minority leaders for coming together to make sure we get our pending judicial nominees confirmed in a timely manner.

Today, the Senate is back on track to do what we have always done for decades: confirm judicial nominees—the vast majority of whom are totally uncontroversial—as part of our day-to-day business.

Thanks to the hard work of the leaders of both caucuses, and to Chairman LEAHY, who has been persistent and smart and focused on this issue, we were able to avoid having 17 cloture votes this afternoon on judicial nominees—most of whom were unopposed; 13, in fact, were supported by their Republican home State Senators.

While the details of the agreement have not yet been announced publicly—and they will be by Senator LEAHY and Leader REID and Senator MCCONNELL—we know there is an agreement, and that is a good thing.

The bottom line is, I hope we can continue at least at the same pace, when we have cleared the backlog that has existed.

Let's be clear: This is what doing our job is, and it is doing exactly what we have done literally for decades—nothing more, nothing less. I suppose each side could point fingers at the other as to why this degenerated, but that is not the point today. The point today is that we have come to an agreement and, hopefully, it will set the ball rolling on much smoother approvals of judicial nominees in the future, with less altercation, more comity, and actually filling the bench more quickly.

There are more judicial vacancies now than at any time in recent history. One out of every 10 judgeships is empty. As a result of these vacancies, families and business must wait sometimes over 2 years before their civil trial can even start. Even worse, it cost the government \$1.4 billion in 2010 alone to detain inmates awaiting trial because there were not enough Federal judges to hear their cases.

The agreement we have reached to work through these judges is certainly not an attempt to jam judges through the process. In one day in 2002—we were here in the Senate—we confirmed 17 district court nominees and 1 circuit court nominee.

I am glad we have come to an agreement. I want to give special thanks to my good friend, Senator ALEXANDER of Tennessee. He and I have talked about this for a long time. I know he has talked to Senator MCCONNELL. I have talked to Chairman LEAHY and Leader REID. His encouragement to move us forward has been very helpful indeed.

Let us talk just about district court nominees for a moment.

The vast majority of Americans want us to confirm good, moderate, pragmatic judges to the U.S. district courts—exactly the nominees whom this President has put forward. After all, judges on the district court do not make law. Courts of appeals and the Supreme Court have a little more latitude, depending on the case.

I have said time and time again—I will say it again—the Senate has an obligation to take a hard look at the President's judicial nominees. My view remains that ideology does matter. Every Senator here has the right to make sure that a President's judicial nominees are within the mainstream. And the definitions of “mainstream” sometimes differ. We know that.

There will always be nominees—especially to the courts of appeals—about whom we will disagree. There will even be those who some of us view as so extreme, on either side, that we will refuse to give our consent to holding an up-or-down vote.

But there is a hard look, and then there is purposeful delay, and we have to avoid that by either party at all costs. We need to get the process moving again. When nominees come out of the Judiciary Committee unanimously or by an overwhelming bipartisan vote, there is no reason they cannot be approved on the floor a few days later.

We have come together today. I know we can continue in the future to agree to confirm qualified judges without further obstruction, without furthering the view “it is my way or the highway.”

I wish to mention one specific way I think we can move forward on judicial confirmations in a meaningful and useful way. In the past, we have cleared the calendar of nominees on whom there is a consensus before going out for recess. Lately, we have not done that. As a result, there were 20 nominees who did not get confirmed before last August and 10 from December.

I hope wherever we are at the end of the summer, we can agree to confirm consensus nominees—those who got unanimous support or close to it—as we always have in the past and fulfill our obligation to the third branch of government.

One other point. Today, this morning, we passed a highway bill, overwhelmingly. It was led by Senator BOXER, one of the most liberal Members of this body, and Senator INHOFE, one of the most conservative. This afternoon, we are going to hear an announcement of specifics of an agreement to move judges forward. Tomorrow, we will be working on a jobs bill that, while there are differences in the specifics, has broad bipartisan support and consensus.

Perhaps an idea; a moment of greater comity that we have seen this week is not just momentary but will last on into the future. The lesson the American people taught us is they do not

want obstruction, particularly for its own sake. They understand compromises have to be made in a legislative body, that it cannot be "my way or the highway."

Unfortunately, all too often in the past year we have seen too much of that attitude. The fact that we are battling 3 for 3 this week in terms of important issues: a highway bill, judicial nominees, and an IPO bill with broad bipartisan consensus, hopefully, augers well for the future.

Perhaps the era of obstruction and confrontation has passed its high-water mark. Perhaps it is now politically damaging to block legislation for its own sake or because someone does not get 100 percent of what they wanted. Perhaps a new era of more bipartisan consensus and more accomplishments for the American people to deal with our problems is upon us. I hope and pray it is so.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### CENTURY ALUMINUM

Mr. ROCKEFELLER. Mr. President, I am in this Chamber with my colleague, Senator JOE MANCHIN, who has as much interest in this as I do and feels the happiness from a wonderful event which will happen, we hope, tomorrow in West Virginia, which will not necessarily be a moment that most people around the country or even in this body will notice, but it is an enormous moment to the people of West Virginia because it has been a long festering problem that we believe will be ratified tomorrow.

What am I talking about? Tomorrow the retirees at Century Aluminum in Ravenswood, WV, hopefully, are going to ratify a decision that has been reached by the Steelworkers, led by a local heroine, an icon of Appalachia, Karen Gorrell, who has stood out all night by the roadside protesting.

Back in 2009, Century Aluminum—and aluminum is a volatile industry but very much of an up-industry now—simply shut down. Hundreds of jobs and hundreds of retirees and their families were just cut out and cut off. Periods of negotiation went on with Century Aluminum under the particular management then, but it wasn't going anywhere. There wasn't a lot of goodwill that I was able to detect.

Then comes the kind of change you really want to see. You start with good people, good workers. It is a hard job. It pays pretty good wages, good benefits—not defined benefits in terms of health care but VIPA benefits, which are benefits nevertheless for retirees.

They are good people who are located in a rural county in West Virginia, which is kind of the heartland of West Virginia where a lot of good people come from. They tend to work very hard and to be very wonderful. What these men and women have always wanted is simply to be treated fairly.

In a world of big corporations, decisions are made from far away places by corporate leaders. But it doesn't necessarily need to work that way—that the people on the line are out in the cold without benefits, without health care at all. There they are picketing or just being miserable, and the world pays little attention because there is not a lot of progress made, so the attention is pulled away from it. But not if you are under the leadership of Karen Gorrell, the local union leader there. She is a fantastic woman who brings not only ferocity—she went to a corporate meeting—and the occupant of the chair will enjoy this because I know him well—wearing a T-shirt that was sort of the hand of the corporation with blood dripping off it, and it was a stockholders meeting. She was so good that people sort of respected her for that rather than resent her for it. But she is a strong, classic Appalachian person, a very strong union leader.

What happened was there was new management at Century. The State had been extraordinarily helpful, the legislature, putting up a lot of money over a period of 10 years. What should have been able to happen was that Century Aluminum would open again, people would go back to work. But then the big enchilada would be if the Ravenswood plant itself, the old Kaiser plant, would open, for which there is a real purpose.

They reminisce in West Virginia about Henry Kaiser, who obviously built that plant many years ago, going through the plant shaking hands with workers, knowing their names. That was a different era, and he was an extraordinarily good man.

Senator MANCHIN and I want this situation to be worked out. We have both worked very hard on it. Actually, the parties weren't that far apart. What made them not that far apart was that the issues were complicated, but it was the will to settle that predominated. Each side didn't get exactly what they wanted, but each side, in a sophisticated, nuanced way, understood there were very high stakes for losing everything and very high stakes, including a lot of money from the West Virginia Legislature over 10 years. The stakes for winning, for settling were extraordinary.

Everybody rose to the occasion. This could never have happened without the leadership of Karen Gorrell and her particular type of leadership, which I found wonderful, just refreshing. I have been out there many times over the years because Century Aluminum has had a lot of problems. I am sure Senator MANCHIN has too.

Now I am praying and hoping they are going to ratify this agreement to-

tomorrow. If that is so, I am not sure the news will reach Baltimore, and I am certain it will not reach Vancouver, but it will reach all over West Virginia. It will be an example of labor and management, with good corporate and union leadership, coming together at precisely the right moment, after a tremendous amount of strain and stress and anger.

I conclude my statement just praying that the retirees will do what I think they are going to do tomorrow—I encourage that—and accept the agreement agreed to by the union and Century Aluminum. If that happens, whether they know about it in Vancouver doesn't interest me much. They will know about it in West Virginia, and I care about that.

The PRESIDING OFFICER. The junior Senator from West Virginia.

Mr. MANCHIN. Mr. President, I also rise in support, along with Senator ROCKEFELLER. What a good job he has done. We have both had the honor of serving our great State as Governors. As every Governor and legislator knows, we fight for every job we can create. We fight like the dickens to save every job we have.

As the Senator said, he has been fighting these battles for many years. I was in the legislature when he was our Governor. We fought side by side then. When I became Governor, he was a Senator in Washington, and he fought along with me on every job we created and saved. Now here we are again side by side fighting.

Ravenswood, in Jackson County, is a very unique place. In Ripley and all the surrounding towns, we have about 22,000 people who live there, and 4,200 people live in Ravenswood, 3,000 in Ripley. One can tell how that is the lifeblood, truly, of the community. Lucy Harbert is the mayor. She is dogmatic. Karen Gorrell is unbelievable. There are men and women there fighting basically for what was promised to them, fighting for survival.

I think the big story is that in 2009, the plant closed, as the Senator said. In 2010, all the employees were told all of their health care benefits that had been promised to them and negotiated in good faith were gone—all gone by the stroke of a pen. The courts upheld it.

Lo and behold, we have a new management team. We have Mike Bless—and we are talking about Monterey, CA. Clear out there. These people came in and saw what we had, the fabric of the town and the fortitude of these people. So management said: We need to do something. Karen Gorrell and the rest of them never let up. They said: We want to be treated fairly. We want what we were promised. Everyone made considerations here.

What we have coming up with a vote tomorrow—as the Senator said, there will be a vote for the retirees to accept the proposal they have been negotiating, which I am hopeful and I know Senator ROCKEFELLER is too—will be