

on these judges, send them to the floor, and let the Senate work its will because we have a crisis. My people in Kentucky did not have anything to do with this issue, and they ought not be penalized because of actions in some other State in the Sixth Judicial Circuit. I hope Senator HATCH, the chairman of the Judiciary Committee, will hold these hearings in the very near future.

Mr. FRIST. Will the Senator from Kentucky yield for a question?

Mr. MCCONNELL. I do yield for a question.

Mr. FRIST. Mr. President, I ask the Senator from Kentucky to share his concern as to the effect this particular delay of the Sixth Circuit nominees has on the people we serve every day and how their real lives are being affected. I think that is what drives us in moving forward, recognizing this delay is simply unacceptable.

Mr. MCCONNELL. Mr. President, if you are a litigant from Tennessee or Kentucky and are having to wait 50 percent longer than a litigant in some other State because of the actions by the Senators from Michigan, it seems to me that is simply unfair. Because of some grievance that occurred in the past, some score being settled by holding hostage these litigants from Tennessee and Kentucky who had nothing to do with this situation, I think is grossly unfair.

One thing the majority leader has asked Senator HATCH to do that will help is have hearings, as has been suggested by the senior Senator from Illinois, and move forward on these nominations.

Mr. FRIST. Mr. President, I thank the Senator. That does bring into focus what we are here to do. For me, that brings into focus why, for us to be good stewards of the judiciary, we need to accelerate this process and move it forward. Indeed, that is what the Constitution calls upon us to do.

Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. The leader controls 2 minutes 15 seconds.

Mr. FRIST. I yield the remainder of our time to the distinguished Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the majority leader and the whip for bringing this to the attention of the Senate.

I am new to the Senate. This situation is very disappointing to me as a Senator from the Sixth Circuit. I will give one example of how this affects people in real time and real lives in Tennessee, Kentucky, Ohio, and Michigan. Thirty-one assistant U.S. attorneys in the Eastern District of Michigan have written a letter to Senator LEVIN to complain that the vacancies have slowed justice, have complicated prosecutions, have enabled criminals

to commit more crimes while awaiting trial, have led to less consistency in decisions, and have deprived the United States of en banc review in some cases.

A group of law professors, in a letter to the majority leader, stated that because of the unfilled judicial vacancies, the Sixth Circuit takes as long as 15 months to reach a final disposition, 5 months more than the national average.

This is unfair to the people in our State. I hope the Judiciary Committee will move swiftly to hearings and the Senate will move swiftly to consider, vote on, and hopefully confirm the Michigan four.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, how much time do the Democrats have in morning business?

The ACTING PRESIDENT pro tempore. The Democrats have 15 minutes under a previous order.

Mr. REID. Mr. President, I yield all 15 minutes to Senator MIKULSKI.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized for up to 10 minutes.

Ms. MIKULSKI. I thank the Chair.

Mr. President, I yield 5 minutes to the Senator from Michigan and then 10 minutes to myself.

JUDICIAL NOMINEES

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I thank my colleague and dear friend from Maryland. She has been waiting to speak for a long time. I appreciate her graciousness in allowing me to speak for a moment.

This is a very unfortunate time in the State of Michigan. We have traditionally had bipartisan cooperation on issues that affect our wonderful State and the people we all represent. I cannot think of a time when we have had in previous Congresses Republican colleagues on the House side doing press conferences and attacking the Senators. It is very unfortunate.

Let me speak first to the numbers our distinguished majority leader just used and other Members on the other side of the aisle. It is my understanding those numbers about backlogs were prior to the filling of four vacancies on the Sixth Circuit. So we are looking at a situation where there have been four vacancies already filled. Retired judges are used to hear cases.

We do not hear about the kind of backlog and the concern about the lack of justice going on in the Sixth Circuit. I believe that is absolutely inaccurate. What we do hear is a great concern about playing politics.

There was an effort to hold up all the nominees to the Sixth Circuit under President Clinton. Now, coming into this Senate, Senator LEVIN and I have attempted to work with the adminis-

tration to have a bipartisan solution to stop this. That is what we have been about, not going on with partisanship, which is what is happening now. Rather than working with us for a bipartisan solution, we see partisan press conferences. We see our colleagues on the other side of the aisle, and unfortunately our colleagues in the House on the Republican side, holding press conference after press conference attacking us, rather than working things out.

How do we work it out? Well, many States have bipartisan commissions to recommend nominees to the President, working with the Senators. We have put forward the Wisconsin motto which has the Senators from one party placing four people on a commission. The senior Republican in this case, Congressman SENSENBRENNER from Wisconsin, who is a part of this process, nominates four. They have two people from the Wisconsin bar, and the heads of the law schools. It works. It has been embraced by the White House.

It is disconcerting to me to see what has been agreed to and worked well in Wisconsin will not be allowed in Michigan. We know that in Washington State there is a commission. We know there are agreements in other States to work together with the Senators. But somehow in Michigan, instead of doing that, so our families, our workers, and our businesses can be represented and know that we will provide mainstream judges in a bipartisan way, we see unfortunate comments on the floor, we see misinformation, we see political press conferences over and over again.

This is how we got to this situation. It was partisanship in the last Senate under President Clinton, holding up the nominees. We are trying to change that and say let's stop this.

Instead of press conferences, I welcome colleagues in the Senate, as well as our House Members, to join us, to sit down and develop a motto such as Wisconsin and other States, where it works in a bipartisan way, to be able to put forward judges to fill these vacancies.

It is important who is on the bench. This is not the President's prerogative alone, nor any individual Senator. It means we need to work together because our families are affected, our business community, issues of privacy, health care, business law, the environment. Many issues are affected, and so it matters who is on the court from Michigan. We simply ask that we be treated with fairness as other Senators in other States have been, and we will continue to work to that end.

I yield back for my colleague from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. Ten minutes.

Ms. MIKULSKI. I claim such time for myself.