

## SENATE RESOLUTION NO. 127

Whereas, the Senate of the United States is perpetuating a grave injustice and endangering the well-being of countless Americans, putting our system of justice in jeopardy in Michigan and the states of the Sixth Circuit of the federal court system; and

Whereas, the Senate of the United States is allowing the continued, intentional obstruction of the judicial nominations of four fine Michigan jurists: Judges Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin, all nominated by the President of the United States to serve on the United States 6th Circuit Court of Appeals; and

Whereas, this obstruction is not only harming the lives and careers of good, qualified judicial nominees, but it is also prolonging a dire emergency in the administration of justice. This emergency has brought home to numerous Americans the truth of the phrase "justice delayed is justice denied"; and

Whereas, both of Michigan's Senators continue to block the Judiciary Committee of the United States from holding hearings regarding these nominees. This refusal to allow the United States to complete its constitutional duty of advice and consent is denying the nominees the opportunity to address any honest objections to their records or qualifications. It is also denying other Senators the right to air the relevant issues and vote according to their consciences. This is taking place during an emergency in the United States 6th Circuit Court of Appeals with the backlog of cases; and

Whereas, we join with the members of Michigan's congressional delegation who wrote Chairman Orrin Hatch on February 26, 2003, to express their concern that "if the President's nominations are permitted to be held hostage, for reasons not personal to any nominee, then these judicial seats traditionally held by judges representing the citizens of Michigan may be filled with nominees from other states within the Sixth Circuit. This would be an injustice to the many citizens who support these judges and who have given much to their professions and government in Michigan"; and

Whereas, we are concerned about the Sixth Circuit as a whole, a circuit understaffed, with 4 of its 16 seats vacant, knowing that the Sixth Circuit ranks next to last out of the 12 circuit courts in the time it takes to complete its cases. Since 1996, each active judge has had to increase his or her number of decisions by 46%—more than three times the national average. In the recent past, the Sixth Circuit has taken as long as 15.3 months to reach a final disposition of an appeal. With the national average at only 10.9 months, this means the Sixth Circuit takes over 40% longer than the national average to process a case; and

Whereas, the last time the Sixth Circuit was this understaffed, former Chief Judge Gilbert S. Merritt said that it was handling "a caseload that is excessive by any standard." Judge Merritt also wrote that the court was "rapidly deteriorating, understaffed and unable to properly carry out their responsibilities"; and

Whereas, decisions from the Sixth Circuit are slower in coming, based on less careful deliberation, and, as a result, are less likely to be just and predictable. The effects on our people, our society, and our economy are far-reaching, including transaction costs. Litigation increases as people strive to continue doing business when the lines of swift justice and clear precedent are being blurred; and

Whereas, President Bush has done his part to alleviate this judicial crisis. Over the past two years, he has nominated eight qualified

people to the Sixth Circuit Court of Appeals, with three of them designated to address judicial emergencies. Four of these nominees continue to languish without hearings because of the obstruction of the two Michigan Senators: Now, therefore, be it

*Resolved by the senate*, That we memorialize the United States Senate and Michigan's United States Senators to act to continue the confirmation hearings and to have a vote by the full Senate on the Michigan nominees to the United States 6th Circuit Court of Appeals; and be it further

*Resolved*, That copies of this resolution be transmitted to Michigan's United States Senators and to the President of the United States Senate.

POM—337. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals; to the Committee on the Judiciary.

## HOUSE RESOLUTION NO. 108

Whereas, the Senate of the United States is perpetuating a grave injustice and endangering the well-being of countless Americans, putting our system of justice in jeopardy in Michigan and the states of the Sixth Circuit of the federal court system; and

Whereas, the Senate of the United States is allowing the continued, intentional obstruction of the judicial nominations of four fine Michigan jurists: Judges Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin, all nominated by the President of the United States to serve on the United States 6th Circuit Court of Appeals; and

Whereas, this obstruction is not only harming the lives and careers of good, qualified judicial nominees, but it is also prolonging a dire emergency in the administration of justice. This emergency has brought home to numerous Americans the truth of the phrase "justice delayed is justice denied"; and

Whereas, both of Michigan's Senators continue to block the Judiciary Committee of the United States Senate from holding hearings regarding these nominees. This refusal to allow the United States Senate to complete its constitutional duty of advice and consent is denying the nominees the opportunity to address any honest objections to their records or qualifications. It is also denying other Senators the right to air the relevant issues and vote according to their consciences. This is taking place during an emergency in the United States 6th Circuit Court of Appeals with the backlog of cases; and

Whereas, we join with the members of Michigan's congressional delegation who wrote Chairman Orrin Hatch on February 26, 2003, to express their concern that "if the President's nominations are permitted to be held hostage, for reasons not personal to any nominee, then these judicial seats traditionally held by judges representing the citizens of Michigan may be filled with nominees from other states within the Sixth Circuit. This would be an injustice to the many citizens who support these judges and who have given much to their professions and government in Michigan"; and

Whereas, we are concerned about the Sixth Circuit as a whole, a circuit court understaffed, with 4 of its 16 seats vacant, knowing that the Sixth Circuit ranks next to last out of the 12 circuit courts in the time it takes to complete its cases. Since 1996, each active judge has had to increase his or her number of decisions by 46%—more than three times the national average. In the recent past, the Sixth Circuit has taken as long as 15.3

months to reach a final disposition of an appeal. With the national average at only 10.9 months, this means the Sixth Circuit takes over 40% longer than the national average to process a case; and

Whereas, the last time the Sixth Circuit was this understaffed, former Chief Judge Gilbert S. Merritt said that it was handling "a caseload that is excessive by any standard." Judge Merritt also wrote that the court was "rapidly deteriorating, understaffed and unable to properly carry out their responsibilities"; and

Whereas, decisions from the Sixth Circuit are slower in coming, based on less careful deliberation, and as a result, are less likely to be just and predictable. The effects on our people, our society, and our economy are far-reaching, including transaction costs. Litigation increases as people strive to continue doing business when the lines of swift justice and clear precedent are being blurred; and

Whereas, President Bush has done his part to alleviate this judicial crisis. Over the past two years, he has nominated eight qualified people to the Sixth Circuit Court of Appeals, with three of them designated to address judicial emergencies. Four of these nominees continue to languish without hearings because of the obstruction of the two Michigan Senators: Now, therefore, be it

*Resolved by the house of representatives*, That we memorialize the United States Senate and Michigan's United States Senators to act to begin the confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals; and be it further

*Resolved*, That copies of this resolution be transmitted to Michigan's United States Senators and to the President of the United States Senate.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 1741. A bill to provide a site for the National Women's History Museum in the District of Columbia (Rept. No. 108-204).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 1425. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program (Rept. No. 108-205).

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1567. A bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 1897. A bill to amend title XVIII of the Social Security Act to provide a clarification of congressional intent regarding the counting of residents in a nonprovider setting for purposes making payment for medical education under the medicare program; to the Committee on Finance.

By Mr. COLEMAN:

S. 1898. A bill to amend the Internal Revenue Code of 1986 to allow tax-payers to designate part or all of any income tax refund

to support reservists and National Guard members; to the Committee on Finance.

By Mr. BROWNBACk (for himself and Mr. GREGG):

S. 1899. A bill to improve data collection and dissemination, treatment, and research relating to cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR:

S. 1900. A bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes; to the Committee on Finance.

By Mr. BAYH:

S. 1901. A bill to amend the Internal Revenue Code of 1986 to provide for tax credit for offering employer-based health insurance coverage and to provide for the establishment of health insurance purchasing pools; to the Committee on Finance.

By Mr. REED (for himself, Mr. SPECTER, Mr. DURBIN, and Mr. ALLEN):

S. 1902. A bill to establish a National Commission on Digestive Diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACk (for himself and Mr. BAYH):

S. 1903. A bill to promote human rights, democracy, and development in North Korea, to promote overall security on the Korean Peninsula and establish a more peaceful world environment, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida):

S. 1904. A bill to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the "Wilkie D. Ferguson, Jr. United States Courthouse"; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI (for herself and Mr. CAMPBELL):

S. 1905. A bill to provide habitable living quarters for teachers, administrators, other school staff, and their households in rural areas of Alaska located in or near Alaska Native Villages; to the Committee on Indian Affairs.

By Mr. SESSIONS (for himself and Mr. MILLER):

S. 1906. A bill to provide for enhanced Federal, State, and local enforcement of the immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. JOHNSON, Mr. LEAHY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. BAUCUS, Mr. DAYTON, Mr. HARKIN, Mr. FEINGOLD, Mr. BINGAMAN, Mr. JEFFORDS, Mr. EDWARDS, and Mr. SCHUMER):

S. 1907. A bill to promote rural safety and improve rural law enforcement; to the Committee on the Judiciary.

By Mr. CORNYN:

S. 1908. A bill to allow certain Mexican nationals to be admitted as nonimmigrant visitors for a period of 6 months; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. KENNEDY):

S. 1909. A bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN:

S. 1910. A bill to direct the Secretary of Agriculture to carry out an inventory and management program for forests derived from public domain land; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1911. A bill to amend the provisions of title III of the Trade Act of 1974 relating to

violations of the TRIPS Agreement, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, Mr. LAUTENBERG, Mr. DODD, Mr. WYDEN, Mr. JEFFORDS, and Mr. KENNEDY):

S. Res. 269. A resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself and Mr. DAYTON):

S. Res. 270. A resolution congratulating John Gagliardi, football coach of St. John's University, on the occasion of his becoming the all-time winningest coach in collegiate history; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 560

At the request of Mr. CRAIG, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 595

At the request of Mr. HATCH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 674

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 674, a bill to amend the National Maritime Heritage Act of 1994 to reaffirm and revise the designation of America's National Maritime Museum, and for other purposes.

S. 811

At the request of Mr. ALLARD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 811, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.

S. 1006

At the request of Mr. BURNS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1006, a bill to reduce temporarily the duty on certain articles of natural cork.

S. 1177

At the request of Mr. JOHNSON, his name was withdrawn as a cosponsor of

S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1266

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Colorado (Mr. CAMPBELL) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1266, a bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1354

At the request of Ms. MURKOWSKI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1354, a bill to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes.

S. 1411

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1500

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1500, a bill to amend the Internal Revenue Code of 1986 to modify the tax credit for holders of qualified zone academy bonds.

S. 1619

At the request of Mrs. MURRAY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1619, a bill to amend the Individuals with Disabilities Education Act to ensure that children with disabilities who are homeless or are wards of the State have access to special education services, and for other purposes.

S. 1758

At the request of Mr. VOINOVICH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1758, a bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar.