

Statement of

# The Honorable Orrin Hatch.

United States Senator  
Utah  
May 13, 2004

Statement of Chairman Orrin G. Hatch

Before the United States Senate Committee on the Judiciary

Executive Business Meeting

Opening Statement

We will hold over Judge Saad again.

I would like to make a few observations on judicial nominees that follow from the remarks that I made on the floor on Monday. It has now been two months since the last time the Senate has voted on a judge. That is simply too long, especially since we have 32 article III judges on the Executive Calendar and have only approved 4 judges all year.

Among the judicial nominees pending on the Floor are twenty-two men and ten women.

They include sitting state Supreme Court justices, state and federal trial judges, and distinguished members of the bar.

Many have served as law clerks, including for Supreme Court clerks. Others have served in the highest levels of all three branches of government.

Twenty-four of these nominees received a Well Qualified rating from the American Bar Association; fourteen of those who received Well Qualified Ratings received this ranking unanimously.

I would note that twenty-two of the thirty-two nominees on the Executive Calendar were reported out of the Judiciary Committee without a single negative vote. This includes four Circuit Court nominees and eighteen District Court nominees.

In short, an exceptionally qualified group of judicial nominees is languishing on the Calendar.

While I commend Senator Daschle, Senator Leahy and my colleagues across the aisle for working with us and the Administration in confirming 173 of President Bush's judicial nominations, more work can and should be done this year.

I believe that every judicial nominee who reaches the Senate floor is entitled to an up or down vote.

Frankly, I am not persuaded by those who suggest that the President's exercise of his constitutional power to make recess appointments somehow justifies the current freeze on nominations.

The simple fact of the matter is that the recess appointments would not have been made in the first place if simple up-or-down votes were permitted on Judge Pickering and Attorney General Bill Pryor in the first place.

I recognize that it is getting late in the day for the discussions on the pending nominees to bear fruit. We will soon - and perhaps very soon - be compelled to bring these matters to the Floor if an acceptable compromise cannot be reached.

Although a satisfactory resolution has thus far eluded us, I am prepared to make one last effort if there is interest on the other side of the aisle.

Let me now move to the legislative agenda.

Today, we will resume with our consideration of the Gang Bill. As Senator Feinstein aptly put it at our last meeting, this bill reflects many compromises and now is the time to act on this bill.

We have examined all of the amendments that were filed. Senator Feinstein and I will resist - and expect all of the co-sponsors to resist - all of these amendments.

With respect to other agenda items, I hope to be able to move the ENFORCE Act, S.1933, next week as I understand that interested parties are working hard to perfect this important IP bill.

I hope that this morning the Committee will be able to move S. Res 331, a Fitzgerald, Feinstein, DeWine resolution designating June as National Safety Month.

I am also hopeful that we can report S. 1609, the Hatch-Cornyn PROMISE Act as I understand that there is no objection to moving this bill on either side of the aisle and it has already been held over once.

We are down to one relatively small issue on the Biden-Hatch Steroid bill and I am hopeful we can resolve this matter and place it on the agenda and pass it next week.

In any event, I hope that we can move S.1609 and the S. Res. 331 before we resume our consideration of the Gang Bill.

Let me spend a few moments looking ahead.

The Committee held an important hearing on the Satellite Home Viewer Extension legislation yesterday and we have placed this bill on the agenda for future action.

I have informed Senator Cornyn that I plan to take up the Flag Desecration Amendment in the full committee in the next few weeks. I plan to complete Committee action on this measure by Flag Day. If the Subcommittee elects to give us their recommendations on this measure they should do so expeditiously as I plan to add it to next week's agenda and expect it will be held over during the Memorial Day recess.

We have held five terrorism related hearings over the last several months. We will have Director Mueller up next week for a general FBI oversight hearing where I expect much of the attention will focus on terrorism-related issues. I hope and expect that Attorney General Ashcroft and Secretary Ridge will be able to join us for hearings in June. No doubt terrorism issues will be a high priority.

Separate from the issues presented by the Patriot Act and the Craig-Durbin SAFE Act, there are a number of non-Patriot Act terrorism bills that I plan to bring up for our consideration. For example, S. 2204, the Hatch-Schumer Terrorism Hoax Bill, is the type of non-controversial but important measure that I hope we can adopt independent of our consideration of Patriot Act-related legislation.

Another critical piece of legislation that the Committee will consider in the next few weeks is the DNA/IPA legislation, S. 1700. Senator Leahy and I plan to work together to move this bill onto the floor. This bill has already been adopted by the House and I believe that the Judiciary Committee and full Senate should adopt this measure. Chairman

Sensenbrenner and I have spoken about the need to complete work on this legislation and present it for the President's signature.

# # #