

108TH CONGRESS  
2D SESSION

# S. RES. 327

Providing for a protocol for nonpartisan confirmation of judicial nominees.

---

IN THE SENATE OF THE UNITED STATES

APRIL 1, 2004

Mr. SPECTER submitted the following resolution; which was referred to the  
Committee on Rules and Administration

---

## RESOLUTION

Providing for a protocol for nonpartisan confirmation of  
judicial nominees.

Whereas judicial nominations have long been the subject of  
controversy and delay in the United States Senate;

Whereas, in the past, the controversy over judicial nominees  
has occurred when different political parties control the  
White House and the Senate;

Whereas, in the current Congress, even though the White  
House and the Senate are controlled by the same party,  
the controversy over judicial nominees continues and has  
reached a crisis point;

Whereas, during the current Administration, there have for  
the first time been Senate filibusters of nominees to the  
U.S. Circuit Courts of Appeal;

Whereas the White House has made recess appointments of two of these filibustered nominees; and

Whereas the minority party has taken the position that further Senate confirmations of the President's judicial nominees would be blocked unless the White House gives assurances that it will no longer make such recess appointments: Now, therefore, be it

1       *Resolved,*

2       **SECTION 1. PROTOCOL FOR NONPARTISAN CONFIRMATION**  
 3                               **OF JUDICIAL NOMINEES.**

4       (a) TIMETABLES.—

5               (1) COMMITTEE TIMETABLES.—The Chairman  
 6       of the Committee on the Judiciary, in collaboration  
 7       with the Ranking Member, shall—

8                       (A) establish a timetable for hearings for  
 9       nominees to the United States district courts,  
 10       courts of appeal, and Supreme Court, to occur  
 11       within 30 days after the names of such nomi-  
 12       nees have been submitted to the Senate by the  
 13       President; and

14                      (B) establish a timetable for action by the  
 15       full Committee to occur within 30 days after  
 16       the hearings, and for reporting out nominees to  
 17       the full Senate.

18               (2) SENATE TIMETABLES.—The majority leader  
 19       shall establish a timetable for action by the full Sen-

1       ate to occur within 30 days after the Committee on  
2       the Judiciary has reported out the nominations.

3       (b) EXTENSION OF TIMETABLES.—

4               (1) COMMITTEE EXTENSIONS.—The Chairman  
5       of the Committee on the Judiciary, with notice to  
6       the Ranking Member, may extend by a period not to  
7       exceed 30 days, the time for action by the Com-  
8       mittee for cause, such as the need for more inves-  
9       tigation or additional hearings.

10              (2) SENATE EXTENSIONS.—

11                      (A) IN GENERAL.—The majority leader,  
12       with notice to the minority leader, may extend  
13       by a period not to exceed 30 days, the time for  
14       floor action for cause, such as the need for  
15       more investigation or additional hearings.

16                      (B) RECESS PERIOD.—Any day of a recess  
17       period of the Senate shall not be included in the  
18       extension period described under subparagraph  
19       (A).

○