

I urge my colleagues to support this measure.

Mr. SANDLIN. Mr. Speaker, I rise today to express my strong support for H.R. 16, which authorizes salary adjustments for the federal judiciary during fiscal year 2003.

Before the 107th Congress adjourned sine die, the House failed to authorize a necessary pay adjustment for the federal judiciary. The continuing resolution that the House passed on November 13, 2002, did not include the 3.1 percent cost-of-living adjustment for FY 2003 that federal judges were supposed to have received on January 1, 2003. The Ethics Reform Act of 1989 assures federal judges an annual adjustment based upon the Employment Cost Index [ECI], and Congress's failure to live up to its promise under that Act could have dire consequences for our legal system.

It is imperative that Congress takes every action necessary to ensure the viability of the federal judiciary. In his 2001 Year-End Report on the Federal Judiciary, Supreme Court Chief Justice William Rehnquist stressed the importance of annual pay adjustments and requested that Congress increase salaries as a means of attracting and retaining qualified judges. Federal judicial salaries are relatively small compared to the salaries that are earned by experienced attorneys in private practice. Relatively low judicial pay, combined with a complicated and lengthy judicial confirmation process, acts as a disincentive for qualified, dedicated attorneys to join the federal judiciary. When judicial vacancies go unfilled, the American legal system suffers.

It is inexcusable that the House failed to pass the FY 2003 Commerce, Justice and State appropriations bill, which contains the necessary authorization and appropriation for a federal judicial pay adjustment, during the 107th Congress. While Congress managed to give itself a pay raise for the current fiscal year, the federal judiciary was hung out to dry.

Mr. Speaker, our system of justice is among the best in the world, and as the peoples' representatives, we should do all that we can to ensure the future viability of the judiciary. I am pleased that the House has finally considered this long-overdue legislation, and I urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I rise in support of this critical legislation, of which I am an original cosponsor. This bill provides the federal judiciary with a much needed cost of living adjustment (COLA) for their salary. I also would like to thank Chairman SENSENBRENNER for his leadership and bipartisanship on this issue.

The Constitution mandates that the pay of federal judges "shall not be diminished during their Continuance in Office." Unfortunately, by failing to provide judges with annual COLA's over the last decade, they have faced the equivalent of a \$77,000 reduction in salary. Currently, federal district court judges earn \$150,000 per year. This is much less than they could earn in private practice; in fact, it is less than an attorney right out of law school can earn in private practice. Even the judges' employees, those who work at the Administrative Office of the U.S. Courts make more than their employers. In the last 30 years, while average pay has increased 12 percent for most workers, it had decreased 25 percent for federal judges.

This issue can seem to be just a matter of salary, but it extends deeply into our concept

of a democracy and judicial independence. The Constitution establishes a system of checks and balances, granting independent judges lifetime tenure and the right to an undiminished salary, in order to ensure the judiciary remains independent of financial, political, and social pressures. Unfortunately, many federal judges are leaving the bench for private practice, and many experienced and qualified private practitioners are deterred from serving in the judiciary. The pay disparity has diminished the independence of our third branch and made it difficult to attract and retain qualified attorneys.

This is why I was surprised when the continuing resolution Congress approved last session gave a cost of living adjustment to most federal employees except judges. The bill before us remedies this oversight by authorizing a COLA for the judiciary that is retroactive to the start of the 2003 fiscal year.

I urge my colleagues to vote "yes" on this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 16.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1740

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BEREUTER) at 5 o'clock and 40 minutes p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1850

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BEREUTER) at 6 o'clock and 50 minutes p.m.

MOTION TO ADJOURN

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 95, nays 315, not voting 23, as follows:

[Roll No. 9]

YEAS—95

Alexander	Hill	Pallone
Allen	Hinchee	Pastor
Andrews	Jackson (IL)	Pelosi
Bell	Jackson-Lee	Peterson (MN)
Berman	(TX)	Rangel
Berry	Jefferson	Rodriguez
Bishop (GA)	John	Ross
Boucher	Johnson, E. B.	Rothman
Brown, Corrine	Jones (OH)	Roybal-Allard
Capuano	Kaptur	Sabo
Cardoza	Kennedy (RI)	Sanchez, Loretta
Carson (IN)	Kleczka	Sanders
Clay	Lampson	Sandlin
Clyburn	Langevin	Schakowsky
Cooper	Lantos	Scott (GA)
Crowley	Larson (CT)	Skelton
Cummings	Lee	Slaughter
Davis (AL)	Lowe	Stark
Davis (TN)	Lynch	Stenholm
DeFazio	Maloney	Tauscher
Delahunt	Markey	Taylor (MS)
DeLauro	Marshall	Thompson (CA)
Deutsch	McGovern	Thompson (MS)
Dingell	Meehan	Tierney
Doggett	Menendez	Van Hollen
Emanuel	Millender-	Velazquez
Evans	McDonald	Waters
Farr	Miller, George	Watson
Filner	Neal (MA)	Wexler
Frank (MA)	Oberstar	Woolsey
Frost	Obey	Wynn
Grijalva	Olver	
Hastings (FL)	Owens	

NAYS—315

Abercrombie	Brown-Waite,	Deal (GA)
Aderholt	Ginny	DeGette
Akin	Burgess	DeLay
Baca	Burns	DeMint
Bachus	Burr	Diaz-Balart, L.
Baker	Burton (IN)	Diaz-Balart, M.
Baldwin	Buyer	Dicks
Barrett (SC)	Calvert	Dooley (CA)
Bartlett (MD)	Camp	Doolittle
Barton (TX)	Cannon	Doyle
Bass	Cantor	Dreier
Beauprez	Capito	Duncan
Becerra	Capps	Dunn
Bereuter	Carson (OK)	Edwards
Berkley	Carter	Ehlers
Biggert	Case	Emerson
Bilirakis	Castle	Engel
Bishop (NY)	Chabot	English
Bishop (UT)	Chocola	Eshoo
Blackburn	Coble	Etheridge
Blumenauer	Cole	Everett
Blunt	Collins	Fattah
Boehlert	Combest	Feeney
Boehner	Costello	Ferguson
Bonilla	Cox	Flake
Bonner	Cramer	Fletcher
Bono	Crane	Foley
Boozman	Crenshaw	Forbes
Boswell	Cubin	Ford
Boyd	Culberson	Fossella
Bradley (NH)	Cunningham	Franks (AZ)
Brady (PA)	Davis (CA)	Frelinghuysen
Brady (TX)	Davis (FL)	Galleghy
Brown (OH)	Davis (IL)	Garrett (NJ)
Brown (SC)	Davis, Jo Ann	Gephardt
	Davis, Tom	Gerlach

Gibbons	Lucas (KY)	Ros-Lehtinen
Gilchrist	Lucas (OK)	Royce
Gingrey	Majette	Ruppersberger
Gonzalez	Manzullo	Ryan (OH)
Goode	Matheson	Ryan (WI)
Goodlatte	Matsui	Ryun (KS)
Gordon	McCarthy (MO)	Sanchez, Linda
Goss	McCarthy (NY)	T.
Granger	McCollum	Saxton
Graves	McCotter	Schiff
Green (TX)	McHugh	Schrock
Green (WI)	McInnis	Scott (VA)
Greenwood	McIntyre	Sensenbrenner
Gutknecht	McKeon	Serrano
Hall	McNulty	Sessions
Harman	Meek (FL)	Shadegg
Harris	Meeks (NY)	Shaw
Hart	Mica	Shays
Hastings (WA)	Michaud	Sherman
Hayes	Miller (FL)	Sherwood
Hefley	Miller (MI)	Shimkus
Hensarling	Miller, Gary	Shuster
Hinojosa	Mollohan	Simmons
Hobson	Moore	Simpson
Hoefel	Moran (KS)	Smith (MI)
Hoekstra	Moran (VA)	Smith (NJ)
Holden	Murphy	Smith (TX)
Holt	Murtha	Smith (WA)
Honda	Musgrave	Snyder
Hostettler	Myrick	Solis
Houghton	Nadler	Souder
Hoyer	Napolitano	Spratt
Hulshof	Ney	Stearns
Hunter	Northup	Strickland
Hyde	Norwood	Stupak
Inslee	Nunes	Sullivan
Isakson	Nussle	Sweeney
Israel	Ortiz	Tancredo
Issa	Osborne	Tanner
Istook	Ose	Tauzin
Jenkins	Otter	Taylor (NC)
Johnson (CT)	Pascarell	Terry
Johnson (IL)	Paul	Thomas
Johnson, Sam	Pearce	Thornberry
Jones (NC)	Pence	Tiahrt
Kanjorski	Peterson (PA)	Tiberi
Keller	Petri	Toomey
Kelly	Pickering	Turner (OH)
Kennedy (MN)	Pitts	Turner (TX)
Kildee	Platts	Udall (CO)
King (IA)	Pombo	Udall (NM)
King (NY)	Pomeroy	Upton
Kingston	Porter	Visclosky
Kirk	Portman	Vitter
Kline	Price (NC)	Walden (OR)
Knollenberg	Pryce (OH)	Walsh
Kolbe	Putnam	Wamp
Kucinich	Quinn	Watt
LaHood	Radanovich	Waxman
Larsen (WA)	Rahall	Weiner
Latham	Ramstad	Weldon (FL)
LaTourette	Regula	Weller
Leach	Rehberg	Whitfield
Levin	Renzi	Wicker
Lewis (CA)	Reyes	Wilson (NM)
Lewis (GA)	Reynolds	Wilson (SC)
Lewis (KY)	Rogers (AL)	Wolf
Linder	Rogers (KY)	Wu
LoBiondo	Rogers (MI)	Young (AK)
Lofgren	Rohrabacher	Young (FL)

NOT VOTING—23

Ackerman	Hayworth	Miller (NC)
Baird	Herger	Nethercutt
Ballance	Janklow	Oxley
Ballenger	Kilpatrick	Payne
Cardin	Kind	Rush
Conyers	Lipinski	Towns
Gillmor	McCrery	Weldon (PA)
Gutierrez	McDermott	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BE-REUTER) (during the vote). The Chair would advise Members that there is approximately 2 minutes remaining on the 15 minute clock.

□ 1912

Mr. ETHERIDGE and Mr. MEEK of Florida changed their vote from “yea” to “nay.”

Mr. THOMPSON of California and Mr. TIERNEY changed their vote from “nay” to “yea.”

So the motion to adjourn was re-jected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Mem-bers may have 5 legislative days within which to revise and extend their re-marks on H.J. Res. 1 and that I may in-clude tabular and extraneous material.

The SPEAKER pro tempore (Mr. BE-REUTER). Is there objection to the re-quest of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 15, I call up the joint resolution (H.J. Res. 1) making further continuing appropri-ations for the fiscal year 2003, and for other purposes, and ask for its imme-diate consideration in the House.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 1 is as follows:

H.J. RES. 1

Resolved by the Senate and House of Rep-resentatives of the United States of America in Congress assembled, That Public Law 107-229 is further amended by striking the date spec-ified in section 107(c) and inserting in lieu thereof “January 31, 2003”.

SEC. 2. Public Law 107-229, as amended, is further amended in section 120, by striking “and December 1, 2002,” and inserting “De-cember 1, 2002, January 31, 2003, and Feb-ruary 1, 2003.”

SEC. 3. Section 613 of the Treasury and General Government Appropriations Act, 2002, is amended (1) by striking “2001” and “2002” each place it appears and inserting “2002” and “2003”, respectively; and (2) in subsection (a)(1), as so amended, by inserting “(as if effect on September 30, 2002)” after “Act, 2002” and after “such section 613”: *Pro-vided, That such section, as so amended, shall be effective through September 30, 2003, notwithstanding section 107 of this joint res-olution.*

SEC. 4. Public Law 107-229, as amended, is further amended by striking section 137 and inserting the following new section:

“SEC. 137. (a) Notwithstanding any other provision of this joint resolution, in addition to amounts made available in section 101, and subject to sections 107(c) and 108, such sums as may be necessary shall be available to the Securities and Exchange Commission for the Secretary of the Treasury to advance start-up expenses to the Public Company Ac-counting Oversight Board pursuant to sec-tion 109(j) of the Sarbanes-Oxley Act of 2002 (Pub. L. 107-204).

“(b) Notwithstanding any other provision of this joint resolution, upon the collection of fees authorized in section 109(d) of the Sarbanes-Oxley Act of 2002 (Pub. L. 107-204), the Public Company Accounting Oversight Board shall reimburse the Securities and Ex-change Commission for any Commission ap-propriations advanced to the Board for start-up expenses pursuant to section 109(j) of such Act or subsection (a) of this section, so as to result in no net effect of such advances on appropriations available to the Commission in fiscal year 2003.”

SEC. 5. (a) APPROVAL OF PROSPECTUS.—For proposes of section 3307(a) of title 40, United

States Code, the prospectus of General Serv-ices Administration entitled “Prospectus—Lease, Department of Homeland Security, Washington, DC Metropolitan Area”, pro-spectus number PDC-08W03, as submitted on December 24, 2002, is deemed approved by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the date of en-actment of this Act.

(b) PROHIBITION ON DELEGATION.—The au-thority of the General Services Administra-tion to lease space under this section may not be delegated to any other department or agency.

(c) MODIFICATIONS.—Any modification to the prospectus referred to in subsection (a) that is subject to approval under section 3307 of title 40, United States Code, shall be ap-proved in accordance with the requirements of such section.

SEC. 6. Section 126 of Public Law 107-229, as added by Public Law 107-240, is amended to read as follows:

“SEC. 126. Notwithstanding any other pro-vision of this joint resolution, except section 107, the District of Columbia may expend local funds for programs and activities under the heading ‘District of Columbia Funds—Operating Expenses’ at the rate set forth for such programs and activities in the revised financial plan and budget for the District Government for fiscal year 2003 submitted to Congress by the District of Columbia pursu-ant to section 138 of H.R. 5521 of the 107th Congress, as reported by the Committee on Appropriations of the House of Representa-tives.”

The SPEAKER pro tempore. Pursu-ant to House Resolution 15, the gen-tleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may con-sume.

□ 1915

Mr. Speaker, the legislation before the House, H.J. Res. 1, will extend the current continuing resolution to allow the government to continue to operate through January 31 of 2003. All of the ongoing programs and activities will be continued at current rates under the same terms and conditions as fiscal year 2002, with the exception of funding for programs included in the Defense and Military Construction appropria-tions bills for fiscal year 2003, which have already been enacted into law.

In addition, all the provisions of the previous CRs remain in effect, with one exception: It deletes a provision relat-ing to the rate of operations for the Federal-aid Highways Program that had been enacted as part of the third continuing resolution. Specifically, that CR established total obligations for the highway program while oper-ating under continuing resolutions. Section 4 of this resolution deletes that provision, and Mr. Speaker, it does so with the concurrence of the transpor-tation and infrastructure authorizing committee.

I want everyone to understand this action is going to affect the budget. We have been advised by the Congressional Budget Office that it will score an addi-tional \$1.1 billion in outlays on an