rural physicians should become a staple rather than be at the mercy of national budget politics. An aggressive plan to increase funding should be sought.

Increase support by the BHP to primary care residencies to be continued and enhanced.

Decrease professional isolation by supporting teleinformatics and outreach education programs of states and by the use of nonphysician providers.

Increase retention through more appropriately rural-trained candidates.

Identify care needs at the community level. Use state and federal funds to assist rural hospitals where access to care would be threatened by hospital closure and physicians would be further deprived of opportunities to utilize their professional skills.

Develop and use innovative delivery systems that emphasize coordination and cooperation among providers, institutions and communities.

Develop programs allowing rural clinicians to undertake periodic rotations through academic hospital services (with locum tenens backup) in order to learn or update procedures.

Provide for those areas that do not qualify for RHC or FQHC status but still are faced with the disproportionate numbers of Medicare and Medicaid patients, there should be enhanced Medicare and Medicaid payments to rural providers.

Evaluate the enhanced reimbursement available through RHC and Community Health Center designations needs to be adequately maintained to retain providers and avoid decertification as the area's needs are met. If the same level of Medicare and Medicaid and uninsured patients persists and the area is decertified because of an adequate supply of physicians, a cycle will develop leading to economic unfeasibility, provider dissatisfaction and lower retention rates.

Mandate the States to pay RHCs and FQHCs reasonable costs under the State's Medicaid program.

Ensure that Medicare managed care reimbursement must equal or exceed the RHC and FQHC Medicare reimbursement.

Increase the supply of primary care providers in rural areas by lessening speciality and geographic differentials in physician income.

Establish relocation grants, especially for remote areas, to defray the costs of moving and setting up a practice.

Mr. Speaker, in the 109th Congress I will introduce a bill that codifies these recommendations among others and will hopefully begin the process of ensuring that we provide healthcare for all Americans within or close to current expenditures.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 2302.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5363) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2005.

The Clerk read as follows:

H.R. 5363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES.

Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2005 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5363, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5363 to provide a cost-of-living adjustment for Federal judges in fiscal year 2005.

By way of background, Congress enacted the Executive Salary Cost-of-Living Adjustment Act in 1975, which was intended to give judges, Members of Congress and high-ranking executive branch officials automatic COLAs accorded other Federal employees unless rejected by Congress. In 1981, Congress amended the statute by enacting section 140 of Public Law 97–92, which requires specific congressional action to grant judges a COLA.

Mr. Speaker, the legislation before us is based on the template set forth in H.R. 3349, now Public Law 108–167. That law satisfied the section 140 requirement and thereby enabled judges to receive a COLA this past fiscal year. H.R. 5363 accomplishes the same purpose for fiscal year 2005.

H.R. 5363 will ensure that Federal judges receive a COLA when other civil servants, including Members of Congress, receive theirs. The legislation will assist in the administration of justice in our Federal courts and is otherwise noncontroversial. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

This is a great day in the Federal system where we on the Committee on the Judiciary have decided to authorize a COLA for the members of the Federal judicial system in America. Now, there are only a couple of problems here, and I, of course, enthusiastically support H.R. 5363.

The first is that those who work in the administrative office of the courts, those who work for the Federal judges, now enjoy greater salaries than the judges themselves.

The second thing is that, under the system that we are implementing, Article III, section 1 of the Constitution, the fact of the matter is that the failure to provide past cost-of-living adjustments to our Federal judiciary has, in the last decade, resulted in an economic reduction in salary in the equivalent amount of $77,000, and so we are now faced with a crisis of dozens, six dozen, judges having left the judiciary in the past several years.

I think it is obvious to all that it is hard to continue to maintain a qualified and independent judiciary if we are not paying them a just wage.

Having said this, we have brought this measure forward, not a moment too soon, to provide for them a cost-of-living adjustment for the present term.

So I enthusiastically join the gentleman from Wisconsin (Chairman SENSENBRENNER) in supporting this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 5363, a bill authorizing cost-of-living salary adjustments for justices and judges of the federal courts for fiscal year 2005 that has been introduced by Chairman JIM SENSENBRENNER and co-sponsored by Ranking Member JOHN CONYERS of the Judiciary Committee. The bill would provide for a 2.5 percent adjustment of federal judiciary salaries. I thank the Chairman for his leadership in bringing this very important matter to the floor. In 1981, Congress passed a Joint Resolution Making Further Continuing Appropriations for FY 1982, and Section 140 of that legislation read as follows:

Notwithstanding any other provision of law or of this joint resolution [Pub. L. 97–92], none of the funds appropriated by this joint resolution or by any other Act shall be obligated or expended to increase, after the date of enactment of this joint resolution [Dec. 15, 1981], any salary of any Federal judge or Justice of the Supreme Court, *except as may be specifically authorized by Act of Congress* hereafter enacted: Provided, That nothing in this limitation shall be construed to reduce any salary which may be in effect at the time of enactment of this joint resolution nor shall this limitation be construed in any manner to reduce the salary of any Federal judge or of any Justice of the Supreme Court. This section shall

apply to fiscal year 1981 and each fiscal year thereafter. (Emphasis added).

This provision placed a severe limitation on the cost-of-living adjustments—and therefore the financial well-being of judges by requiring specific implementing legislation before a salary increase could be made under the current Section 461 of Title 28 in the United States Code.

Article III, Section 1 of the United States Constitution provides that "The Judges . . . shall . . . receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office." Over the past ten years though, this body has failed to provide federal judges with annual cost-of-living adjustments (COLA), and as a result, these officers have faced the economic equivalent of a $77,000 reduction in salary. In the last 30 years, while average pay has increased by 12% for most workers, it has decreased by 25% for federal judges. Federal judges make a lifetime commitment to serve the public. This legislation will help them to plan their financial futures with assurance that their pay is commensurate with the cost-of-living increases for this year.

Under the current pay schedule, federal district court judges earn $150,000 per year. This is far, far less than they could earn in private practice and is even less than an associate right out of law school earns in New York City. Our federal judiciary will not attract the kind of high caliber legal minds that are needed if the compensation is not maintained in a reasonable fashion.

It has gotten so bad that employees of the Administrative Office of Courts—who work for the federal judges—now enjoy greater salaries than the judges themselves. This is the equivalent of congressional staff earning more than Congressmen. It is no wonder that federal judges are leaving in droves, with nearly six dozen judges leaving over the last several years.

There can be no doubt of the value and importance of ensuring that our federal judges are fairly compensated. The federal judiciary is the crux of our democracy. Without the wisdom of some of the great judicial scholars of the past, many of—women, African-Americans and all minorities, immigrants, disabled, and others, would not enjoy the fundamental civil liberties that we do today. We are a long way from a completely fair and equal society, but without the best and brightest legal minds, we will never make it to that goal.

If there is any single idea in the Constitution that has separated our experiment in democracy from all other nations, it is the concept of an independent judiciary.

The Founding Fathers, in their great wisdom, created a system of checks and balances, granting independent judges not only lifetime tenure, but the right to an undiminished salary. It is no surprise that over the years, the federal judiciary, more than any other branch, has served as the protector of our precious civil rights and civil liberties. I agree with Alexander Hamilton that the "independent spirit of judges" enables them to stand against the "ill humors of passing political majorities."

We cannot have a qualified and independent judiciary if we don't pay them a just wage. Chief Justice Rehnquist has declared that "providing adequate compensation for judges is basic to attracting and retaining experienced, well-qualified and diverse men and women." Justice Breyer was even blunter when he stated, "the gulf that separates judicial pay from compensation in the non-profit sector, in academia, and in the private sector grows larger and larger . . . and threatens irreparable harm both to the institution and the public it serves."

The bill before us responds to that problem granting the judiciary a COLA retroactive to the start of the last fiscal year. I consider this to be a modest down payment in developing a more rationale and fair system of compensating our federal judges.

I urge my colleagues to join this Committee in supporting this important legislation. Mr. Speaker, I ask that my colleagues vote "yes" on H.R. 5363.

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

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

The SPEAKER pro tempore. 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. 5363.

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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2986, INCREASING THE PUBLIC DEBT LIMIT

Mr. REYNOLDS (during consideration of H.R. 5363), from the Committee on Rules, submitted a privileged report (Rept. No. 108–778) on the resolution (H. Res. 856) providing for consideration of the Senate bill (S. 2986) to amend title 31 of the United States Code to increase the public debt limit, which was referred to the House Calendar and ordered to be printed.

FOR THE RELIEF OF ROCCO A. TRECOSTA

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2042) for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION OF BACK PAY.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Mr. Rocco A. Trecosta of Fort Lauderdale, Florida, the sum of $10,000 for compensation for back pay not received as an employee of the Department of Defense Overseas Dependent Schools for service performed during the period beginning April 14, 1966, through June 30, 1975. Payment under this subsection is made after the transmission of the applicable report of the United States Court of Federal Claims under section 2509 of title 28, United States Code.

(b) NO INFERENCE OF LIABILITY.—Nothing in this section shall be construed as an inference of liability on the part of the United States.

(c) FULL SATISFACTION OF CLAIMS.—The payment authorized under subsection (a) shall be in full satisfaction of all claims of Rocco A. Trecosta against the United States for back pay in connection with his service in the Department of Defense Overseas Dependent Schools.

(d) LIMITATION ON AGENTS AND ATTORNEYS FEES.—No more than 10 percent of the payment authorized by this Act may be paid to or received by any agent or attorney for services rendered in connection with obtaining such payment, any contract to the contrary notwithstanding. Any person who violates this subsection shall be guilty of a misdemeanor and shall be subject to a fine in the amount provided in title 18, United States Code.

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, today S. 2042, for the relief of Rocco Trecosta, is being considered by unanimous consent by the House. I have agreed to move this private bill outside the regular private bill process for two reasons: a substantially similar bill passed the House under regular order in the 104th Congress; and this bill only arrived in the House yesterday from the Senate, making it impossible to move the bill through the normal process before this Congress adjourns. It is only because of these unusual circumstances that I am making this exception to the regular order.

In the 104th Congress, a substantially similar bill, H.R. 2765, was introduced by then Chairman of the Subcommittee on Immigration and Claims, Representative LAMAR SMITH. Pursuant to the Meritorious Claims Act, the Comptroller General recommended that Congress enact legislation to treat Mr. Trecosta as a member of the plaintiff class in March v. United States. According to the GAO: "we believe his situation is extraordinary and contains such elements of equity as to be deserving of the consideration of Congress." Because there is generally no controversy on cases referred under the Meritorious Claims Act, the House quickly passed the bill under the normal private bill process, however, it did not pass the Senate.

This bill pays Mr. Trecosta, a former teacher in the Department of Defense Overseas Dependent Schools, backpay he would have been awarded if he had been a member of the March plaintiff class. In that case, the U.S. Court of Appeals held that DOD had not properly implemented pay-setting procedures established under a law requiring the Secretary of each military department to fix the basic compensation for teachers and teaching positions in his department at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the U.S. of 100,000 or more population.