in Presidential Cabinets tend to forget is that the people did not elect them to anything. They are appointed, and they serve at the President's pleasure. And it is worthwhile here to note that even the President that these officials serve is not directly elected. Only members of Congress are directly elected by the people in federal elections, and it is to members of Congress that the people come for assistance or to express their heartfelt views. Not many ordinary citizens have the wealth or influence to call up a Cabinet secretary or get an appointment with the President. Members of Congress are the people's elected spokesmen and women, and when we are viewed as ''Lilliputians'' by members of a President's cabinet, I suspect that the good people who elected us to serve are viewed in much the same manner. Tolerance of the arrogance of people in high places has worn very thin in this country. The people have had enough of Enron egos, and all-knowing, all-powerful bureaucrats, and the people well understand the need for serious curbs on power. Some sage once observed that the difference between a lynching and a fair trial is procedure. How true that is.

Mr. President, those who dislike the rules and laws that reign them in make the best argument I can think of for the wisdom of the Framers in separating the powers of government. And while Swift's Gulliver's Travels, and his tale of Lilliput may be required reading for the Bush Cabinet, I think that they may have actually missed the point of that famous satire. The point is this. No matter how big you think you are, the little people in this country can call you to heel. Because of the unique system of government we are blessed with, the people, in the final analysis, wield the power. And it is up to the Congress—the people's branch—to continue to write the rules that help to keep Presidents, bureaucrats, and wayward corporate executives in check. So, for my part I say, long live the Lilliputians! May they ever reign.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last night, the Senate voted to confirm three additional nominees to the Federal district courts: James Gritzner from Iowa, Richard Leon from Maryland, who will serve as a judge on the District Court for the District of Columbia, and David Bunning from Kentucky.

With these votes, the Senate will have confirmed nine judges since beginning the second session three weeks ago. With these confirmations, the Senate will have confirmed 37 judges since the change in majority last June. That number exceeds the number of judges confirmed in all 12 months of 1997 or 1999 and, of course, more than during the entire 1996 session.

I would, again, urge the White House to work with home-state Senators, to work with Democratic and as well as Republican Senators, and to send nominees like James Gritzner, who received bipartisan support from his home-state Senators.

With the confirmation of Judge Gritzner, the Senate has confirmed two Federal judges from Iowa this week, the other being Judge Michael Melloy for the United States Court of Appeals for the Eighth Circuit. The Judiciary Committee moved quickly on these nominations. Both Judge Gritzner and Judge Melloy participated in the first nominations hearing of this session, which was the first confirmation hearing held in January in more than half a decade. They were reported favorably by the Committee at the earliest possible Executive Business Meeting this year, on February 7, and they are now confirmed, just one week later.

Indeed, Judge Melloy's confirmation filled a judicial emergency vacancy. That seat on the Court of Appeals for the Eighth Circuit, which includes eight states, Iowa, Arkansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota, has been vacant since May 1, 1999.

I recall that it was not so long ago, in 2000, when the Senate was under Republican control, that another nominee to this very seat on the Eighth Circuit, Bonnie Campbell, did not receive the courtesy of a vote by the Committee following the hearing on her nomination. She did not receive a vote due to the previous policy of allowing anonymous holds to be placed on nominees, even though in her case, both of her home-state Senators, one a Democrat and the other a Republican, supported her nomination. Bonnie Campbell, the former Attorney General of Iowa, did not receive the courtesy of a vote, up or down, during the 382 days between her nomination by President Clinton and the time that the Bush Administration withdrew her name.

In contrast, we moved expeditiously to consider and confirm Judge Melloy's nomination to the Eighth Circuit. Judge Melloy's confirmation eliminated the judicial emergency vacancy in that Circuit caused, in part, by the Committee's failure to act on Bonnie Campbell's nomination when Republicans controlled the Senate and the confirmation process.

Judge Melloy was the seventh Court of Appeals nomination confirmed by the Senate in the last seven months. That is seven more Court of Appeals judges than a Republican majority confirmed in the 1996 session, and as many as were confirmed in all of 1997 and in all of 1999.

I think that the last District Court Judge confirmed in Iowa was Judge Robert Pratt in 1997. Nominated initially in early August 1996, Judge Pratt was not confirmed until late May the following year, more than nine months after his initial nomination. I am glad that the Committee and the Senate were able to act more quickly than that with respect to Judge Gritzner.

In connection with both Iowa nominees confirmed this year, I thank the Senators from Iowa for working with the Committee. I especially appreciate the kind words of the senior Senator, Senator GRASSLEY, both at the Committee consideration and in connection with these confirmation.

Last night, the Senate also confirmed Richard Leon to the United States District Court for the District of Columbia. This is the third confirmation to this District Court considered by the Senate since I became Chairman last summer. Indeed, nominees to the District of Columbia District Court were among those included in our unprecedented hearings during the August recess last year. I thank Representative ELEANOR HOLMES NORTON for working closely with the Committee to fill all three vacancies that had existed in this Federal court.

Richard Leon's nomination was fairly and expeditiously considered by the Judiciary Committee and the Senate. His nomination was received last September, the ABA peer reviews were completed favorably in November, the Judiciary Committee held a hearing on his nomination during the first week the Senate was in session in January, his nomination was promptly considered by the Committee and reported favorably to the Senate last week, and last night the Senate confirmed his nomination to fill the last current vacancy on the United States District Court for the District of Columbia. Richard Leon received a unanimous well-qualified rating from the ABA peer reviews and received high recommendations from members of the legal community in the District of Columbia.

Of course, during the years preceding the change in majority, two nominees to the District Court for the District of Columbia, James Klein and Rhonda Fields, never received a hearing before the Committee or votes on their nominations. In fact, James Klein's nomination was pending for almost four years without a hearing during both the 105th and 106th Congresses. Despite Representative NORTON's strong and consistent efforts during those years, we were unable to obtain any action in connection with the vacancies that we have now successfully filled. Judge Leon will join Judge Bates and Judge Walton.

Last night the Senate also confirmed the nomination of David Bunning to a vacancy in the Eastern District of Kentucky. Since the elections in November 2000, three vacancies have arisen on the Eastern District bench. With this confirmation, the Senate will have acted to fill all three.

I scheduled a hearing for Karen Caldwell just six days after her file was complete. Her nomination was reported by the Committee 16 days later, and only 25 days after her file was complete, Judge Karen Caldwell was confirmed by the Senate. Danny Reeves, another nominee for that same district, was able to have a hearing within

40 days of his file being completed, was voted out of Committee only a few weeks after that, and he was confirmed 69 days from the time all his paperwork was complete. Indeed, we proceeded to confirm the first two nominees to the bench of the Eastern District of Kentucky so quickly that they had to delay being sworn in and assuming their judicial duties in order to wind down their legal practices.

This stands in sharp contrast to the length of time it took to get nominees hearings and confirmations in the recent past. During the last six years of the Clinton Administration, it took an average of about 150 days to move a district court nominee to confirmation. I am proud that we have been able to do better since last July.

The hearing on the Bunning nomination included testimony by his home-state Senators as well as testimony by representatives from the American Bar Association's Standing Committee. While a majority of the ABA Committee found the nominee not qualified and a minority found him to be qualified for the federal bench, three United States District Court Judges and a former United States Attorney testified in support of his confirmation. Yesterday, the Senate acted to confirm the President's nomination, as we have with a number of other nominees who received mixed peer review ratings.

For 50 years, beginning with the Eisenhower Administration and including the Clinton Administration, the ABA had provided a valuable public service to Presidents as they determined whom to nominate to the federal bench. In addition, the Senate has had the benefit of the ABA peer reviews. No Senator is bound by the recommendations of the ABA.

As I have said before, it is unfortunate that President Bush decided to shift the ABA's role in the pre-nomination process, but I am grateful that the ABA has agreed to continue to provide their evaluations to the Senate Judiciary Committee. We have always valued their contribution to the process and the willingness of the members of the Standing Committee to volunteer their time, efforts and judgment to this important task.

I congratulate each of the successful nominees and their families on their Senate confirmations.

I intend to notice another confirmation hearing for judicial nominations for February 26. Even though this is a short month with a week's recess, the Committee will hold a second hearing involving judicial nominees in February. This will be the first time in four years that the Committee will have held two February hearings for judicial nominees.

THE SAFE AND FAIR DEPOSIT INSURANCE ACT OF 2002

Mr. REED. Mr. President, I rise in strong support of the Johnson-Hagel-Reed-Enzi Safe and Fair Deposit Insurance Act of 2002, SFDIA, and I urge my colleagues to support it. I am proud to be one of the authors of this legislation, as I believe it will continue to ensure a strong and safe insurance system for our banks, and most importantly for the consumers that put their trust in that system. The legislation before us also seeks to end the pro-cyclical method now in force, which tends to burden institutions in bad economic times, and not prepare for the future during good economic times. We need to change that, and I think this bill begins to finally address this important issue in a very thoughtful manner.

The bill that my colleagues and I have introduced has five major components. The first element addresses the most non-controversial aspect of this issue, and that is merging of the two insurance funds. This will obviously strengthen the reserve fund for all banks and savings institutions, rather than diffusing that strength between two funds. The second component is that of coverage limits. Although this issue has attracted quite a bit of discussion and controversy over the past few years, this is nonetheless an important issue for many banks and consumers alike. In this section, the legislation authorizes the level of general coverage to rise to $130,000, by indexing for inflation from 1974, when the level of coverage was at $40,000. Going forward, the bill proposes to index coverage for inflation every five years in increments of $10,000. The bill also suggests that coverage for retirement accounts be set at $250,000 now, and that those accounts also be subject to indexing in the future. Lastly, on coverage issues, the legislation would allow for additional coverage for municipal deposits beyond the $130,000 level.

The SFDI Act would also allow for greater flexibility for the FDIC to charge insurance premiums. Since 1996, the FDIC has been prohibited from charging premiums to banks that have the highest rating, as long as the reserve ratio was above the ''hard target'' of 1.25 percent. Our legislation would remove that prohibition, as well as effectively eliminating the hard target, and would instead substitute a range for the fund. Again, these actions will lend the FDIC the necessary flexibility to manage the funds in a much more institution-friendly manner, particularly by relieving pressure on them during the worst business cycles.

In addition, the FDIC will be able to give a one-time assessment credit to institutions, as well as allow for ongoing credits to manage the fund. These credits will in all likelihood give most institutions, if they are well-managed and well-capitalized, the ability to avoid premiums for several years down the road. The FDIC will also be authorized to provide cash rebates to institutions should the fund ever exceed 1.50 percent.

Although I would prefer to address the issue of coverage for municipal deposits in another context, I am confident that during the upcoming legislative process there will be a good debate on the issue, and the Senate will be able to work its will on the issue. I think it is important to note that the introduction of this bill will mark the beginning of a strong, vigorous and positive discussion on the vital issue of deposit insurance. This has become the cornerstone of our banking system's integrity, and it is imperative that the U.S. Congress insure that it remain strong, healthy, and workable for many years to come for both financial institutions and consumers alike.

FEDERAL EMPLOYEES DESERVE PAY PARITY

Mr. AKAKA. Mr. President, as the government moves to protect its citizens, harden its borders, and defends American interests abroad, I want to make sure that the Nation's Federal employees are given the resources and support needed to carry out these missions.

Numerous studies point to the government's inability to compete with the private sector as one reason why we are unable to attract and retain qualified Federal employees. With a few exceptions, since 1981, military and Federal personnel have received equal pay increases. Yet, the administration's FY03 budget calls for an across-the-board adjustment of only 2.6 percent, while the military would receive a 4.1 percent increase. The proposed 2.6 percent increase is less than the formula used by the Federal Employees Pay Comparability Act and fails to close the pay gap between Federal and private sector workers.

In my capacity as Chairman of both the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services and the Senate Armed Services Subcommittee on Readiness and Management Support, I am actively involved in issues relating to Federal employees. Our civilian workforce plays a significant role in the support of our service members on active duty, in the reserves, and serving with the National Guard. I support a cohesive and coordinated effort in safeguarding America and believe a strong civilian workforce is crucial to our success in protecting our country.

By 2005, over half the Federal workforce will be eligible to retire, and as long as fewer young people are choosing Federal service to fill these gaps, there should be a commitment from the highest levels of government to ensure that agencies are adequately staffed with the right people and the right skills to run the government in an effective and efficient manner.

The American people know that the war on terrorism will be a long struggle; a different kind of war with fronts both at home and abroad. Our civilian Federal workforce is on the front line of this war and must be prepared to respond to the possibility of attack. We