

Justice, State and the Judiciary, I have worked hard to help preserve a fair and independent judiciary. I am disappointed that the Continuing Resolutions approved by Congress failed to give the Federal judiciary a cost-of-living adjustment COLA for fiscal year 2003.

In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted Section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges. During the 21 years of Section 140's existence, Congress has always accorded to the Federal judiciary co-equal respect by suspending Section 140 whenever Congress has granted to itself and other Federal employees a COLA. With the end of the last Congress, however, the continuing resolutions providing funding failed to suspend Section 140, thus ensuring that no COLA would be provided for Federal judges during the current fiscal year, unless other action is taken.

The bipartisan and bicameral legislation before us provides for a COLA for Federal judges consistent with the law and with fairness.

Over the past year and one half as Judiciary Committee Chairman, I have been honored to lead the Committee in holding hearings on 103 of President Bush's judicial nominees, some of whom proved to be quite controversial and divisive. Last year the Committee voted on 102 nominees and reported 100 out of Committee favorably. The full Democratic-led Senate took the final step of confirming 100 judges in just 17 months. This remarkable record compares most favorably to the 38 judicial confirmations averaged per year during the 6½ years when the Republicans previously controlled the Senate. In addition, the 21st Century Department of Justice Appropriations Authorization Act we passed last Congress created or extended 20 Federal judgeships, more than were created during the 6½ years that the Republican party controlled the Senate. In his end of the year report, the Chief Justice of the United States noted these accomplishments and thanked the Senate for its actions. I appreciate his kind words.

I look forward to Senate passage of the House and Senate bills to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003. I hope the President will promptly sign our legislation into law.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 101) was read the third time and passed, as follows:

S. 101

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 2003 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the Senator from Colorado (Mr. CAMPBELL) as Co-Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 108th Congress.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senators to the Commission on Security and Cooperation in Europe during the 108th Congress:

The Senator from Connecticut (Mr. DODD); the Senator from Florida, Mr. GRAHAM; the Senator from Wisconsin, Mr. FEINGOLD; and the Senator from New York, Mrs. CLINTON.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to provisions of Public Law 107-202, announces the appointment of the following individuals as members of the Benjamin Franklin Tercentenary Commission: the Senator from Pennsylvania, Mr. SPECTER, and Dr. Dennis Wint of Pennsylvania.

The PRESIDING OFFICER. The Chair on behalf of the President of the Senate, and after consultation with the Democratic Leader, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Montana, Mr. BAUCUS; the Senator from Michigan, Mr. LEVIN; the Senator from California, Mrs. FEINSTEIN; and the Senator from North Dakota, Mr. DORGAN.

**READING OF WASHINGTON'S
FAREWELL ADDRESS**

Mr. FRIST. Mr. President, I ask unanimous consent, notwithstanding the resolution of the Senate of January 24, 1901, that on Monday, February 24, 2003, immediately following the prayer, the Pledge of Allegiance to the Flag, and the disposition of the Journal, the traditional reading of the Washington's Farewell Address take place.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ORDERS FOR MONDAY, FEBRUARY
3 AND TUESDAY, FEBRUARY 4, 2003**

Mr. FRIST. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand in adjournment until 10 a.m. Monday, February 3, for a pro forma session only. I further ask that immediately following the convening on Monday, the Senate then stand in adjournment until 9:30 a.m. on Tuesday, February 4. I further ask consent that on Tuesday, following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, that the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of Senators, the Senate will reconvene for a pro forma session on Monday. No business will be conducted during Monday's session. The Senate will then resume business on Tuesday and begin consideration of the Estrada nomination. I understand that some debate will be necessary on that judicial nomination.

It is my hope that Members will be prepared to come to the floor and make their presentations. I expect a full debate and it is my hope, and the chairman's hope, to reach a reasonable time agreement on that nomination so that we can schedule the vote accordingly. Having said that, rollcall votes are possible during Tuesday's session.

**ADJOURNMENT UNTIL MONDAY,
FEBRUARY 3, 2003, AT 10 A.M.**

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:47 p.m., adjourned until Monday, February 3, 2003, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 30, 2003:

DEPARTMENT OF THE TREASURY

JOHN W. SNOW, OF VIRGINIA, TO BE SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HOMELAND SECURITY

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM J. LUTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JARISSE J. SANBORN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS F. METZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALBERT T. CHURCH III

AIR FORCE NOMINATION OF ANTHONY E. MUSELLA, JR. AIR FORCE NOMINATION OF STEVEN B. WALLIS.

AIR FORCE NOMINATIONS BEGINNING SARA M. DEVINE AND ENDING MICHAEL H. QUINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING JAMES F. BARBER AND ENDING DONALD G. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING JOSEPH M. KOROLUK AND ENDING RICKY J. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING PATRICK W. BEHAN AND ENDING JAMIE L. SAIVES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING HOSSAM E. AHMED AND ENDING BRETT W. PERKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING ROBERT A. BAZYLAK AND ENDING MARK S. SMYCZYNSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING DEBORAH L. ASPLING AND ENDING CANDACE W. WOODHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING ANDREW A. AKELMAN AND ENDING STEVEN ZEBICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING MICHAEL L. BELL AND ENDING GLENN L. SPITZER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING ROOSEVELT ALLEN, JR., AND ENDING ARJEN L. VANDEVOORDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING PETER A. BAUER AND ENDING CHRISTOPHER M. ZAHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATION OF RONALD D. HARRIS.

AIR FORCE NOMINATIONS BEGINNING FRANK W. ALLARA, JR.* AND ENDING GLYNIS D. WALLACE*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND AP-

PEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING NANCY M. ACAMPADO AND ENDING JAMES H. YAO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING GREGORY A. ABRAHAMIAN* AND ENDING GREGORY B. YORK*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING SAMEH G. ABUERREISH AND ENDING MICHELLE K. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING JAMES L. AGLER, JR.* AND ENDING BEVERLY A. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING LAURA S. BARCHICK* AND ENDING DONALD E. WITMYER*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING WAYNE H. ALBRIGHT AND ENDING MICHAEL J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATION OF RICHARD L. SARGENT.

AIR FORCE NOMINATION OF RICHARD L. NEEL.

AIR FORCE NOMINATION OF JOEL C. CARLSON.

AIR FORCE NOMINATION OF SCOTT C. PAUL.

AIR FORCE NOMINATION OF STEVEN E. RITTER.

AIR FORCE NOMINATIONS BEGINNING MICHAEL L. A. HOLLAND AND ENDING PARIMAL R. PATEL*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

AIR FORCE NOMINATION OF DAVID G. YOUNG III.

AIR FORCE NOMINATIONS BEGINNING EDWARD D. PETERSON AND ENDING WILLIAM M. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING BENEDICT N. ANTONECCHIA AND ENDING THOMAS S. TUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING BRITTA A. ANDERSON AND ENDING DEBORAH C. MESSECAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING LEWIS A. BRANDES AND ENDING CHARLES A. WALDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING WALTER S. ADAMS* AND ENDING GEORGE T. YOUSTRA*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING MICHAEL ALUKER AND ENDING SCOTT A. ZAKALUZNY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATION OF MARGARET C. GRAM.

AIR FORCE NOMINATION OF JAMES V. ENGLISH.

AIR FORCE NOMINATIONS BEGINNING JAMES C. BALSERAK AND ENDING MARTIN E. SELLEBERG, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2003.

AIR FORCE NOMINATION OF TIMOTHY H. LEWIS. AIR FORCE NOMINATION OF HOWARD S. LOLLER.

ARMY NOMINATIONS BEGINNING WILLIAM T. BARTO AND ENDING BRADLEY P. STAI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

ARMY NOMINATIONS BEGINNING SALLYE J. ALLGOOD AND ENDING YVONNE L. TUCKERHARRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING LEONARD I. CANCIO AND ENDING KATHLEEN S. ZURAWEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING KATHLEEN W. CARR AND ENDING ROBERT G. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING KENNETH T. GAREAU AND ENDING PAOLA M. OFLAHERTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING OLIN O. OEBEKOVEN AND ENDING MATTHEW D. URBANEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING PAUL A. BAKER AND ENDING FRANK E. ZIEMKIEWICZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

ARMY NOMINATIONS BEGINNING MICHAEL P. BOEHMAN AND ENDING SCOTT F. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

ARMY NOMINATIONS BEGINNING WHITE A. BAXTER* AND ENDING JENNIFER S. ZUCKER*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

ARMY NOMINATION OF JOHN F. NEPTUNE.

ARMY NOMINATION OF CHARLES E. SWALLOW.

ARMY NOMINATION OF WAYNE C. HOLLENBAUGH.

ARMY NOMINATION OF JOSEPH T. HUGHES.

ARMY NOMINATION OF GREGORY T. BRAMBLETT.

ARMY NOMINATION OF ALLEN C. WHITFORD.

MARINE CORPS NOMINATION OF JOHN A. MANNING.

MARINE CORPS NOMINATION OF MICHAEL E. RODGERS.

MARINE CORPS NOMINATION OF SAMUEL S. SCIALABBA.

MARINE CORPS NOMINATIONS BEGINNING DANIEL W. ALEXANDER AND ENDING JAN-HENDRIK C. ZURLIPPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

MARINE CORPS NOMINATION OF LARRY A. DICKEY.

MARINE CORPS NOMINATIONS BEGINNING HARALD AAGAARD AND ENDING ROBERT C. ZYLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

MARINE CORPS NOMINATION OF DANIEL P. HUDSON.

NAVY NOMINATIONS BEGINNING FREDERICK J. ADAMS

III AND ENDING ANDREA G. NASHOLD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED

IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

NAVY NOMINATION OF IAN G. MCLEOD.

NAVY NOMINATION OF MICHAEL S. MOELLER.

NAVY NOMINATION OF ERIC W. HERBERT.

NAVY NOMINATION OF JAY R. FROHNE.

NAVY NOMINATION OF ADRIAN D. TALBOT.

NAVY NOMINATION OF EVANGELINE D. SMITH.