

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 ex-

perienced, 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, Flor-

ida, 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.

The Court held that DOD violated the statutory requirement and directed DOD to base the salaries on current salaries paid to state-side teachers. The Court also granted the plaintiffs entitlement to recover money damages. A judgment in the District Court on June 30, 1975, provided backpay for the plaintiffs for the period from April 14, 1966, to the date of that judgment.

Out of 23,000 potential plaintiffs, only Mr. Trecosta had previously brought an action in the Court of Claims which was denied. But for his suit, he would have been included in the plaintiff-class in March. Furthermore, he could have been paid administratively. The GAO denied his claim, stating that the matter was res judicata and therefore his final Court of Claims judgment barred any further claim arising out of the matters involved in the case.

No one else is in Mr. Trecosta's position. He was the only teacher who challenged DOD's practices, and was excluded from the class due to that challenge.

When the Senate did not move the House passed bill in the 104th Congress, Mr. Trecosta was encouraged to pursue his bill in the Senate first in subsequent Congresses. In 1999, the Senate referred his claim to the Court of Federal Claims, which determined that he should be paid the back pay as a matter of equity. Only now, after receiving that decision, has the Senate passed S. 2042 for Mr. Trecosta.

First as a private bill objector for many years, and now as the Chairman of the Judiciary Committee, I have always insisted on the processing of private bills through regular order and deviate from that policy in this one instance due to the unique details of the situation. This bill previously passed the House under regular order. It was not only a Meritorious Claims Act referral, but it now also has the blessing of the Court of Federal Claims. This man has already been through a lot, for a long time, to have his claim resolved. I have checked with the Ranking Member of the Judiciary Committee, Mr. CONYERS, and the Republican and Democratic private bill objectors, Mr. COBLE, Mr. CHABOT, Mrs. BLACKBURN, Mr. BOUCHER, Mr. SCHIFF, and Mr. GRIJALVA, and they have all agreed that this procedure is appropriate under these unusual circumstances. I appreciate their cooperation. I urge my colleagues to adopt the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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 S. 2042, the bill just passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the

rules previously postponed. Votes will be taken in the following order:

Concur in Senate amendment to H.R. 1417, by the yeas and nays; and S. 2302, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

COPYRIGHT ROYALTY AND DISTRIBUTION REFORM ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 1417.

The Clerk read the title of the bill.

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 concur in the Senate amendment to the bill, H.R. 1417, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 532]

YEAS—407

Abercrombie	Capuano	Etheridge
Ackerman	Cardin	Evans
Aderholt	Cardoza	Everett
Akin	Carson (IN)	Farr
Alexander	Carson (OK)	Fattah
Allen	Carter	Ferguson
Andrews	Case	Filmer
Baca	Castle	Flake
Bachus	Chabot	Foley
Baird	Chandler	Forbes
Baker	Chocola	Ford
Baldwin	Clay	Fossella
Ballenger	Clyburn	Frank (MA)
Barrett (SC)	Coble	Franks (AZ)
Bartlett (MD)	Cole	Frelinghuysen
Barton (TX)	Collins	Frost
Bass	Conyers	Gallely
Beauprez	Cooper	Garrett (NJ)
Becerra	Costello	Gerlach
Bell	Cox	Gibbons
Berkley	Cramer	Gilchrest
Berman	Crane	Gillmor
Berry	Crenshaw	Gingrey
Biggert	Crowley	Gonzalez
Bilirakis	Culberson	Goode
Bishop (GA)	Cummings	Goodlatte
Bishop (NY)	Cunningham	Gordon
Bishop (UT)	Davis (AL)	Granger
Blackburn	Davis (CA)	Green (TX)
Blumenauer	Davis (FL)	Green (WI)
Blunt	Davis (IL)	Greenwood
Boehlert	Davis (TN)	Grijalva
Boehner	Davis, Jo Ann	Gutierrez
Bonilla	Davis, Tom	Gutknecht
Bonner	Deal (GA)	Hall
Bono	DeFazio	Harman
Boozman	DeGette	Harris
Boswell	DeLauro	Hart
Boucher	DeLay	Hastings (FL)
Boyd	DeMint	Hastings (WA)
Bradley (NH)	Deutsch	Hayes
Brady (PA)	Diaz-Balart, L.	Hayworth
Brady (TX)	Diaz-Balart, M.	Hefley
Brown (OH)	Dicks	Hensarling
Brown (SC)	Dingell	Herger
Brown, Corrine	Doggett	Herseth
Brown-Waite,	Doolittle	Hinchey
Ginny	Doyle	Hinojosa
Burns	Dreier	Hobson
Burton (IN)	Duncan	Hoefel
Butterfield	Edwards	Hoekstra
Buyer	Ehlers	Holden
Calvert	Emanuel	Holt
Camp	Emerson	Honda
Cantor	English	Hooley (OR)
Capito	Eshoo	Hostettler
Capps		Houghton

Hoyer	Michaud	Sandlin
Hulshof	Miller (FL)	Saxton
Hunter	Miller (MI)	Schakowsky
Hyde	Miller (NC)	Schiff
Inslee	Miller, Gary	Schrock
Isakson	Miller, George	Scott (GA)
Israel	Mollohan	Scott (VA)
Issa	Moore	Sensenbrenner
Istook	Moran (KS)	Serrano
Jackson (IL)	Moran (VA)	Sessions
Jackson-Lee	Murphy	Shadegg
(TX)	Myrick	Shaw
Jefferson	Nadler	Shays
Jenkins	Napolitano	Sherman
Johnson (CT)	Neal (MA)	Sherwood
Johnson (IL)	Nethercutt	Shimkus
Johnson, E. B.	Neugebauer	Shuster
Johnson, Sam	Ney	Simmons
Jones (NC)	Northup	Simpson
Jones (OH)	Nunes	Skelton
Kanjorski	Nussle	Slaughter
Kaptur	Oberstar	Smith (MI)
Keller	Obey	Smith (NJ)
Kelly	Oliver	Smith (TX)
Kennedy (MN)	Osborne	Smith (WA)
Kennedy (RI)	Ose	Snyder
Kildee	Otter	Solis
Kind	Owens	Souder
King (IA)	Oxley	Spratt
King (NY)	Pallone	Stearns
Kingston	Pascarell	Strickland
Kirk	Pastor	Stupak
Kline	Paul	Sullivan
Knollenberg	Payne	Sweeney
Kolbe	Pearce	Tancredo
Kucinich	Pelosi	Tauscher
LaHood	Pence	Tauzin
Lampson	Peterson (MN)	Taylor (MS)
Langevin	Peterson (PA)	Taylor (NC)
Lantos	Petri	Terry
Larsen (WA)	Pickering	Thomas
Larson (CT)	Pitts	Thompson (CA)
Latham	Platts	Thompson (MS)
LaTourette	Pombo	Thornberry
Leach	Pomeroy	Tiahrt
Lee	Porter	Tiberi
Levin	Portman	Tierney
Lewis (CA)	Price (NC)	Towns
Lewis (GA)	Pryce (OH)	Turner (OH)
Lewis (KY)	Putnam	Turner (TX)
Linder	Quinn	Udall (CO)
Lipinski	Radanovich	Udall (NM)
LoBiondo	Rahall	Upton
Lofgren	Ramstad	Van Hollen
Lowey	Rangel	Velázquez
Lucas (KY)	Regula	Visclosky
Lucas (OK)	Rehberg	Vitter
Lynch	Renzi	Walden (OR)
Majette	Reyes	Walsh
Maloney	Reynolds	Wamp
Manzullo	Rodriguez	Waters
Markey	Rogers (AL)	Watson
Marshall	Rogers (KY)	Watt
Matheson	Rogers (MI)	Waxman
Matsui	Rohrabacher	Weiner
McCarthy (MO)	Ros-Lehtinen	Weldon (FL)
McCollum	Ross	Weldon (PA)
McCotter	Rothman	Weller
McCrery	Roybal-Allard	Wexler
McGovern	Royce	Whitfield
McHugh	Ruppersberger	Wicker
McInnis	Rush	Wilson (NM)
McIntyre	Ryan (OH)	Wilson (SC)
McKeon	Ryan (WI)	Wolf
McNulty	Ryun (KS)	Woolsey
Meehan	Sabo	Wu
Meek (FL)	Sánchez, Linda	Wynn
Meeks (NY)	T.	Young (AK)
Menendez	Sanchez, Loretta	Young (FL)
Mica	Sanders	

NOT VOTING—25

Burgess	Graves	Murtha
Burr	Hill	Musgrave
Cannon	John	Norwood
Cubin	Kilpatrick	Ortiz
Dooley (CA)	Kleczka	Stark
Dunn	McCarthy (NY)	Stenholm
Engel	McDermott	Tanner
Feeney	Millender-	Toomey
Gephardt	McDonald	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RENZI) (during the vote). There are 2 minutes remaining in this vote.