

Our Federal judges make many sacrifices in serving our Nation and a cut in pay is one of these sacrifices. However, the disparity between judicial salaries and salaries in the rest of the legal profession has grown so wide that the quality of our judicial system may be endangered. It is time to provide these critical public servants with a fair salary that will guarantee the future health of the judiciary.

I urge my colleagues to support this important legislation.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2276

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judicial Fairness Act of 2006".

SEC. 2. JUDICIAL COST-OF-LIVING INCREASES.

(a) REPEAL OF STATUTORY REQUIREMENT RELATING TO JUDICIAL SALARIES.—Section 140 of the resolution entitled "A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes," approved December 15, 1981 (Public Law 97-92; 95 Stat. 1200; 28 U.S.C. 461 note), is repealed.

(b) AUTOMATIC ANNUAL INCREASES.—Section 461(a) of title 28, United States Code, is amended to read as follows:

"(a)(1) Subject to paragraph (2), effective on the first day of the first applicable pay period beginning on or after January 1 of each calendar year, each salary rate which is subject to adjustment under this section shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100) equal to the percentage of such salary rate which corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year that begins in the preceding calendar year.

"(2) In no event shall the percentage adjustment taking effect under paragraph (1) in any calendar year (before rounding), in any salary rate, exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5 in the rates of pay under the General Schedule."

(c) JUDICIAL SALARY INCREASES.—Effective on the first day of the first applicable pay period that begins on or after the date of the enactment of this Act, the rate of basic pay for the Chief Justice of the United States, an Associate Justice of the Supreme Court of the United States, a judge of a United States circuit court, a judge of a district court of the United States, a judge of the United States Court of International Trade, a bankruptcy judge, and a full-time magistrate judge shall be increased in the amount of 16.5 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of \$100 (or, if midway between multiples of \$100, to the next higher multiple of \$100).

SEC. 3. COORDINATION RULE.

If a pay adjustment under section 2 is to be made for an office or position as of the same date as any other pay adjustment affecting such office or position, the adjustment under section 2 shall be made first.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2759. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table.

SA 2760. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2761. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2762. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2763. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2764. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2765. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

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TEXT OF AMENDMENTS

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On page 376, line 2, strike all through the matter before line 1 on page 385.

On page 370, lines 9 through 11, strike "and the regulations banning asbestos promulgated under section 501 of this Act,".

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On page 385, line 1, strike all through page 392, line 5.

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On page 376, line 2, strike all through the matter before line 1 on page 385.

On page 370, lines 9 through 11, strike "and the regulations banning asbestos promulgated under section 501 of this Act,".

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On page 368, line 23, strike all through page 370, line 24 and insert the following:

(e) CONTRIBUTIONS TO THE ASBESTOS TRUST FUND BY OSHA ASBESTOS VIOLATORS.—

(1) IN GENERAL.—The Administrator shall assess employers or other individuals determined to have violated asbestos statutes, standards, or regulations administered by the Department of Labor and State agencies that are counterparts, for contributions to the Asbestos Injury Claims Resolution Fund.

(2) IDENTIFICATION OF VIOLATORS.—Each year, the Administrator shall in consultation with the Assistant Secretary of Labor for Occupational Safety and Health, identify all employers that, during the previous year, were subject to final orders finding that they violated standards issued by the Occupational Safety and Health Administration for control of occupational exposure to asbestos (29 C.F.R. 1910.1001, 1915.1001, and 1926.1101) or the equivalent asbestos standards issued by any State under section 18 of the Occupational Safety and Health Act (29 U.S.C. 668).

(3) ASSESSMENT FOR CONTRIBUTION.—The Administrator shall assess each such identified employer or other individual under paragraph (2) for a contribution to the Fund for that year in an amount equal to—

(A) 2 times the amount of total penalties assessed for the first violation of occupational health statutes, standards, or regulations;

(B) 4 times the amount of total penalties for a second violation of such statutes, standards, or regulations; and

(C) 6 times the amount of total penalties for any violations thereafter.

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amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 370, lines 9 through 11, strike “and the regulations banning asbestos promulgated under section 501 of this Act).”

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(3) ASSESSMENT FOR CONTRIBUTION.—The Administrator shall assess each such identified employer or other individual under paragraph (2) for a contribution to the Fund for that year in an amount equal to—

(A) 2 times the amount of total penalties assessed for the first violation of occupational health statutes, standards, or regulations;

(B) 4 times the amount of total penalties for a second violation of such statutes, standards, or regulations; and

(C) 6 times the amount of total penalties for any violations thereafter.

On page 376, line 2, strike all through the matter before line 1 on page 385.

On page 385, line 1, strike all through page 392, line 5.

SA 2765. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, between lines 18 and 19, insert the following:

(4) MEDICAL CRITERIA FOR CLAIMS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the medical criteria under section 121(d) shall apply to any civil action described under paragraph (1).

(B) NONPREEMPTION OF CERTAIN STATE CRITERIA.—If any medical criterion under State law of the State in which a civil action described under paragraph (1) is filed has a greater requirement than any medical criterion of the medical criteria under section 121(d), the medical criterion of that State shall apply.

On page 363, line 19, strike “(4)” and insert “(5)”.

On page 364, line 15, strike “(5)” and insert “(6)”.

SA 2766. Mr. SESSIONS submitted an amendment intended to be proposed to

amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, insert between lines 118 and 19, the following:

(4) LIMITATIONS ON ATTORNEY'S FEES AND APPLICATION OF MEDICAL CRITERIA.—

(A) ATTORNEY'S FEES.—

(i) DEFINITION.—In this subparagraph, the term “reasonable fees and expenses of attorneys” means fees and expenses that are based on prevailing market rates for the kind and quality of the services furnished, except that—

(I) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the United States Government; and

(II) attorney's fees shall not be awarded in excess of a reasonable fee, unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys, for the proceedings involved justifies a higher fee.

(ii) LIMITATION.—In any civil action described under paragraph (1)—

(I) the limitations on attorney's fees under section 104(e) shall apply; or

(II) a court may award reasonable fees and expenses of attorneys.

(B) MEDICAL CRITERIA FOR CLAIMS.—

(i) IN GENERAL.—Except as provided under clause (ii), the medical criteria under section 121(d) shall apply to any civil action described under paragraph (1).

(ii) NONPREEMPTION OF CERTAIN STATE CRITERIA.—If any medical criterion under State law of the State in which a civil action described under paragraph (1) is filed has a greater requirement than any medical criterion of the medical criteria under section 121(d), the medical criterion of that State shall apply.

On page 363, line 19, strike “(4)” and insert “(5)”.

On page 364, line 15, strike “(5)” and insert “(6)”.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Friday, February 10, 2006, at 9:30 a.m. for a hearing titled, “Hurricane Katrina: The Roles of DHS and FEMA Leadership.”

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

NATIONAL FLOOD INSURANCE PROGRAM ENHANCED BORROWING AUTHORITY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2275, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2275) to temporarily increase the borrowing authority of the Federal Emer-

gency Management Agency for carrying out the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a 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. 2275) was read the third time and passed, as follows:

S. 2275

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Flood Insurance Program Enhanced Borrowing Authority Act of 2006”.

SEC. 2. INCREASE IN BORROWING AUTHORITY.

The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)), as amended by the National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005 (Public Law 109-106; 119 Stat. 2288), is amended by striking “\$18,500,000,000” and inserting “\$21,200,000,000”.

SEC. 3. EMERGENCY SPENDING.

Amendments made pursuant to this Act are designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

MEASURES READ THE FIRST TIME—S. 2271 AND S. 2273

Mr. FRIST. I understand there are two bills at the desk. I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2271) to clarify that individuals who receive FISA orders can challenge non-disclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

A bill (S. 2273) to make available funds included in the Deficit Reduction Act of 2005 for Low-income Home Energy Assistance Act of 1981 program for fiscal year 2006, and for other purposes.

Mr. FRIST. I now ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, en bloc.

The PRESIDING OFFICER. The objection is heard. The bills will be read for the second time on the next legislative day.

EXECUTIVE SESSION

NOMINATION OF THOMAS O. BARNETT TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. FRIST. I ask unanimous consent the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: No. 437, Thomas O.