

distinguished figures on the federal bench. They include two appointees of President Carter—a district judge of the Eastern District of Louisiana, Peter Beer, and a judge on the district court in central California, Terry Hatter, Jr.; two appointees of President Reagan—Thomas F. Hogan, of the District Court for the District of Columbia, and Laurence H. Silberman, who rides the District of Columbia Circuit of the Court of Appeals for the District of Columbia Circuit.

Also among the plaintiffs are three appointees of President Clinton—Richard Paez, who rides the Ninth Circuit for the United States Court of Appeals, and Jas. Robertson, of the District Court for the District of Columbia, and A. Wallace Tashima, who was elevated to ride the 9th Circuit by Mr. Clinton after having first served as a district judge on the nomination of Mr. Carter.

The pay of judges is one of the most sensitive issues in American history. The Declaration of Independence enumerates judges pay as one of the “injuries and usurpations” committed by George III against the Americans. The Declaration stated that the British tyrant “has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.”

It was that claim that led the Founders to establish, in Article III of the Constitution, that “[j]udges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour”—meaning for life—and that they “shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.”

The complaint in the latest case, which is known as *Beer v. U.S.*, would not be the first time federal judges have gone to court with claims in respect of their pay. As recently as 2008 at New York State, judges launched a legal case to gain a raise. New York’s constitution, like the federal constitution, also prohibits the lowering of a judge’s pay. But the argument the New York judges have made, and they have made it in their own courts, is that the way the legislature in Albany has handled the issue violates the principle of separation of powers.

*Beer v. U.S.* involves federal judges, who are seeking a hearing by the Supreme Court with a different argument—that when Congress scinded a legislated cost-of-living adjustment, as it did for a number of recent years, the judges’ pay was diminished. The judges lost in their early rounds on a complicated set of issues, partly of precedent established in an earlier case when judges fought for a cost of living increase.

In some recent legal fracas involving judges pay, there have been statements from several Supreme Court justices, including one by Justice Scalia, that seem to have emboldened the judges filing a claim in the latest case. They are expected to file in the next few days a petition for the Supreme Court to hear their claim that earlier precedents were wrongly decided and that rescinding a legislated cost-of-living adjustment is a diminishment. The Supreme Court has ruled that in cases where a judge has an in-

terest in the outcome of a case but is by necessity the party who must hear it, it is the judge’s duty to rule, despite the conflict of interest. It may be that were Ms. Kagan to be elevated to the Supreme Court she would decide to recuse herself from *Beer v. U.S.* because of her either direct or tangential involvement in the case as solicitor general.

One difference between the current case and earlier ones is that the country is now in a historic monetary crisis, in which the value of United States fiat money has collapsed to such a degree that the Supreme Court would have to go through contortions to avoid considering it. In the past decade, the value of a dollar has plummeted to less than a 1,200th of an ounce of gold from, say, the 265th of an ounce of gold that it was worth at the start of the president of George W. Bush.

This means that the legal tender with which a judge is paid today is worth less than a quarter of what it was worth a decade ago.

The Supreme Court ruled after the Civil War that the federal government’s paper money had to be accepted as legal tender. The centerpiece of the court’s rulings was called *Knox v. Lee* and involved payment for a flock of sheep. But there is a legion of scholars and activists who believe—as did the Chief Justice of the United States at the time of *Knox*, Salmon Chase—that *Knox v. Lee* was wrongly decided. Such scholars argue that the majority in *Knox v. Lee* would never have sustained the monetary system we have today.

These critics point out that the Founders of America, who used the word “dollars” twice in the Constitution, all knew what the word meant—namely, 416 grains of standard silver or 371 ¼ grains of pure silver, the same as was in a then-ubiquitous coin known as a Spanish milled dollar, which was also known as a piece of eight. That standard was codified in one of the most famous laws passed in the early years of the republic, the Coinage Act of 1792. Critics of the legal tender law believe that 416 grains of standard silver—or the free market equivalent in gold—is the only form of constitutional money.

“If the judges bringing the case of *Beer v. U.S.* fail to convince the Supreme Court to restore their cost of living adjustment, federal judges will then have no option left but to reformulate their case so as to challenge the legal tender concept as presently applied,” says Mr. Vieira.

#### INTRODUCTION OF THE SIKES ACT AMENDMENTS ACT OF 2010

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 12, 2010*

Ms. BORDALLO. Madam Speaker, today I have introduced a bill to amend the Sikes Act to improve natural resources management

planning for State-owned installations used for the national defense. I have introduced this bill after working with appropriate officials at the Department of Defense (DOD). The amendments proposed by DOD will improve coordination between DOD, the Department of the Interior and State, Territorial and local partners for the protection of fish and wildlife resources on DOD lands and State-owned installations used for the national defense.

As the Chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife and as a member of the Committee on Armed Services, this bill that I have introduced today is appropriate as the 111th Congress moves forward with an agenda promoting responsible environmental stewardship. DOD controls nearly 25 million acres of valuable fish and wildlife habitat at approximately 400 military installations nationwide. These lands contain a wealth of plant and animal life, vital wetlands for migratory birds and habitat for nearly 300 federally listed threatened and endangered species. For 50 years, the Sikes Act has helped the commanders of these installations balance their use of air, land and water resources for military training and testing with the need to conserve and rehabilitate these important ecosystems. In past National Defense Authorization Acts, Congress has made improvements to the Sikes Act and my bill, the Sikes Act Amendments Act of 2010, continues this progress by proposing three significant improvements to the law.

First, my bill clarifies the scope of the Sikes Act by extending its provisions to State-owned National Guard installations, including the requirement to develop and implement Integrated Natural Resources Management Plans, INRMP, that are already required for federally owned military installations. Another provision in this bill would make permanent the successful invasive species management pilot program on Guam, authorized into law in 2004, and expand its scope to all military installations. Finally, the bill makes several technical and clarifying changes to the U.S. Code to make it consistent with other subheadings and titles.

I want to thank Chairman SOLOMON ORTIZ of the House Armed Services Subcommittee on Readiness for his leadership on issues affecting management of military installations and the readiness of our military forces. I also thank Chairman NICK RAHALL of the House Natural Resources Committee for his leadership in providing for seamless protection for our fish and wildlife resources, a national treasure, across all public lands. I look forward to working with my colleagues in both the Natural Resources Committee and the Armed Services Committee in receiving testimony, support and views on the Sikes Act Amendments Act of 2010.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 13, 2010 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## MAY 17

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the Gulf Coast disaster, focusing on assessing the nation's response to the Deepwater Horizon oil spill.

SD-342

## MAY 18

10 a.m.

Appropriations  
Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Pacific Command and European Command programs.

SVC-217

Foreign Relations

To hold hearings to examine the new Strategic Arms Reduction Treaty (START).

SD-106

Judiciary

Human Rights and the Law Subcommittee  
To hold hearings to examine drug enforcement and rule of law, focusing on Mexico and Colombia.

SD-226

11 a.m.

Energy and Natural Resources

To resume hearings to examine issues related to offshore oil and gas exploration including the accident involving the Deepwater Horizon in the Gulf of Mexico.

SR-325

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine response efforts to the Gulf Coast oil spill.

SR-253

Environment and Public Works

To hold hearings to examine Federal response to the recent oil spill in the Gulf of Mexico.

SD-406

Health, Education, Labor, and Pensions

To resume hearings to examine Elementary and Secondary Education Act (ESEA) reform, focusing on supporting student health, physical education, and well-being.

SD-430

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

## MAY 19

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the proposed Constitution of the U.S. Virgin Islands, S. 2941, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, H.R. 3940, to amend Public Law 96-597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States, and H.R. 2499, to provide for a federally sanctioned self-determination process for the people of Puerto Rico.

SD-366

Veterans' Affairs

To hold hearings to examine pending legislation.

SR-418

10 a.m.

Health, Education, Labor, and Pensions  
Children and Families Subcommittee

To hold hearings to examine the state of American children.

SD-430

Judiciary

To hold hearings to examine renewing America's commitment to the refugee convention, focusing on the Refugee Protection Act of 2010.

SD-226

Rules and Administration

To resume hearings to examine the filibuster, focusing on the filibuster today and its consequences.

SR-301

Small Business and Entrepreneurship

To hold hearings to examine the nomination of Marie Collins Johns, of the District of Columbia, to be Deputy Administrator of the Small Business Administration.

SR-428A

11 a.m.

Small Business and Entrepreneurship

To hold hearings to examine the Small Business Administration (SBA) Disaster Assistance Program and the impact of the Deepwater Horizon oil spill on small businesses.

SR-428A

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine S. 3302, to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public.

SR-253

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 349, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, S. 1596, to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California, S. 1651, to modify a land grant patent issued by the Secretary of the Interior, S. 1750, to authorize the Secretary of the Interior to conduct a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor

in Leesburg, Virginia, S. 1801, to establish the First State National Historical Park in the State of Delaware, S. 1802 and H.R. 685, bills to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, S. 2953 and H.R. 3388, bills to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, S. 2976, to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, S. 3159 and H.R. 4395, bills to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 3168, to authorize the Secretary of the Interior to acquire certain non-Federal land in the State of Pennsylvania for inclusion in the Fort Necessity National Battlefield, and S. 3303, to establish the Chimney Rock National Monument in the State of Colorado.

SD-366

3:30 p.m.

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Washington Metropolitan Area Transit Authority (Metro).

SD-138

## MAY 20

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine S. 2921, to provide for the conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, to require the Secretary of the Interior to designate certain offices to serve as Renewable Energy Coordination Offices for coordination of Federal permits for renewable energy projects and transmission lines to integrate renewable energy development.

SD-366

10:30 a.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine counter-narcotics contracts in Latin America.

SD-342

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine efforts to right-size the Federal employee-to-contractor mix.

SD-342

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

## MAY 25

9 a.m.

Armed Services

Airland Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.

SR-222