

and prosecute the doctors who continue to practice this horrific procedure. Furthermore, it will give the parents of minors and husbands the right to bring civil actions against said doctors.

As a father of three daughters and a member of the medical community, I am proud to have played a part in the preservation of women's health and the sacredness of life.

CONTEMPLATE THE WAR DEAD

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, it is easy to come into this House and forget what is going on out in the world, but on Friday when I got back to my office, I received a phone call from one of my constituents who had received a notification on Sunday that her son was killed in Iraq. Talking to this woman and understanding how she had felt, she had marched against the war, but her son believed that he was doing the right thing for this country. He believed that what he was doing was important, even though his parents thought that the war was not the right thing to be doing.

I think that as we go forward with a President who refuses to look at how to change the situation over there, we risk more and more of these deaths. We had them on Sunday. We had them on Monday, and I think we ought to take a moment to be silent and contemplate the war dead.

CONCURRENT RECEIPT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, as our military men and women continue to do a great job to keep us safe and secure, heated debate has broken out about whether veterans should receive both disability pay and retirement pay. This issue is called concurrent receipt.

Right now, when a veteran retires, military pension benefits from the Department of Defense are reduced dollar for dollar by the amount of disability benefits received from the Veterans Affairs Department. Republicans have proposed commonsense solutions that will send more disability money to our veterans.

Under the plan, disabled veterans will see more retirement money, and benefits will now be available to Reservists and Guardsmen injured in service. This is a solution that is fair, responsible, and honors our Nation's disabled veterans.

I encourage all veterans to contact their lawmakers and urge them to support this important legislation and pass it by the end of the year.

CRACKDOWN IN BURMA

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, I ask all freedom-loving people to pay attention to the latest crackdown in Burma by that country's brutal military regime.

A few days ago, the military again reminded us why Burma has one of the most despicable regimes in the world, by cruelly cracking down on a demonstration by Buddhist monks. Over 900 monks took to the streets, calling for freedom and democracy. These people, who are dedicated to peace themselves, found themselves the targets of not only water guns but of brutal beatings. One of them was killed. Four have been put in intensive care.

It is time for the people of Burma to join the Buddhist monks and to rise up against their tyrants. It is time for the people in the Burmese Army to rise up and turn their guns against the military regime that has destroyed freedom in their country and led their country into such deprivation and poverty, the regime that is stealing from their own people and giving their country to the Communist Chinese, and it is up to us, the United States, to back up the freedom-loving people of Burma.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3349) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2004.

The Clerk read as follows:

H.R. 3349

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 2004 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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 H.R. 3349, the bill currently under consideration.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, by way of background, Congress enacted the Executive Salary Cost-of-Living Adjustment Act in 1975 which was intended to give judges, Members of Congress and high-ranking executive branch officials automatic COLAs accorded other Federal employees unless rejected by Congress. In 1981, Congress amended the statute by enacting section 140 of Public Law 97-92, which requires a specific congressional authorization to grant judges a COLA.

Mr. Speaker, the legislation before us is based on the template set forth in H.R. 16, now Public Law 108-6, which the House passed back in January and the President signed in February. H.R. 16 satisfied the section 140 requirement and thereby enabled judges to receive a COLA for this past fiscal year. H.R. 3349 accomplishes the same purpose for fiscal year 2004.

One final point, Mr. Speaker. The House will recall that Congress passed the Ethics Reform Act in 1989 to address the issue of Federal public service compensation. The mechanism for raising judicial salaries under the Act is premised on congressional action following a Presidential recommendation. A key feature of the 1989 law, however, was, and still is, that certain Federal judicial salaries are effectively linked to those of Senators and House Members as set forth in a statutory pay schedule for executive officials. In other words, the Federal judges cannot receive a pay raise unless Congress is willing to increase its own compensation along with that of various executive branch officials.

I do not believe that Congress should deviate from this construct by raising the salaries of life-tenured judges by nearly \$25,000, as the Senate version of the Commerce-Justice-State appropriations bill would do. Along with many of our colleagues and other interested parties, I am not convinced that Federal judges work harder or have greater responsibility than Members of Congress or executive branch officials.

I believe in fairness, Mr. Speaker, and that is why I introduced H.R. 3349, to ensure that Federal judges receive a COLA when other civil servants, including Members of Congress, receive theirs. I otherwise maintain that neither Congress nor the third branch is entitled to a massive pay raise at this point, and I would urge the House appropriators to reject any attempt to

raise judicial salaries by deviating from the parameters set forth in the Ethics Reform Act.

To conclude, Mr. Speaker, H.R. 3349 will assist in the administration of justice in our Federal courts and is otherwise noncontroversial and urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support H.R. 3349 and ask that my colleagues support it as well. This legislation gives Federal judges a 2.2 percent cost-of-living pay adjustment for 2004. Members of the Federal judiciary deserve this raise. The hardworking men and women of the Federal bench are a critical, if sometimes underappreciated, part of our constitutional democracy. We should do everything we can to ensure that we attract and retain the highest quality judges.

While judges are predominantly called to service by a sense of duty and honor, financial considerations can be a powerful deterrent to service. Judges already make far less than they could earn in private firms. While this pay disparity will always exist, Congress should at the least ensure that judicial pay does not effectively shrink. The failure to give judges a COLA would constitute just such a reduction in pay.

Unfortunately, Congress has failed several times in the past decade to give Federal judges a COLA pay adjustment.

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Thus, over time, the pay of Federal judges has effectively shrunk. We should pass this legislation today to ensure this inequity is not increased further.

I want to make clear to my colleagues that this legislation in no way decouples judicial pay from the pay of Members of Congress and senior executive service. While I personally would not oppose such a decoupling, I know some of my colleagues, perhaps the gentleman who just spoke, would oppose it.

This legislation simply ensures that Federal judges can receive the same COLA increase that Members of Congress and senior executive service officials are already slated to receive for fiscal year 2004. Members of Congress and SES officials receive automatic COLA pay adjustments each year unless Congress specifically prohibits it. Federal judges, on the other hand, do not receive such COLAs unless Congress provides specific statutory authorization each year.

Congress typically provides this authorization in the annual commerce-justice-state appropriations legislation. Unfortunately, Congress has lately had some difficulty in passing the CJS appropriations bill by the start of the calendar year, let alone the fiscal year. The fiscal year 2003 CJS bill did not pass until 2003 was well under way,

and now it looks like the fiscal year 2004 CJS bill will not be enacted until sometime in 2004. Such congressional action should not be allowed to imperil the COLA that Federal judges are rightfully do.

I applaud the gentleman from Wisconsin (Chairman SENSENBRENNER) for taking swift action to remedy the situation both earlier this year and now. In January of this year, the chairman of the Committee on the Judiciary ensured that virtually the first action of the 108th Congress was to pass H.R. 16, which authorized COLAs for 2003. He exhibits great forethought by bringing H.R. 3349 before the House before 2004 is upon us. I applaud him for taking swift action to make sure that judges will not be denied their COLAs through congressional inaction.

Of course, if future Congresses continue to have trouble moving the CJS appropriations bill in a timely fashion, the chairman may want to consider a different approach. A simple repeal of section 140 of Public Law 97-92 would dispense with the need to engage in this annual exercise. I commend this approach for the chairman's consideration and will not use this time to argue about whether or not it makes sense to pay judges more than third-year lawyers in excellent law firms. In conclusion, I urge my colleagues to support this measure.

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation, of which I am a cosponsor. This bill provides the Federal judiciary with a much needed cost of living adjustment (COLA) for their salary for fiscal year 2004. I also would like to thank Chairman SENSENBRENNER for his leadership and bipartisanship on this issue.

The Constitution mandates that the pay of Federal judges "shall not be diminished during their Continuance in Office." Unfortunately, by failing to provide judges with annual COLA's over the last decade, they have faced the equivalent of a \$77,000 reduction in salary. Currently, Federal district court judges earn \$150,000 per year. This is much less than they could earn in private practice; in fact, it is less than an attorney right out of law school can earn in private practice. Even the judges' employees, those who work at the Administrative Office of the U.S. Courts, can make more than their employers. In the last 30 years, while average pay has increased 12 percent for most workers, it has decreased 25 percent for Federal judges.

This issue can seem to be just a matter of salary, but it extends deeply into our concept of a democracy and judicial independence. The Constitution establishes a system of checks and balances, granting independent judges lifetime tenure and the right to an undiminished salary, in order to ensure the judiciary remains independent of financial, political, and social pressures. Unfortunately, many Federal judges are leaving the bench for private practice, and many experienced and qualified private practitioners are deterred from serving in the judiciary. The pay disparity has diminished the independence of our third branch and made it difficult to attract and retain qualified attorneys.

The timing for this legislation also is critical. Last year, Congress passed a continuing reso-

lution that provided a cost of living adjustment to most Federal employees except judges. The omission required us to pass a law early this year to extend the COLA to judges. To ensure that we do not let this issue fall by the wayside again, we must pass this bill today.

I urge my colleagues to vote "yes" on this legislation.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). 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. 3349.

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.

ADVANCING JUSTICE THROUGH DNA TECHNOLOGY ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3214) to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3214

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Advancing Justice Through DNA Technology Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEBBIE SMITH ACT OF 2003

Sec. 101. Short title.

Sec. 102. Debbie Smith DNA Backlog Grant Program.

Sec. 103. Expansion of Combined DNA Index System.

Sec. 104. Tolling of statute of limitations.

Sec. 105. Legal assistance for victims of violence.

Sec. 106. Ensuring private laboratory assistance in eliminating DNA backlog.

TITLE II—DNA SEXUAL ASSAULT JUSTICE ACT OF 2003

Sec. 201. Short title.

Sec. 202. Ensuring public crime laboratory compliance with Federal standards.