

bipartisan bill was put forward which would have given judges a long-awaited pay raise. The Federal Judicial Salary Restoration Act of 2008 would have brought judicial salaries more closely in line with what the position merits. Although this bill had support on both sides of the aisle, we were unable to pass it this year. We will return to that proposal in the very near future.

The bill we have introduced today simply provides a cost-of-living increase for this year. I favor a proposal, included in the Salary Restoration Act, which would guarantee judges a cost-of-living adjustment every year. But at the very least, we must provide such an increase for this year.

Between 1993 and 2001, the Federal judiciary has received only three out of eight proposed cost-of-living adjustments. Because of Congress's failure to act, judicial pay has declined relative to the rest of the economy, and judicial independence is threatened. It is time we stop allowing judicial pay to diminish.

If we are to preserve the judicial independence envisioned by our country's Founders, we must not allow judicial pay to continue to ebb. Passage of this bill would be a small downpayment on the more meaningful steps we need to take to treat judges with the respect they deserve.

Mr. LEAHY. Mr. President, at the very beginning of the 110th Congress, I joined with Senators REID, SPECTER, FEINSTEIN, and CORNYN to pass legislation to authorize a cost-of-living adjustment, COLA, for the salaries of U.S. Justices and judges for fiscal year 2007. Now as we wrap up this session, we are again compelled to take remedial action, because a COLA for our Federal judiciary was not included in the continuing resolution for fiscal year 2009.

Earlier today, we attempted to pass a bipartisan bill to repeal the section of the U.S. Code that is a barrier to Federal judges receiving an automatic cost-of-living adjustment. The Administrative Office of the United States Courts notes that when adjusted for inflation the pay rate for Federal judges has declined by 25 percent since 1969. 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. However, in 1981, Congress enacted section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges. This action has resulted in judges failing to receive a cost-of-living adjustment when other Federal employees have received one. Unfortunately, there was an objection on the other side of the aisle that prevented passage of the measure to repeal this antiquated section and to ensure that the wages of our Federal judges can keep up with inflation.

The bipartisan legislation we are now trying to move provides a COLA for

Federal judges consistent with the law and with fairness. I hope that this measure, providing judges with a COLA for fiscal year 2009, can pass by both sides of the aisle by unanimous consent. I had sincerely hoped that we could have passed a more comprehensive judicial pay bill this Congress given all the work we dedicated to the issue in the Judiciary Committees of both the Senate and the House of Representatives but at a minimum we should not allow judicial salaries to slip even further behind.

Mr. BINGAMAN. Mr. President, a strong and independent judiciary is essential to the administration of justice in our country.

It is my understanding that the Senate has been unable to clear bipartisan legislation introduced by Senators REID and McCONNELL which would repeal the requirement that Congress specially authorize a cost-of-living increase each year for the Federal judiciary. Repealing this provision, which is known as section 140, would in essence ensure that Federal judges are treated in the same manner as Members of Congress regarding salary adjustments.

I am disappointed that this bipartisan effort is being blocked, but I am pleased that the Senate is expected to pass another measure, which I have co-sponsored, that would provide a cost-of-living increase to judges for at least the next year. Without this fix, Members of Congress will receive a COLA increase in January along with most of the Federal workforce, but not the judiciary. I don't see any reasonable justification for giving Members of Congress and the Federal workforce a cost-of-living increase and denying the judiciary a similar adjustment.

There are ongoing discussions about the extent we should provide for an overall increase in judicial compensation, but the issue we are discussing today isn't about making major adjustments to judicial salaries. I support reforming judicial salaries, and I hope the next Congress will be able to pass legislation to this end, but in the meantime I believe it is important that we don't deny the judiciary a reasonable cost-of-living increase.

Leaving the judiciary behind would be wrongheaded and shortsighted. By denying these dedicated public servants adequate compensation, we are making it more difficult to attract and retain judges of the highest caliber.

I would also like to note my appreciation for the majority leader's efforts to address this issue. Although attempts to repeal section 140 have stalled at this point, I know Senator REID, along with Senator LEAHY, are committed to ensuring that we maintain a strong judiciary and to enacting necessary reforms. I will continue to do everything I can to support these efforts.

Mr. DORGAN. 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. 3711) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3711

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

**SECTION 1. COST OF LIVING ADJUSTMENT FOR THE FEDERAL JUDICIARY.**

Pursuant to section 140 of Public Law 97-92, justices and judges of the United States are authorized during fiscal year 2009 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

**MAKING A TECHNICAL CORRECTION TO THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3712 introduced earlier today by Senator KENNEDY.

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

The legislative clerk read as follows:

A bill (S. 3712) to make technical corrections in the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3712

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

**SECTION 1. TECHNICAL CORRECTION IN MENTAL HEALTH PARITY EFFECTIVE DATE.**

Section 512(e)(2)(B) of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (subtitle B of title V of division C of Public Law 110-343) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

**SHORT-TERM ANALOG FLASH AND EMERGENCY READINESS ACT**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 3663 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3663) to require the Federal Communications Commission to provide for a short-term extension of the analog television