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## House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. STEARNS].

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 15, 1997.

I hereby designate the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

NEWT GINGRICH,

*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate from Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, N.Y.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1119. An act to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1119) "An Act to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of

the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. CLELAND, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes;

S. 423. An act to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason;

S. 669. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site;

S. 731. An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes; and

S. 936. An act to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that pursuant to Public Law 105-18, the Chair, on behalf of the Democratic leader, appoints the following individuals to serve as members of the National Commission on the Cost of Higher Education:

Robert V. Burns, of South Dakota; and

Clare M. Cotton, of Massachusetts.

The message also announced that pursuant to Public Law 105-18, the Chair, on behalf of the majority leader, appoints the following individuals to serve as members of the National Commission on the Cost of Higher Education:

William D. Hansen, of Virginia;

Frances M. Norris, of Virginia; and William E. Troutt, of Tennessee.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK] for 5 minutes.

### UNJUSTIFIED CRITICISM OF JUDICIAL ACTIVISM

Mr. FRANK of Massachusetts. Mr. Speaker, we have recently heard a lot of criticism of judicial activism. People, especially on the conservative side of our spectrum, have denounced justices, Supreme Court Justices and judges, who, with their life-tenured appointments, have stricken laws passed by the elected officials, and there has been a great deal of criticism that this is essentially undemocratic.

I disagree with the criticism. I think the role of the judiciary in defending our rights, particularly when legislative majorities err and disregard those rights, is a very important one. I am, therefore, pleased to note that there are high-ranking judicial officials who are not deterred. I am here to congratulate in particular two Justices who have repudiated implicitly this criticism of judicial activism. I am here to call attention to the work of two Justices who have consistently upheld the finest traditions of judicial activism by striking laws, by overruling administrative decisions, even on occasion being in the minority and

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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