

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting "or flunitrazepam" after "I or II".

(B) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting "or flunitrazepam," after "I or II,".

(C) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting "(except a violation involving flunitrazepam)" after "III, IV, or V,".

(3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend, as appropriate, the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASED PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after "exceeds 1 gram," the following: "Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section or both."

SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the United States.

On motion of Mr. SOLOMON, said Senate amendment was agreed to.

A motion to reconsider the vote whereby said Senate amendment was agreed to was, by unanimous consent, laid on the table.

Ordered. That the Clerk notify the Senate thereof.

¶122.10 FEDERAL ADMINISTRATIVE PROCESS DISPUTE RESOLUTION

On motion of Mr. SOLOMON, by unanimous consent, the bill (H.R. 4194)

to reauthorize alternative means of dispute resolution in Federal administrative process, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Page 12, after line 5, insert:

SEC. 12. JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS AND THE DISTRICT COURTS OF THE UNITED STATES: BID PROTESTS.

(a) BID PROTESTS.—Section 1491 of title 28, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a) by striking out paragraph (3); and

(3) by inserting after subsection (a), the following new subsection;

"(b)(1) Both the United States Court of Federal Claims and the district courts of the United States shall have jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for bids or proposals for a proposed contract or to a proposed award or the award of a contract or any alleged violation of statute or regulation in connection with a procurement or a proposed procurement. Both the United States Court of Federal Claims and the district courts of the United States shall have jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

"(2) To afford relief in such an action, the courts may award any relief that the court considers proper, including declaratory and injunctive relief except that any monetary relief shall be limited to bid preparation and proposal costs.

"(3) In exercising jurisdiction under this subsection, the courts shall give due regard to the interests of national defense and national security and the need for expeditious resolution of the action.

"(4) In any action under this subsection, the courts shall review the agency's decision pursuant to the standards set forth in section 706 of title 5."

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 1996 and shall apply to all actions filed on or after that date.

(c) STUDY.—No earlier than 2 years after the effective date of this section, the United States General Accounting Office shall undertake a study regarding the concurrent jurisdiction of the district courts of the United States and the Court of Federal Claims over bid protests to determine whether concurrent jurisdiction is necessary. Such a study shall be completed no later than December 31, 1999, and shall specifically consider the effect of any proposed change on the ability of small businesses to challenge violations of Federal procurement law.

(d) SUNSET.—The jurisdiction of the district courts of the United States over the actions described in section 1491(b)(1) of title 28, United States Code (as amended by subsection (a) of this section) shall terminate on January 1, 2001 unless extended by Congress. The savings provisions in subsection (e) shall apply if the bid protest jurisdiction of the district courts of the United States terminates under this subsection.

(e) SAVINGS PROVISIONS.—

(1) ORDERS.—A termination under subsection (d) shall not terminate the effectiveness of orders that have been issued by a court in connection with an action within the jurisdiction of that court on or before December 31, 2000. Such orders shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(2) PROCEEDINGS AND APPLICATIONS.—(A) a termination under subsection (d) shall not affect the jurisdiction of a court of the United States to continue with any proceeding that is pending before the court on December 31, 2000.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if such termination had not occurred. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that proceeding could have been discontinued or modified absent such termination.

(f) NONEXCLUSIVITY OF GAO REMEDIES.—In the event that the bid protest jurisdiction of the district courts of the United States is terminated pursuant to subsection (d), then section 3556 of title 31, United States Code, shall be amended by striking "a court of the United States or" in the first sentence.

On motion of Mr. SOLOMON, said Senate amendment was agreed to.

A motion to reconsider the vote whereby said Senate amendment was agreed to was, by unanimous consent, laid on the table.

Ordered. That the Clerk notify the Senate thereof.

¶122.11 OPERATION OF FEDERAL COURTS

On motion of Mr. SOLOMON, by unanimous consent, the bill of the Senate (S. 1887) to make improvements in the operation and administration of the Federal courts, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk notify the Senate thereof.

¶122.12 PATENT OWNER COMPENSATION

On motion of Mr. SOLOMON, by unanimous consent, the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

Page 2, line 8, strike out all after "States;" down to and including "Acts." in line 13 and insert "Notwithstanding the preceding sentences, unless the action has been pending for more than 10 years from the time of filing to the time that the owner applies for such costs and fees, reasonable and entire compensation shall not include such costs and fees if the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust."

Page 2, line 17, strike out "January 1, 1995" and insert "the date of the enactment of this Act".

On motion of Mr. SOLOMON, said Senate amendments were agreed to.

A motion to reconsider the vote whereby said Senate amendments were agreed to was, by unanimous consent, laid on the table.

Ordered. That the Clerk notify the Senate thereof.

¶122.13 HUMAN RIGHTS

On motion of Mr. SMITH of New Jersey, by unanimous consent, the bill (H.R. 4036) to strengthen the protection of internationally recognized human rights; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

Page 2, strike out all after line 4 over to and including line 6 on page 4.

Page 4, line 7, strike out "103" and insert "101".

Page 4, strike out all after line 20, over to and including line 17 on page 6.

Page 6, line 18, strike out "105" and insert "102".

Page 7, line 3, strike out "106" and insert "103".

Page 8, line 10, strike out "107" and insert "104".

Page 12, after line 2 insert:

TITLE III—CLAIBORNE PELL INSTITUTE FOR INTERNATIONAL RELATIONS AND PUBLIC POLICY

SEC. 301. SHORT TITLE.

This title may be cited as the "Claiborne Pell Institute for International Relations and Public Policy Act".

SEC. 302. GRANT AUTHORIZED.

In recognition of the public service of Senator Claiborne Pell, the Secretary of Education is authorized to award a grant, in accordance with the provisions of this title, to assist in the establishment and operation of the Claiborne Pell Institute for International Relations and Public Policy, located at Salve Regina University, Newport, Rhode Island, including the purchase and renovation of facilities to house the Institute.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed \$3,000,000, as may be necessary to carry out this title.

SEC. 304. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

TITLE IV—GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE

SEC. 401. SHORT TITLE.

This title may be cited as the "George Bush School of Government and Public Service Act".

SEC. 402. GRANT AUTHORIZED.

In recognition of the public service of President George Bush, the Secretary of Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A & M University.

SEC. 403. GRANT CONDITIONS.

No payment may be made under this title except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

SEC. 404. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated such sums, not to exceed \$3,000,000, as may be necessary to carry out the provisions of this title.

SEC. 405. EFFECTIVE DATE.

This title shall take effect on October 1, 1996.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EDMUND S. MUSKIE FOUNDATION.

In recognition of the public service of Senator and Secretary of State Edmund S.

Muskie, the Secretary of Education is authorized to award a grant in accordance with the provisions of this Act to assist in the establishment of the Edmund S. Muskie Foundation, located in Washington, DC, by providing assistance to support the foundation, including assistance to be used for awarding stewardships, supporting the Muskie archives, and supporting the Edmund S. Muskie Institute of Public Affairs.

SEC. 502. CALVIN COOLIDGE MEMORIAL FOUNDATION GRANT.

(a) DEFINITIONS.—In this section:

(1) FOUNDATION.—The term "Foundation" means the Calvin Coolidge Memorial Foundation.

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) GRANT AUTHORIZED.—The Secretary is authorized to make a grant in the amount of \$1,000,000 in accordance with the provisions of this section to the Foundation.

(c) GRANT CONDITIONS.—

(1) APPLICATION.—No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(2) USE OF GRANT FUNDS.—Funds received under this section may be used for any of the following purposes:

(A) To increase the endowment of the Foundation.

(B) To conduct educational, archival, or preservation activities of the Foundation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$1,000,000, without fiscal year limitation, to carry out the provisions of this section.

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 1996.

On motion of Mr. SOLOMON, said Senate amendments were agreed to.

A motion to reconsider the vote whereby said Senate amendments were agreed to was, by unanimous consent, laid on the table.

Ordered. That the Clerk notify the Senate thereof.

¶122.14 PRESIDENTIAL ACCOUNTABILITY

On motion of Mr. CLINGER, by unanimous consent, the bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

In section 1(b), strike the items relating to sections 4 through 9, and insert the following:

Sec. 4. Applicability of future employment laws.

Sec. 5. Repeal of section 303 of the Government Employee Rights Act of 1991.

In the table of contents relating to title 3, United States Code (as added by section 2), redesignate the item relating to section 420 as an item relating to section 421.

In the table of contents relating to title 3, United States Code (as added by section 2), redesignate the item relating to section 430 as an item relating to section 431.

In the table of contents relating to title 3, United States Code (as added by section 2), in the item relating to subchapter III, strike the hyphen and insert a space.

In the table of contents relating to title 3, United States Code (as added by section 2), strike the item relating to section 457.

In the table of contents for title 3, United States Code (as amended by section 2), strike

the items relating to subchapters IV and V and insert the following:

"SUBCHAPTER IV—EFFECTIVE DATE

"471. Effective date."

In section 401 of title 3, United States Code (as added by section 2), insert before "Except" the following:

"(a) IN GENERAL.—"

In section 401 of title 3, United States Code (as added by section 2), add at the end the following:

"(b) DEFINITIONS RELATING TO CERTAIN MATTERS.—For purposes of applying this chapter with respect to any practice or other matter—

"(1) to which section 411 relates, the terms 'employing office' and 'covered employee' shall each be considered to have the meaning given to the term by such section;

"(2) to which section 412 relates, the term 'covered employee' means a covered employee described in section 412(a)(2)(B);

"(3) to which section 413 relates, the term 'covered employee' excludes interns and volunteers, as described in section 413(a)(2); and

"(4) to which section 416 relates, the term 'covered employee' means a covered employee described in section 416(a)(2)."

In section 411 of title 3, United States Code (as added by section 2), redesignate subsection (d) as subsection (e).

In section 411 of title 3, United States Code (as added by section 2 and so redesignated) insert after subsection (c) the following:

"(d) REGULATIONS TO IMPLEMENT SECTION.—

"(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement paragraphs (1) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b).

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the appropriate officer of an executive agency to implement the statutory provisions referred to in paragraphs (1) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 717 of the Civil Rights Act of 1964 or section 501 of the Rehabilitation Act of 1973 that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in paragraph (1) or (3) of subsection (a) or paragraph (1) or (3) of subsection (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government."

In section 411 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

"(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1997."

In section 412(b) of title 3, United States Code (as added by section 2), strike "such damages" and insert "such remedy".

In section 412 of title 3, United States Code (as added by section 2), add at the end the following:

"(c) REGULATIONS TO IMPLEMENT SECTION.—