

for the recovery of minerals from the Nation's seabed, and for other purposes;

H.R. 3568. An Act to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System;

H.R. 3632. An Act to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition;

H.R. 3864. An Act to amend laws authorizing auditing, reporting, and other functions by the General Accounting Office;

H.R. 3910. An Act to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes;

H.R. 4083. An Act to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997;

H.R. 4236. An Act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes;

H.R. 4283. An Act to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes;

H.J. Res. 193. Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact; and

H.J. Res. 194. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 632. An Act to enhance fairness in compensating owners of patents used by the United States;

H.R. 1776. An Act to require the Secretary of the Treasury to mint coins in commemoration of Black Revolutionary War patriots and the 275th anniversary of the 1st Black Revolutionary War patriot, Crispus Attucks;

H.R. 3452. An Act to make certain laws applicable to the Executive Office of the President, and for other purposes;

H.R. 4036. An Act making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations;

H.R. 4137. An Act to combat drug-facilitated crimes of violence, including sexual assaults; and

H. Con. Res. 230. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Fourth Congress.

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

S. 342. An Act to establish the Cache La Poudre River Corridor;

S. 1612. An Act to broaden the scope of certain firearms offenses, and for other purposes;

S. 1887. An Act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2197. An Act to extend the authorized period of stay within the United States for certain nurses; and

S. 2198. An Act to provide for the Advisory Commission on Intergovernmental Relations

to continue in existence, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 3378) "An Act to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1972) "An Act to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes."

¶122.5 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. WALKER, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mrs. Morella, signed the following enrolled bills on Thursday, October 3, 1996:

H.R. 3539. An Act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes;

H.R. 3723. An Act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes; and

S. 39. An Act to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

¶122.6 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. WALKER, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 1996.

Speaker NEWT GINGRICH,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Effective today, October 3, 1996, I respectfully resign from the House Intelligence Committee.

With kindest personal regards, I remain
Very truly yours,

RONALD D. COLEMAN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶122.7 PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore, Mr. WALKER, by unanimous consent, announced that pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Speaker appointed to the Permanent Select Committee on Intelligence, Mr. RICHARDSON, to fill the existing vacancy thereon and to rank after Mr. DICKS.

¶122.8 PROVIDING FOR THE ADJOURNMENT OF THE SECOND SESSION OF THE 104TH CONGRESS

The SPEAKER pro tempore, Mr. WALKER, laid before the House the privileged concurrent resolution (H. Con. Res. 230) providing for the sine die adjournment of the second session of the One Hundred Fourth Congress; with the following amendment thereto:

Strike out all after the resolving clause and insert:

That when the House adjourns on the legislative day of Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

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

Ordered. That the Clerk notify the Senate thereof.

¶122.9 DRUG-INDUCED RAPE PREVENTION

On motion of Mr. SOLOMON, by unanimous consent, the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enactment clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Induced Rape Prevention and Punishment Act of 1996".

SEC. 2. PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

"(7) PENALTIES FOR DISTRIBUTION.—

"(A) IN GENERAL.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

"(B) DEFINITION.—For purposes of this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual."

(b) ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.—

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting "or 1 gram of flunitrazepam," after "I or II"; and

(B) in subsection (b)(1)(D), by inserting "or 30 milligrams of flunitrazepam," after "schedule III,".

(2) IMPORT AND EXPORT PENALTIES.—

(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.