

A World War II Army Air Force veteran, Rufus Youngblood was always there when his country called. Our Nation is the better for his service and we all share in the loss of this American hero. He is survived by his wife and four children and I know my colleagues in the Congress join me in sending our deepest sympathies and thanks to his family.

Mr. Speaker, God was truly blessing America when he gave us Rufus Youngblood.

DOD'S RESPONSE TO FREEDOM OF INFORMATION REQUEST

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, it is no secret I have been coming to the floor every day this week talking about my war with the Defense Department and why they are violating regulations by allowing military officers to engage in partisan politics by assigning them to the Speaker's office.

I had a freedom of information request to the Defense Department, and after I gave my speech yesterday, I want to show you what the Defense Department sent me. Is this wonderful? This is their answer to my freedom of information request. Really helpful, huh? One blacked-out page after another. And they also sent me my own correspondence back, which I thought was very sweet of them.

They said in their letter that they must withhold this information, because it had subjective evaluations, opinions and recommendations in it. That is precisely what we were getting to.

Obviously this is in clear violation of President Clinton's memo to all departments. Talking about how the Freedom of Information Act is how people get information from their Government. This is an outrage and I am very sorry to see this happen.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

Resolved, That the resolution from the House of Representatives (H. Con. Res. 230) entitled "Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Fourth Congress," do pass with the following Senate amendment:

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, Octo-

ber 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.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

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.

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendment is considered as read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mrs. SCHROEDER. Reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON] to further explain the bill.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentlewoman and I will say one more time, this will be the

last day that she will participate in a session on this floor. She has been here longer than I have and she is certainly one of the most outstanding and respected Members of this body, even though we have had our differences over the years. But we wish her well in her new endeavors, she and her family.

Mr. Speaker, the amendments made in the Senate are reasonable and they do strengthen the bill. I readily accept the amendments and urge House approval of the amended bill.

In response to the growing use of date rape drugs and the use of other drugs in violent sex crimes against women, this bill before us today increases the penalty for anyone who possesses a drug with the intent to commit a crime of violence, including sexual battery. The bill comes not a moment too soon. Recently in the San Francisco Chronicle they reported how a 17-year-old young woman who played varsity volleyball died after someone slipped a date rape drug into her drink.

The additional penalties in this bill will fight crimes just like this one. It will for the first time ever make using a drug to commit the crime of rape as a weapon a minimum sentence felony. So the bill is a good bill, and I would certainly urge that the committee adopt it unanimously.

Mr. Speaker, I commend the distinguished majority leader, TRENT LOTT, for his support of my bill in the Senate and also Senators HATCH and COVERDELL for all their hard work in this important legislation.

The amendments made in the Senate are reasonable and strengthen the bill. I readily accept the amendments and urge House approval of the amended bill.

Ladies and gentleman, in response to the growing use of date-rape drugs and the use of other drugs in violent sex crimes against women, the bill before us today (H.R. 4137) increases the penalties for anyone who possesses a drug with the intent to commit a crime of violence, including sexual battery.

This bill comes not a moment too soon. Recently, the San Francisco Chronicle reported how a 17-year-old young woman who played varsity volleyball died after someone slipped a date rape drug into her drink. The additional penalties in this bill will fight crimes just like this one.

This is a commonsense, tough response by Congress to protect the safety of our young people.

Now that Congress has responded to the issue of the date rape drug, it is up to the President to make this important public safety legislation into law.

I include the following for the RECORD:

[From the San Francisco Chronicle, Sept. 11, 1996]

DATE RAPE DRUG LINKED TO MYSTERIOUS DEATH

LA PORTE, TX.—A high school student who died mysteriously last month was killed by an illegal "date rape drug" that was slipped into her soft drink, police said.

Hillory Farias, 17, a varsity volleyball player, was found unconscious and not breathing the morning of August 4 after a night out with girlfriends.

Authorities at first were puzzled by her death because tests showed no drugs or alco-

hol in her body; but they ruled the death a homicide Monday after finding gamma hydroxybutyrate, also known as GHB, which—like the better-known date-rape drug Rohypnol—is odorless and almost tasteless.

Date rape drugs, which cause dizziness, drowsiness and memory loss, sometimes are used to incapacitate women so they can more easily be sexually assaulted.

Mrs. SCHROEDER. Further reserving the right to object, Mr. Speaker, I want to congratulate this body and the gentleman from New York for reporting this bill and getting it out. It is absolutely urgent. I am pleased with the educational parts of it; I am pleased that the mandatory minimums went away.

The one change that it had that I wish we had retained was in our committee we had raised this drug to a schedule 1 level and it is no longer at that level, although they did increase the penalties. We want to be as tough as possible on it. I know some of the drug companies balked and so we have a little difference here. But we will not object because it is certainly better than where we are and this has become a crisis on some of our campuses. So I think it is important that we get this out.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4194) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

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.

The SPEAKER pro tempore (during the reading). Without objection, the