

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

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 would like to ask the gentleman from New York a question.

I would like to ask the gentleman, am I correct that this bill does not authorize an agency to require a party to submit to binding arbitration as a condition of employment or to require a party to relinquish rights that they have under title VII of the Civil Rights Act of 1964?

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say to the gentlewoman, it is my understanding that she is correct, that H.R. 4194 does not change current law at this point at all.

Mrs. SCHROEDER. I thank the gentleman for his response. Based upon that, I will not object. I thank the gentleman for bringing this up.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 4194, the Administrative Dispute Resolution Act, as amended by the other body. I would like to focus my remarks on section 12 of this bill, which was added by the Senate and concerns the so-called Scanwell jurisdiction. This section will be a great benefit to small businesses in New York, and across the Nation.

The conference report on H.R. 2977, the Administrative Dispute Resolution Act, which was on the suspension calendar for floor action September 27, 1996, was pulled at the last minute—to the benefit of all our constituents. Provisions in that measure would have eliminated Federal district court jurisdiction for bid protests of Government contracts, leaving only two other possible forums, both located in Washington, DC.

Federal district court jurisdiction, commonly known as Scanwell jurisdiction, has been an important safeguard to our constituents back home, ensuring that they have a local forum to appeal decisions on Government contracts. Eliminating Scanwell would have put burdens on our businesses, both large and small, to litigate their claims long-distance. This provision was included in the bill, although no hearings on this subject were held in the House. A compromise was later reached that creates equal forums in the Federal district courts and in the Court of Federal Claims—and requires both courts to use the Administrative Procedure Act as the standard of review. The procedure will be in effect for 4 years.

This makes sense. It gives our constituents the benefit of either forum for a full evidentiary hearing and allows a practical test of whether both forums are needed. Such common sense approaches are just good Government. This provision will enable actual experience over the next 4 years and a GAO study, after 2 years to provide the data necessary for Congress to make an informed decision regarding something as important as how far the courthouse door will be from home. I am certain that we would not allow the post offices to be

closed in our towns and cities, so why should we close the Federal district courthouse door for claims concerning the \$200 billion spent annually by the Government for goods and services. This bill protects our constituents, and I am happy that these good provisions will not be lost.

Mrs. SCHROEDER. 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.

FEDERAL COURTS IMPROVEMENT ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1887) to make improvements in the operation and administration of the Federal courts, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1887

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.

Sec. 202. Consent to trial in certain criminal actions.

Sec. 203. Registration of judgments for enforcement in other districts.

Sec. 204. Vacancy in clerk position; absence of clerk.

Sec. 205. Diversity jurisdiction.

Sec. 206. Removal of cases against the United States and Federal officers or agencies.

Sec. 207. Appeal route in civil cases decided by magistrate judges with consent.

Sec. 208. Reports by judicial councils relating to misconduct and disability orders.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Senior judge certification.

Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.

Sec. 303. Bankruptcy judges reappointment procedure.

Sec. 304. Technical correction related to commencement date of temporary judgeships.

Sec. 305. Full-time status of court reporters.

Sec. 306. Court interpreters.

Sec. 307. Technical amendment related to commencement date of temporary bankruptcy judgeships.

Sec. 308. Contribution rate for senior judges under the judicial survivors' annuities system.

Sec. 309. Prohibition against awards of costs, including attorneys fees, and injunctive relief against a judicial officer.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.

Sec. 402. Interpreter performance examination fees.

Sec. 403. Judicial panel on multidistrict litigation.

Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Qualification of Chief Judge of Court of International Trade.

TITLE VI—MISCELLANEOUS

Sec. 601. Participation in judicial governance activities by district, senior, and magistrate judges.

Sec. 602. The Director and Deputy Director of the administrative office as officers of the United States.

Sec. 603. Removal of action from State court.

Sec. 604. Federal judicial center employee retirement provisions.

Sec. 605. Abolition of the special court, Regional Rail Reorganization Act of 1973.

Sec. 606. Place of holding court in the District Court of Utah.

Sec. 607. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.

Sec. 608. Extension of civil justice expense and delay reduction reports on pilot and demonstration programs.

Sec. 609. Place of holding court in the Southern District of New York.

Sec. 610. Venue for territorial courts.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and".

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.".

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out "(a) or (b)" and inserting in lieu thereof "(a), (b), or (c)".