

how absurd it is to argue that a President can accomplish the same result by unilaterally issuing executive orders or presidential proclamations.

Mr. Speaker, we must not be lulled into complacency. It is time to clarify the scope of executive authority vested in the Presidency by Article II of the Constitution. The Supreme Court has failed to address this issue and it is time for Congress to invoke the powerful weapons at its command. Through its ability to authorize programs and appropriate funds, Congress can define and limit presidential power. As Members, we must participate in our fundamental duty of overseeing executive policies, passing judgment on them, and behaving as the legislative branch should.

Eternal vigilance is still the price of liberty, Mr. Speaker.

#### PERSONAL EXPLANATION

Mr. WEINER. Mr. Speaker, on March 30 the President and I made a Social Security policy announcement with senior citizens in my district. As a result, I was unable to vote in favor of the Emergency Supplemental Appropriations bill for fiscal year 2000. Had I been present, I would have voted as follows:

Rollcall 91, the Stearns amendment, no; on rollcall 92, the Paul amendment, no; on rollcall 93, the Tancredo amendment, no; on rollcall 94, on the Motion to Recommit, yes; and on rollcall 95, final passage, yes.

#### FLUSHING REMONSTRANCE RECOGNIZED AS FOUNDATION OF RELIGIOUS LIBERTY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, I rise to recognize the significance of a document that was fundamental in shaping the United States as a land of liberties. I am not speaking about the Declaration of Independence, or the Constitution, for that matter. The document I want to recognize is the Flushing Remonstrance, which was written nearly 120 years before the Declaration of Independence.

For 300 years, the Flushing Remonstrance, the first recorded defense of religious freedom in the new world, was locked away in a vault in Albany, New York. The Remonstrance is believed by historians to be the first Declaration of Independence and a forerunner of the first amendment.

As a result of the efforts of the Queens Courier, an award-winning community weekly newspaper, this historic document was brought to Queens for a viewing at the Flushing Library. The initiative was spearheaded by David Oats, a historian and special projects editor for that newspaper.

Now that that public display at the library is ending, I am working with

the Courier and community groups to seek permanent custody of this document in Queens County, particularly in Flushing, New York.

The saga of the document began more than 340 years ago when a group of about 30 freeholders in Flushing held a town meeting to discuss Governor Peter Stuyvesant's restrictions on the Quakers because they were not members of the Dutch Reform Church. The Flushing Remonstrance lay the groundwork of this early colony in America, which is located in what is now called Flushing, in my congressional district of Queens, New York.

I have informed the State that the best argument for moving the document to Flushing is its very name, the Flushing Remonstrance. It has lain dormant for years in a vault in Albany. I will continue to urge the State of New York to permanently relocate the Flushing Remonstrance in its rightful place in Flushing, Queens, New York.

Mr. Speaker, Flushing, New York, in all likelihood, is probably the most diverse place in the entire world. We have more ethnic and racial and religious makeups than any corner of this country certainly, and, therefore, I believe, anywhere in the world. It is appropriate that the Flushing Remonstrance find its way home to Flushing, Queens.

We probably need it more now than ever to remind people of the rich history of diversity and tolerance in Queens County, particularly in Flushing. It will be a perfect reminder for not only future generations but for generations here now, to remind them of the rich history that lay in Flushing, Queens, a rich history that I would like to bring out more. I believe if this document is relocated back in its rightful place and home, we will go a long way in accomplishing that.

Mr. Speaker, I commend the Queens Courier and the Queens Public Library for its campaign to bring the Flushing Remonstrance to Queens permanently.

#### LIBRARY OF CONGRESS FINANCIAL MANAGEMENT ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, today I am introducing the Library of Congress Financial Management Act of 2000, bipartisan legislation which will authorize the Library to create a revolving fund which would allow a number of the Library's cost-recovery programs to operate more efficiently. This legislation, which the Library has sought for a number of years, would provide for more efficient and accountable financial management of fee-based Library programs and would correct longstanding deficiencies first identified by the General Accounting Office in 1991 and highlighted in subsequent independent audits.

The legislation has bipartisan, bicameral support. Our colleague Senator COCHRAN of Mississippi, who serves with me as a member of the Joint Committee of Congress on the Li-

brary, has introduced similar legislation in the Senate (S. 2286). It is especially appropriate for Congress to address these matters now, in the year of the Library's Bicentennial, as the Library retools itself to meet the needs of Congress and the American people in the new century.

The bill authorizes a financial restructuring of existing fee-based program operations. It authorizes no new fees, other than for specified activities relating to audio-visual preservation services associated with the Library's role as a national conservation center.

The bill would increase the efficiency of the Library's cost-recovery programs by establishing a systematic relationship between program costs and fees charged, setting program operations on a more business-like foundation. A 1996 Library of Congress management audit report stated that "charging fees for services works best when the appropriate financial structures, such as revolving funds, are in place." The report also stated that a revolving fund mechanism allows managers to better control their resources, monitor their costs, and track performance, and most importantly, allow accumulation of reserves for slow periods and the development of strategic plans that address productivity objectives across fiscal years.

This legislation will increase the accountability of the Library's current self-sustaining programs by: providing proper statutory authority for retaining receipts, as GAO has often suggested; limiting obligations to amounts approved in annual appropriations bills; requiring annual independent audits of financial statements following government auditing standards; requiring annual submission of the audited financial statements to Congress; and establishing separate accounts for each fund service unit.

In the most recent audit report reviewing the Library's financial statements, the independent auditor again noted the Library's need for proper Congressional authority to operate gift revolving funds. This is now the sole remaining vulnerability identified by the auditor's examination of compliance with certain laws and regulations.

The bill will also transfer to the revolving fund certain cost-recovery programs currently authorized under the Economy Act. The major programs included are FedLink and Federal Research Division [FRD]; the services the Library of Congress is able to provide the federal sector through these programs are invaluable, and the Library is uniquely able to provide them because of its collections and its acquisitions expertise. The transfer of these programs to a revolving fund will eliminate significant costs currently incurred by annual shut-down and start-up imposed under that Act.

With the requested revolving fund authority, federal libraries participating in FedLink could save, in the aggregate, an estimated \$1.37 million each year in increased efficiencies and improved vendor discounts. The paperwork burden of federal librarians, such as overly complex inter-agency agreements and year-end closeout, refund and re-registration chores required by the Economy Act, could also be significantly reduced. Revolving fund authority would, simply put, save costs and place both programs on a firmer business foundation.

The Financial Management Act also includes language to update the outdated 1902 law authorizing the sale of cataloging data to

libraries across the nation, by allowing the use of new technologies and enabling a more businesslike cost-recovery mechanism. In addition, it includes administrative changes to the Library of Congress Trust Fund Board to permit more efficient operation of the Board's decision-making functions.

The Library's Inspector General, in reviewing this legislation, strongly believes it will strengthen the internal controls and accountability of the Library's business-type operations, as well as clarify the legislative authority for the operation of these programs.

Mr. Speaker, a more detailed section-by-section description of the legislation follows:

THE LIBRARY OF CONGRESS FINANCIAL MANAGEMENT ACT OF 2000 SECTION-BY-SECTION ANALYSIS

SUMMARY

The Library of Congress Financial Management Act of 2000 is intended to improve the Library of Congress's financial management and administration and to maximize the use of its resources. The bill encompasses three changes in the Library's authorizing legislation: (1) it establishes a revolving fund for the operation of most cost-recovery services, as recommended by the General Accounting Office, and Economy Act (inter-agency) activities; (2) it updates the 1902 authority provided in 2 U.S.C. 150 that allows the sale of cataloging products and services to the nation's libraries; and (3) it makes needed changes to enhance the continuity of the Library's Trust Fund Board.

TITLE I. LIBRARY OF CONGRESS REVOLVING FUND

The legislation establishes cost recovery for the direct and indirect costs of information products and services, through a Library of Congress Revolving Fund. This practice embodies the principles of 31 U.S.C. 9701: "It is the sense of Congress that each service or thing of value provided by an agency . . . to a person . . . is to be self-sustaining to the extent possible."

The Library currently provides a variety of these types of services through various self-sustaining funds, the most notable of which, the Photoduplication Service, has existed since 1938. However, the General Accounting Office (GAO) in its August 1991 report, *First Audit of the Library of Congress Discloses Significant Problems* (as well as subsequent reviews), recommended the Library seek authorization of a separate revolving fund to handle these types of activities. This legislation enables the Librarian to implement that recommendation.

A fundamental reason to establish a revolving fund is to provide for the systematic disclosure of the relationship between program income and costs for products and services, thereby providing a firm basis for decisions regarding services to be undertaken and prices to be charged. Thus, the revolving fund will improve accountability to the Congress, as recommended by the GAO.

*Section 101. Availability of fund service activities*

This section authorizes the Librarian of Congress to: (1) establish specific cost-recovery activities as Revolving Fund service activities; and (2) establish Revolving Fund service units to carry out activities supported by the revolving fund's cost-recovery mechanism. These service units (an organizational term already employed in the Library) may be partially or fully sustained through the Revolving Fund established under the Act.

The intent of this provision is to authorize, but not require, fee service activities to operate under the revolving fund on or after

the effective date of this Act. The Library anticipates restructuring the financial operation of these activities as soon as is feasible, but it is recognized that it may be necessary to transfer some activities to the revolving fund in phases.

*Section 102. Fund service activities authorized*

This section lists the Fund service activities authorized by this act that may be conducted by Fund service units. These activities are limited to the following seven: (1) preparation of research reports, translations, analytical studies, and related services, for any entity of the Federal government or the District of Columbia (but would not, for example, cover such appropriated research activities as those conducted for the Congress by the Congressional Research Service); (2) centralized acquisition of publications and library materials in any format; information, research, and library support services; training in library and information services; and related services for any entity of the Federal government or the District of Columbia; (3) decimal classification development; (4) gift shop and other activities involving sale of items associated with Library collections, exhibits, performances, or other events; (5) location, copying, storage, preservation and delivery services for library materials (not including domestic interlibrary loans), and international interlibrary lending; (6) special events and programs, performances, exhibits, workshops, and training; and (7) cooperative acquisitions of foreign publications and research materials and related services on behalf of participating institutions.

For the most part, these activities describe programs the Library conducts currently. Some examples of these current activities are: a bibliography of citations to scientific literature on the earth's cold regions, compiled for the National Science Foundation; area studies handbooks prepared for the Department of Defense; centralized and cost-effective procurement of commercial database services for Federal agencies through FedLink; sale of exhibition catalogs in the gift shop, such as *Rome Reborn: the Vatican Library & Renaissance Culture*, and *African American Odyssey: A Quest for Full Citizenship*; development of the Dewey Decimal classification tables, and the Library's Cooperative Acquisitions Program, which will be folded into the newly created fund under this legislation.

Charging fees under the authority set forth in item (e) for retrieval and delivery of library materials will not infringe on basic library services, but will allow the Library to, for example, continue to make its film collections available for loan by permitting recovery and retention of costs of making a loan copy of the film from a master copy.

The intent of section 102 is to authorize a revolving fund mechanism for current fee-based activities of the Library which now operate under the Economy Act, or the Library's extant gift fund authority, plus the following activities not currently being done or for which fees are not currently charged: (1) charging fees for attending films and other performances; (2) charging fees for borrowing films; and (3) charging fees for services relating to a national audio-visual conservation center (preservation, copying, transporting and storage of films and other audio-visual materials).

*Section 103. Establishment of the Library of Congress revolving fund*

Section 103 establishes the Library of Congress Revolving Fund in the U.S. Treasury as a "no year" fund to carry out Fund service activities; this means that money remains available in the Fund until expended. This section also sets forth the sources of the

Fund capital, and specifies amounts received for Fund activities that are to be credited to the Fund.

This section also establishes various operational controls and limitations on the fund, including: (1) specification of the capital and credits to be deposited into the fund; (2) limiting obligations under the fund to limits set under the legislative branch appropriations act for any fiscal year; (3) requiring annual audits of fund financial statements, to be submitted to Congress; and (4) requiring separate fund service unit activity accounts.

The intent of sub. (b)(2), authorizing funds from other Library appropriations accounts to be temporarily transferred to the Fund, is primarily for the purpose of initially capitalizing activities previously conducted under section 1535 of Title 31, U.S. Code [the Economy Act]. This subsection requires the fund to reimburse such a "loan" within the period for which the appropriation is available. Subsection (b) also specifies other amounts to be deposited into the fund.

Subsection (c) specifies amounts to be added to the fund as credits to the service unit accounts.

The intent of sub. (d) is to ensure that, once the Librarian determines the appropriate grouping of activities into fund service units, the reimbursable portion of each service unit will be self-sufficient, operated under a separate account within the revolving fund.

Subsection (e) is standard language applying to self-supporting programs, requiring the agency to designate excess amounts in the fund as miscellaneous receipts and deposit such funds in the Treasury.

Subsection (f) requires that a financial statement be prepared annually, that the statement be audited, and that the audit be submitted to Congress on an annual basis.

*Section 104. Operation of revolving fund activities*

Section 104 establishes parameters for the operation of the Revolving Fund activities. Subsection (a) authorizes the Librarian to set fees to recover the costs of activities authorized by sec. 102, and authorizes the Library to sell products and services resulting from those activities. This section limits the purchase prices to levels necessary to recover the direct and indirect costs for each fund service unit, over a reasonable period of time.

Subsection (b) provides express authority to require participants (including federal participants) to provide advance payments, where necessary to ensure that the fund is sufficiently capitalized, and under other circumstances upon agreement with participants.

Subsection (c) permits fund activities to engage in multi-year contracts. This language parallels identical authority currently afforded executive branch agencies and the General Accounting Office under the Federal Property and Administrative Services Act [41 U.S.C. 2531 and 254c].

*Section 105. Repeal*

Section 105 repeals the current authorization for the Cooperative Acquisitions Program revolving fund; that fund, and the corresponding activities associated with it, are incorporated into the new Library of Congress Revolving Fund created under Title I of this bill.

*Section 106. No effect on personnel*

This section specifies that nothing in Title I of this Act is intended to affect the terms and conditions of employment of any employee of the Library of Congress who carries out any Revolving Fund activity. The purpose of this section is to avoid any unintended consequences of restructuring current

activities to operate under a new revolving fund.

#### TITLE II—CATALOGING PRODUCTS AND SERVICES

In 1902, the Library of Congress was first authorized by Congress to serve the Nation's libraries by producing and distributing catalog cards. These cards establish and describe the author, title, and physical characteristics of a book and contain subject headings and a classification number to enable researchers to locate books by author, title, or topic.

Over the years, the Library of Congress has expanded its catalog card service by producing and distributing additional bibliographic and technical products and services. In addition to the print format, the Library has utilized other formats to make cataloging data available, e.g., magnetic tapes and CD-ROMs, and has recovered the distributing costs for providing these products.

As a result of this centralized cataloging activity, the Nation's academic and public libraries save significantly on costs they would incur if they had to create their own cataloging records.

Title II modernizes the authority given in the 1902 law under which the Library provides these bibliographic information services and products; and makes funds available until expended.

#### Section 201. Availability of cataloging products and services

In addition to authorizing the Librarian of Congress to sell cataloging products and services, this section limits the prices charged for such products and services to recovery of the distribution costs associated with furnishing such products and services, rather than the current "cost plus 10 percent." This section also provides that all moneys received through the distribution of such products and services shall be deposited in the Treasury and credited to the Library of Congress salaries and expenses appropriation, to remain available until expended. This mechanism will provide a more stable financial base for cataloging distribution operations.

For the purposes of this title, "cataloging products and services" is defined to mean those bibliographic products and services, in any format now known or later developed, that are used by libraries and library organizations, including other Library-created databases, and related technical publications.

The language "over a reasonable period of time" is included to make the provision consistent with the revolving fund language under s. 101. This language will assist the Cataloging Distribution Service in bridging fiscal years if some distribution costs are incurred over more than one fiscal year, and recognizes that the sale price of cataloging products must be established on a business-like basis, i.e. based on overall distribution costs, measured by the estimated sales volume of cataloging products over the estimated duration of sale of any given item.

#### Section 202. Repeal

This section repeals the obsolete 1902 law authorizing the production and sale of cataloging cards and records, in light of the new authority established under sec. 201.

#### TITLE III—TRUST FUND BOARD AMENDMENTS

Title III of the bill, amending the Library of Congress Trust Fund Board Act, will ensure the Board's continuity across members' terms as well as the Congressional calendar. The Library of Congress Trust Fund Board was created by Congress in 1925 and charged with the acceptance, deposit, and administration of funds given or bequeathed to the Board for the benefit of the Library. In 1992, the Board was expanded from 5 to 13 mem-

bers. Three are ex-officio (The Librarian of Congress, the Secretary of the Treasury; and the Chairman of the Joint Committee on the Library); the remaining members, who serve five-year terms, consist of two appointed by the President, and four each appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate (both in consultation with the respective minority leaders).

#### Section 301. Addition of congressional board member

Section 301 increases the size of the Board by the addition of a new member—the Vice-Chairman of the Joint Committee on the Library. The Committee's Chairman has been an ex-officio member of the Trust Fund Board since the Board's creation in 1925. Because the Chairmanship and Vice-Chairmanship of the Joint Committee on the Library alternate each Congress between the Senate and the House of Representatives, this provision is intended to enhance the continuity of the Library's Congressional overseers in the activities of the Trust Fund Board.

#### Section 302. Temporary extension of board member term

The bill authorizes the Board Chairman to extend temporarily the term of an appointive board member whose period of appointment has expired. Such an extension could not exceed two years, and would expire immediately upon the appointment of a successor. The Library is requesting this provision on behalf of the Trust Fund Board, which approved the request by resolution on September 24, 1998.

Vacancies on the Trust Fund Board have occurred due to the expiration of the members' terms, resignations, deaths and for other reasons. Due to the press of Executive and Congressional business, these vacancies often cannot be filled to ensure that the Board consists of a sufficient number of members necessary to conduct business and carry out its fiduciary responsibilities. In recent cases, this has meant, for example, that funds given to the Board to benefit the Library have not been able to be accepted and invested in a timely manner, at the expense of valuable investment income to the Library.

#### Section 303. Trust fund board quorum

Section 303 amends the Trust Fund Board Act to specify that seven members of the 14-member Board constitute a quorum; current law requires nine of 13 members to conduct business. The Library is also requesting this provision on behalf of the Trust Fund Board, which approved the request by resolution on September 24, 1998.

### CONGRATULATIONS TO MICHIGAN STATE UNIVERSITY SPARTANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise today here in Washington, D.C. to display the championship, the national championship T-shirt, of the MSU Spartans.

Today, in my hometown of Lansing, there has been a wonderful parade going from the State capital out to Michigan State University where thousands of people have joined together to recognize the team that we are so proud of, young men not only who have excelled on the court but off the court as well.

I want to congratulate the Michigan State Spartan basketball team on their national championship victory in Monday night's NCAA title game. Led by senior point guard Mateen Cleaves, who showed the heart of a champion by returning from an early second half ankle injury, the Spartans capped a 32-7 season by beating Florida 89-76. All MSU alumni watched with pride, including me, as the Spartans claimed their rightful place as the national champions.

Founded in 1855, Michigan State University has a rich history of providing educational opportunities to undergrads of diverse interests, abilities, and backgrounds. The Spartans now add another national basketball title to their world class academic reputation. The pride of East Lansing is now the pride of the entire State of Michigan and the entire country.

It is with great joy, Mr. Speaker, as a graduate of MSU, that I take to the floor today to say, Way to go, Spartans. Congratulations to the players, the coaches, the staff, and the parents of this national championship team.

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World class academics are now joined by a second national basketball title to underscore the MSU is one of the country's finest academic and athletic institutions. Let me just speak for a moment about the year.

This win is especially sweet given the loss to Duke in last year's Final Four. In many ways, Monday night's game was representative of the entire season. There were great expectations in Lansing last November, as a senior-led experienced team prepared for the upcoming campaign.

However, this great promise was followed by adversity, as Mateen would miss the first 13 games recovering from a stress fracture in his right foot.

Instead of reeling from his absence, the Spartans did what they do, they learned how to win without Mateen going 9 to 4 during that stretch and allowing the sensational Mo Pete as we like to call him, Morris Peterson to further develop his all around game while receiving steady efforts from senior forward A.J. Granger, junior guard Charlie Bell and center Andre Hutson. Led by the great coaching of Tom Izzo, who is a native of the Upper Peninsula of Michigan, and he has been coaching on the staff at MSU for 17 years, the Spartans overcame this obstacle with talent and determined effort and entered the grueling Big 10 conference play with even more confidence in their abilities.

They completed conference play as co-champions and won the Big 10 conference tournament in Chicago, earning the number one seed in the Midwest Region.

The lessons learned early on would pay off down the road, for after easily dispatching Valparaiso in the first round, Michigan State played three tough games in a row, starting with a