

and the basis for that United States Constitution that emerged from the Constitutional Convention in 1787;

Whereas James Madison kept detailed written records of the debates and compromises that were in integral part of that Convention of 1787, which records were published only after the death of all delegates to the Convention;

Whereas James Madison wrote many of the newspaper articles now known as the *Federalist Papers*, outlining why States should endorse the new Constitution and enduring as some of the best arguments for our form of government;

Whereas James Madison introduced the Bill of Rights into the 1st Congress of the United States, whereupon the first ten amendments to the Constitution were adopted; and

Whereas it is altogether fitting that the 16th day of March, the birthday of the distinguished founding father, James Madison, would serve as a fitting reminder of Liberty Day, a celebration of the Declaration of Independence and the United States Constitution, where our unalienable rights and liberties are enumerated: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) a Liberty Day should be celebrated each year in the United States as a remembrance of both the freedom that Americans were given in the Declaration of Independence and the extraordinary rights and liberties that Americans were given in their Constitution; and

(2) all elected and previously-elected representatives of the people who voluntarily give of their time to speak to Americans about those founding documents, in furtherance of that remembrance of our freedom, our rights and our liberties, deserve our thanks.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

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GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 376.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 376, which calls for the people of the United States to celebrate a Liberty Day each year. In the words of the resolution, Liberty Day would serve, quote, "as a remembrance of both the freedom that Americans were given in the Declaration of Independence and the extraordinary rights and liberties that Americans were given in their Constitution," unquote.

The resolution also holds that all elected and previously elected representatives of the people who voluntarily give of their time to speak to the American people about these founding documents to further our remembrance of our freedom, our rights and our liberties, will deserve our thanks. The preamble to the resolution also finds that March 16, James Madison's birthday, would be a fitting reminder of Liberty Day and an appropriate occasion to celebrate the inalienable rights and liberties proclaimed by the Declaration of Independence and secured by the Constitution.

Madam Speaker, this is the second time in as many weeks that this House has had occasion to reflect on the life and achievements of James Madison. Last week, we passed House Concurrent Resolution 396 to celebrate Madison's birth and his many contributions to our Nation.

The resolution before the House today also recognizes the immense contributions of this remarkable patriot to securing the freedom we enjoy today.

Madam Speaker, Madison himself said that, quote, "my life has been so much of a public one that any review of it must mainly consist of the agency which was my lot in public transactions," unquote.

Although he was the fourth President of the United States, the greatest of Madison's public transactions was surely his crucial role in the framing and adoption of the Constitution of the United States. As the resolution notes, Madison was the major author of the Virginia Plan, which served as the basis and model for the Constitution of the United States, that was proposed by the Constitutional Convention in 1787.

Along with John Jay and Alexander Hamilton, Madison also contributed to securing ratification of the Constitution by writing parts of the *Federalist Papers*.

The *Federalist Papers* endure to this day, as the resolution observes, as some of the best arguments for our form of government.

Madison also kept detailed records of the debates and compromises in the Constitutional Convention which were published only after all delegates to the convention were dead. The *Federalist Papers* and Madison's notes on the Constitutional Convention remain primary sources for all who seek an understanding of the Framers' intent.

As a Member of the first Congress, Madison was also instrumental in framing the Bill of Rights. Madam Speaker, as the 106th Congress concludes, it is certainly proper that we pass this resolution to remember the founding documents, the Declaration of Independence and the Constitution, and James Madison's contributions to the formation of our system of government. I urge all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, last Monday I stood at this podium to manage House Concurrent Resolution 396, celebrating the birth of James Madison and his contributions to the Nation. Today I am here to manage a resolution that would express Congress' support for the recognition of March 16, James Madison's birthday, as Liberty Day. This resolution bestows this honor on James Madison because he was the primary author and steadfast supporter of three great works of American democracy: the Constitution, the *Federalist Papers*, and the Bill of Rights.

If this resolution is passed, Madison's birthday would serve to remind us of our rights and liberties as enumerated in the Declaration of Independence and the Constitution of the United States.

Liberty is defined in Webster's Collegiate Dictionary as, and I quote, "the quality or state of being free, and the power of choice," two premises on which this Nation was founded.

The promise of freedom and choice is what thousands of immigrants saw in a copper statue in the New York Bay. The statue was of a woman holding a torch in her right hand and a tablet bearing the adoption date of the Declaration of Independence in her left.

Her pedestal reads, and I quote, "Give me your tired, your poor, your huddled masses yearning to breathe free." The Statue of Liberty was and still is a symbol of hope and freedom in America.

Another traditional symbol of United States freedom can be found in Philadelphia in the form of a cracked bell. The bell was first rung on July 8, 1776, 4 days after the adoption of the Declaration of Independence. It tolled to celebrate the first public reading of the document. The bell bears the motto, and I quote, "Proclaim liberty throughout all the land unto all the inhabitants thereof."

The Liberty Bell, first named in an 1839 Abolitionist pamphlet, remains a symbol of freedom and a reminder that all Americans are created equal.

When H. Con. Res. 376 is passed, Americans will have another opportunity to reflect on this Nation's tradition of freedom and equality. Liberty Day will further enhance the importance and symbolic meaning of two existing icons of American freedom: the Statue of Liberty and the Liberty Bell.

On March 16, Americans will celebrate a promise originated by James Madison and others and documented in the Declaration of Independence and the United States Constitution. That promise is one of freedom and choice. And in the words of James Madison, he said simply these: "The prescriptions in favor of liberty ought to be leveled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power; but this is not found in either the executive or legislative departments of government, but in the body

of the people, operating by the majority against the minority.”

Madam Speaker, I urge all of my colleagues to support this resolution. I congratulate its sponsor.

Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO), the sponsor of this resolution.

Mr. TANCREDO. Madam Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me this time.

Madam Speaker, I could not do better in terms of describing the importance of this resolution and its historical implications than my two colleagues from the State of Maryland have done here. Both of them, I think, have been incredibly articulate in expressing those sentiments.

I will only add that it is important also to remember that James Madison, as the fourth President of the United States, was also the major author of the Virginia Plan, which is a model and the basis for the United States Constitution that emerged from the Constitutional Convention in 1787.

I want to also say that this whole issue comes to us today on the floor as a result of the really tireless efforts of one individual in my district, a gentleman by the name of Andy McKean, who with other members of the Lion's Club took this on as a project some time ago and decided something had to be done in order to increase the level of knowledge that students, especially students and youngsters, have about the Constitution, about the Bill of Rights and about really what liberty means in the United States of America.

As part of that task, they have been instrumental in delivering and distributing literally hundreds of thousands of copies of the Constitution. Liberty Day Colorado is the way it is identified here, but these little pocket Constitutions have gone out to schools all over Colorado. There are over 1 million active members of the Lion's Club nationwide, and it is my understanding that this is a project they are anticipating to take on as an organization.

It is supported right now in State legislatures throughout the country: Colorado, California, Maine, Pennsylvania, Ohio, North Carolina, Virginia, New Hampshire, Montana, Mississippi, Indiana, Idaho, Wyoming. And other States are on the way.

It is nonpartisan, as evidenced by the discussion here today. It is funded entirely through businesses and individual contributions. The national recognition will provide a rallying point for this grass-roots movement; and it is also, I think, a tribute to individuals like Mr. McKean.

A textbook could not be written about the way in which he has devoted a good portion of his life to this event and how it has worked its way through the process and it now appears before

us on the floor of the House and hopefully will eventually become part of our national recognition of Liberty Day.

So, again, I want to thank the committee; and I want to thank the Members here who have spoken so eloquently in its support.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from Colorado (Mr. TANCREDO) for his words. It is very heartening to know that the Lion's Club took this on as a project.

I think it is very, very important in our society that we do everything in our power, Madam Speaker, to lift up our children. I have often said that they are the living messages we send to a future we may never see. I want to congratulate him for that.

Madam Speaker, I just want to end with one of my favorite quotes from Madison, which was stated on June 8, 1789, when he said that all power is originally vested in and consequently derived from the people; that government is instituted and ought to be exercised for the benefit of the people, which consists in the enjoyment of life and liberty, with the right of acquiring and using property and generally of pursuing and obtaining happiness and safety; that the people have an indubitable, unalienable and inalienable right to reform or change their government whenever it be found adverse and inadequate to the purposes of the institution.

Madam Speaker, I would urge all of our colleagues to vote in favor of this very important resolution.

Madam Speaker, I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I very much appreciate the quotation and the discussion with my colleague from Maryland (Mr. CUMMINGS).

Madam Speaker, I yield such time as he may consume to another colleague, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Madam Speaker, I want to thank my friend, the gentlewoman from Maryland (Mrs. MORELLA), for yielding me this time and I want to thank my other friend, the gentleman from Maryland (Mr. CUMMINGS), for his quote.

Madam Speaker, it is hard for us to realize what a radical document the Declaration of Independence was. If we think back, our forefathers now, they come from all parts of the world; but our forefathers when this country was founded came from principally the British Isles and the European continent. If we remember our history, almost every one of them came from a country where the king or the emperor claimed and, incredibly from our position, was granted what was known as divine rights. In other words, what the king or the emperor claimed was that the rights came from God to him; that he would then give what rights he

wished to his people. Sometimes many; sometimes very few.

Our forefathers made a radical departure from this, because in the Declaration of Independence they said we hold these truths to be self-evident that all men are created equal; that they are endowed by their Creator with certain unalienable rights. That the rights did not come from God to the king, that the rights came from God to the people, and it was the wish of our forefathers that they would found a government which had very limited rights.

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Most of the rights should still reside in the people. So they wrote the Constitution 11 years later, ratified in 1787. The ink was hardly dry before they recognized that it might not be clear to everyone how committed they were to the proposition that the rights fundamentally belonged to the people, and they would give just what few rights were necessary to the government.

Four years later, in 1791, the first 10 amendments which we know as the Bill of Rights were finally ratified by three-fourths of the States. If we look through those Bill of rights and reflect on what they said, most of them address the rights of the people.

Then to make sure that no one could misunderstand that they meant most of these rights to reside with the people, in the Ninth Amendment they said that, just because we did not mention in the Constitution that the right belonged to the people, do not disparage the fact that it does belong to the people.

Then in the Tenth Amendment they came back, and I think this is the most violated amendment in the Constitution, the most violated part of the Constitution, they come back and say, in today's English, if you kind of put this in today's English, our Constitution is old English and it is legalese so sometimes we have to paraphrase it to understand clearly what they meant, what they are saying in the Tenth Amendment is that if we cannot find it in article 1, Section 8, of the Constitution, the Federal government cannot do it; that they can only do those things which are found there, and all the things which are not found there, all the rights not specifically given to the government, belong to the people or to the States.

So I think it is very appropriate that we designate a Liberty Day. That is what our forefathers wished so much for us to have. That is what we are at risk of losing as government becomes ever bigger and bigger and more and more intrusive.

I wholeheartedly support the resolution.

Mrs. MORELLA. Madam Speaker, I yield myself the balance of my time.

I commend the gentleman from Colorado (Mr. TANCREDO) for introducing this resolution and working very hard to bring it to the floor today. I also want to thank the Lions Club for taking on this Liberty Day project. The

Lions Club has been noted for its eye banks. They care about vision, and frankly, Liberty Day has to do with the vision to look ahead in terms of recognizing the values of the past and the principles upon which we are guided into the future.

I also want to thank the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the Subcommittee on Civil Service, the gentleman from Maryland (Mr. CUMMINGS), a ranking member of the Subcommittee on Civil Service, the gentleman from Indiana (Mr. BURTON) of the Committee on Government Reform, as well as the ranking member, the gentleman from California (Mr. WAXMAN), because they have helped the consideration of this resolution.

It is also a pleasure to be able to floor manage this resolution that we believe in with my colleague, the gentleman from Maryland (Mr. CUMMINGS). I thank my other colleague from Maryland (Mr. BARTLETT) also for his understanding of the Constitution and his statement.

Madam Speaker, I ask Members' support of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 376.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL THRIFT SAVINGS PLAN PARTICIPATION ACT

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 208) to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 2, line 15, strike out all after "distribution" down to and including "trust." in line 16 and insert: *that a qualified trust could accept under the Internal Revenue Code of 1986.*

Page 3, strike out lines 1 through 5 and insert:

(b) *EFFECTIVE DATE.*—*The amendment made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.*

Page 6, strike out lines 5 through 10 and insert:

(1) *IN GENERAL.*—*The amendments made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.*

Page 6, strike out all after line 15, over to and including line 2 on page 8, and insert:

SEC. 3. COURT ORDERS AFFECTING REFUNDS.

(a) *CIVIL SERVICE RETIREMENT SYSTEM.*—*Section 8342(j)(1) of title 5, United States Code, is amended to read as follows:*

"(j)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member's application.

"(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information and documentation as the Office may require that—

"(i) a court order bars payment of the lump-sum credit in order to preserve the court's ability to award an annuity under section 8341(h) or section 8345(j); or

"(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8341(h) or to any portion of an annuity under section 8345(j)."

(b) *FEDERAL EMPLOYEES RETIREMENT SYSTEM.*—*Section 8424(b)(1) of title 5, United States Code, is amended to read as follows:*

"(b)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member's application.

"(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information or documentation as the Office may require that—

"(i) a court order bars payment of the lump-sum credit in order to preserve the court's ability to award an annuity under section 8445 or 8467; or

"(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8445 or to any portion of an annuity under section 8467."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 208.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank all of the people who are involved in our consideration of H.R. 208, the Federal Thrift Savings Plan Participation Act. When I thank the Speaker, I know that I speak for the thousands of Federal employees with whom I have met and who have written and called my office in support of this legislation, including the gentleman from Maryland (Mr. CUMMINGS), who is going to be handling it on the other side of the aisle.

My legislation would bolster two critical components of Federal employ-

ees' retirement benefits, the Thrift Savings Plan. As we know, the TSP is a retirement savings and investment plan for Federal and postal employees.

The TSP is critical for all Federal employees, but it is particularly important for those employees hired in the last decade who, under the Federal Employees' Retirement System, receive smaller civil service benefits and need to invest more to enhance their retirement income.

Currently, employees can elect to begin contributing to the TSP only during two semi-annual election periods established by law. Newly-hired employees are first eligible to participate during the second election period after being hired. As a result, these employees must wait from 6 to 12 months, depending upon their dates of hire, before they may contribute their own funds.

Allowing employees to begin contributing to the TSP immediately makes it more likely that employees will get into and continue the habit of saving for retirement through payroll deduction.

Early saving is especially important in order to maximize the effect of compound earnings, and to take full advantage of the benefit of pre-tax savings accorded to tax-deferred retirement plans.

This bill would eliminate all waiting periods for employee contributions to the TSP for new hires and rehires. Employees who are hired or rehired would be eligible to contribute their own funds immediately.

Further, ensuring the portability of retirement savings is important because portable retirement savings can follow employees as they change jobs, while preserving the special tax status accorded to these funds.

While the Internal Revenue Code currently allows transfers of retirement savings between 401(k) plans, such transfers are not authorized for the TSP. There is no justification for this limitation. This bill, H.R. 208, would authorize employees to transfer funds from certain tax-deferred savings plans from previous jobs to their TSP accounts. As amended by the Senate, the TSP will be able to accept any transfer that a private sector 401(k) can accept under the Internal Revenue Code.

In addition, the Senate has also included an amendment by Senator AKAKA which would allow the Office of Personnel Management to recognize court orders prohibiting a Federal employee who is going through a divorce proceeding from withdrawing his or her retirement contributions to the Civil Service Retirement and Disability Trust Fund.

This is a terrific bill. It will help in recruiting and retaining our wonderful Federal work force.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.