

against our colleague from Hawaii ED CASE.

Representative CASE won a special election with 44 candidates on the ballot on January 4, 2003, by an overwhelming margin; and I want to commend the gentleman from Ohio (Chairman NEY) for the bipartisan cooperation that has been demonstrated throughout this process.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H. Res. 317.

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

There was no objection.

RESOLUTION DISMISSING ELECTION CONTEST AGAINST BART GORDON OF TENNESSEE

Mr. NEY, from the Committee on House Administration, submitted a privileged report (H. Rept. 108-208) on the resolution (H. Res. 318) dismissing the election contest against BART GORDON, which was referred to the House Calendar and ordered to be printed.

Mr. NEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 318) dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 318

Resolved, That the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee is dismissed.

□ 1015

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Ohio?

Mr. LARSON of Connecticut. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman, the gentleman from Ohio (Mr. NEY), to explain the purpose of this resolution.

Mr. NEY. Mr. Speaker, I thank the ranking member for yielding.

In keeping with the tradition of the dismissal of "Election Contest Day" here in the U.S. House, I rise in support of House Resolution 318, a bill to dismiss an election contest filed against

the gentleman from Texas (Mr. GORDON) in Tennessee's sixth district.

The contestant, a candidate on the November 2002 ballot against the gentleman from Tennessee (Mr. GORDON), filed a notice of contest under the Federal Contested Elections Act contending that the gentleman from Tennessee (Mr. GORDON) is unqualified for the office because the Constitution bars an incumbent from running for reelection without first resigning his or her seat and being an inactive member of the State Bar Association. The contestant makes no allegations of irregularities, fraud, or wrongdoing in respect to the election of the sixth congressional seat.

The committee finds that challenges to the qualifications of a Member-elect to serve in the Congress fall outside the purview of the FCEA, which was designed to consider allegations relating to the actual conduct of an election. Consequently, the committee concludes that the contestant's arguments regarding the qualifications of the gentleman from Tennessee (Mr. GORDON) to serve in Congress do not constitute grounds sufficient to change the results of the election and, therefore, recommends that this election contest be dismissed.

Again, in the frame of the other resolution, we had full support on this and deem it to be frivolous.

Mr. LARSON of Connecticut. Mr. Speaker, further reserving my right to object, I rise in support of this resolution reported unanimously by the Committee on House Administration, dismissed as a frivolous election contest against our colleague, the gentleman from Tennessee (Mr. GORDON). The gentleman from Tennessee (Mr. GORDON) was reelected with 66 percent of the vote.

Again, I would like to commend the gentleman from Ohio (Chairman NEY) for his fair-handed and fair-minded bipartisan cooperation that has been demonstrated throughout this process.

Mr. NEY. Mr. Speaker, if the gentleman will yield again briefly under his reservation, I would like to thank our ranking member, the gentleman from Connecticut (Mr. LARSON), and members of the committee for their work on these two issues.

Mr. LARSON of Connecticut. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 318.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day today.

PERMITTING USE OF THE ROTUNDA TO COMMEMORATE THE UNVEILING OF THE STATUE OF SAKAKAWEA PROVIDED BY THE STATE OF NORTH DAKOTA FOR DISPLAY IN STATUARY HALL

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 236) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

The Clerk read as follows:

H. CON. RES. 236

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on October 16, 2003, for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

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

Mr. Speaker, I rise in support of House Concurrent Resolution 236. This legislation permits the use of the rotunda of the Capitol on October 16, 2003, for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota.

In 1864, Congress enacted and created National Statuary Hall providing for the contribution of statues by the States. Each State is allowed to donate two statues to the Capitol of their most prominent citizens. North Dakota is one of three States which has not donated a second statue. Out of the 97 statues throughout the Capitol, there are only five women and three native Americans. North Dakota's current statue is John Burke, former Governor, U.S. Treasurer, and State Supreme Court Justice, which was donated in 1963.

The story of how the original statue of Sakakawea in North Dakota was

created dates back to the centennial commemoration of the Lewis and Clark expedition at the turn of the 20th century. In 1904, St. Louis hosted a Louisiana Purchase Exposition; and in 1905, Portland hosted the Lewis and Clark Centennial and the America Pacific Exposition and Fair. The State of North Dakota spent funds for pavilions and exhibits at these events. Given the prominence of Sakakawea statues at these events, the idea of a similar statue to stand in North Dakota was therefore born.

Mattie Davis, the superintendent of schools in Cass County, suggested an appropriate recognition needed to be given to the only woman to accompany the expedition of Lewis and Clark. The idea was endorsed by the Fargo City Federation of Women's Clubs which presented it to the North Dakota Federation. A resolution was passed calling for the placement of a statue on the State Capitol grounds in Bismarck.

Sakakawea, simply put, was a leader of leaders. She was a key part of the boldest and most dangerous expedition in American history. She served as an interpreter, guide, and provider to Lewis and Clark; but her most important role was that of a peacemaker. As a woman and a mother, her presence made it clear that Lewis and Clark were not leading a war party. As Clark wrote in his journal: "Our interpreter we find reconciles all the Indians as to our friendly intentions. A woman with a party of men is a token of peace." She was courageous and indomitable, but it was her gentle spirit and interpretive skills that appeased potential enemies.

Before reserving my time, Mr. Speaker, I just want to point out and give a lot of credit to Mattie Davis, the superintendent of schools of Cass County, who suggested this idea by the Fargo City Federation of Women's Clubs which presented it to the North Dakota Federation. It is local people getting together to promote ideas such as this to preserve our history that need to have encouragement from us and tribute for all of their offerings on this particular statue.

I want to thank the gentleman from Connecticut (Mr. LARSON), our ranking member, and the members of the Committee on House Administration, and also the gentleman from North Dakota (Mr. POMEROY) for their work on this legislation. I urge full support of House Concurrent Resolution 236.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of the distinguished chairman, the gentleman from Ohio (Mr. NEY).

Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from North Dakota (Mr. POMEROY), the sponsor of the concurrent resolution, who has worked so hard over the years to make this placement of the statue a reality.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the ranking member and chairman for their support of this issue, a resolution important to the State of North Dakota.

Since 1964, Congress has entertained the statues advanced by the States and allowing their positioning throughout the Capitol. Without question, they enhance the atmosphere here and remind us of truly the history that has gone on before us, both in this Capitol and throughout the country, as leaders of each of the 50 States have made their indelible imprint on our collective history as a Nation. Yet we found in North Dakota that we only had a single statue. Unlike the two per State, we were one of four States that had a single statutory representative, former Governor and Treasurer John Burke.

It occurred to me that we could not do better to have as the second representative of North Dakota Sakakawea, and not just any statue of Sakakawea, but an identical replica to the statue Sakakawea that has graced our Capitol grounds for nearly a century. The statue, initially sculptured by Leonard Crunell from France, is a statue whose model was Sakakawea's granddaughter, Hannah Leavings Grant, also known as Mink Woman. Extraordinarily enough, at a recent July 4 celebration on the grounds of the State Capitol as we viewed the statue that will come under this resolution to represent North Dakota in this great place, there were relatives of Mink Woman present.

So this is an act that has such immediate relevance to especially the Native Americans and the three affiliated tribes, but also to all of us in the State of North Dakota. Sakakawea, I believe, was an actual person, but one of almost legendary and mythical dimensions. She was integrally linked to the success of the Lewis and Clark expedition, an expedition whose bicentennial we are recognizing in these days.

Hers is an extraordinary story. She was the young wife of a fur trader that signed on to be the expedition's guide, but Lewis and Clark found the real value of this was the role Sakakawea went on to play in the expedition. She served as translator. She served as guide. She served as a representative of the peaceful nature of the expedition as they encountered Native American tribes through the balance of the journey. She even rescued the journals of Clark. When the canoe swamped and the men bolted for safety, it was Sakakawea who saved the journals from ruin and contributed, therefore, to history. To think about a young woman making this contribution to an expedition entirely composed of men is remarkable enough, but the fact that she carried with her her 11-month-old infant, John Baptiste, is even more remarkable.

My colleagues will like this statue. It is a dignified and beautiful rendition of Sakakawea.

We like to think that the statue speaks even beyond the contribution of this remarkable woman, to the experience of the expedition with Native Americans in North Dakota as a history of cooperation. It was a history of teaching. In fact, many suggest that Lewis and Clark would not have had the successful expedition they had but for the learning of ways of hunting, navigation, and winter survival that they acquired in the winter of 1804 in North Dakota, living with the Mandan Indians. It means a great deal to us to have this statue, the first Native American woman to represent a State in this Capitol; and I urge my colleagues' favorable consideration of this resolution.

The resolution also sets the date of October 16 as the day we will recognize and unveil the statue in the rotunda. It is a date I would urge my colleagues to put on their calendars to hear a more full exposition of this through the Native Americans from North Dakota who will be present at that time.

I thank the ranking member, I thank the chairman, and I thank my colleagues for their consideration.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from North Dakota (Mr. POMEROY) for all of his diligence on pushing, I think, a very, very important statue and an important commemoration for our history. I thank him for his work.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I again would like to congratulate the distinguished gentleman from North Dakota for his very vivid and historical explanation of what, for sure, is going to be yet another treasure we will be able to add to Statuary Hall. President Kennedy was fond of saying that a people reveal an awful lot about themselves in the monuments and the memorials that they create. The residents and citizens of North Dakota can stand justifiably proud today by the enactment of this piece of legislation; and, clearly, all Americans will be enriched as they get to pass through Statuary Hall and look at this outstanding monument to this truly great American.

Mr. Speaker, I support House Concurrent Resolution 236, which would authorize the use of the Capitol rotunda on October 16, 2003, for a ceremony to unveil the statue of Sakakawea, the Shoshone Indian guide, translator and diplomat who helped to guide the Lewis and Clark expedition of exploration, for display as part of the National Statuary Hall Collection.

This will be North Dakota's second statue for the Statuary Hall Collection, completing its allotment of two which are permitted for each state and bringing the total of the collection to 98. The statute is a replica of the bronze statue by Chicago artist Leonard Crunelle which has stood on the grounds of the state capitol in Bismarck, North Dakota, since 1910. The

Joint Committee of Congress on the Library approved the inclusion in the statue of Sakakawea's infant son, Jean Baptiste Charbonneau, on her back, though he will not be mentioned on the descriptive plaque. Normally, a statue accepted for the Collection can depict only one individual.

Sakakawea was captured by Hidatsa Indians in 1800, when she was about 12 years old, and was given the name by which she is known historically, which translates as "Bird Woman" in Hidatsa. There have been several different versions of the spelling. The original statue depicts Sakakawea looking westward toward the lands being explored. There was no image of Sakakawea available for the original statue, so a Hidatsa Indian, Mink Woman, served as the model.

It is appropriate that the statue be placed in the Capitol at the time of the bicentennial of the beginning of the Lewis and Clark expeditions, for which Sakakawea served as a guide from 1804 to 1806, traveling to the Pacific Ocean and then back through North Dakota.

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

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 236.

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.

GENERAL LEAVE

Mr. NEY. Mr. 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. 326.

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

There was no objection.

SMITHSONIAN FACILITIES AUTHORIZATION ACT

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2195) to provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes.

The Clerk read as follows:

H.R. 2195

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smithsonian Facilities Authorization Act".

SEC. 2. ADDITIONAL SPACE AND RESOURCES FOR NATIONAL COLLECTIONS HELD BY THE SMITHSONIAN INSTITUTION.

(a) IN GENERAL.—Public Law 94-98 (20 U.S.C. 50 note; 89 Stat. 480) is amended by adding at the end the following:

"SEC. 4. ADDITIONAL SPACE AND RESOURCES FOR NATIONAL COLLECTIONS HELD BY THE SMITHSONIAN INSTITUTION.

"(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution may plan, de-

sign, construct, and equip additional special use storage and laboratory space at the museum support facility of the Smithsonian Institution in Suitland, Maryland, to accommodate the care, preservation, conservation, deposit, and study of national collections held in trust by the Institution.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) \$2,000,000 for fiscal year 2003;

"(2) \$10,000,000 for fiscal year 2004; and

"(3) such sums as are necessary for each of fiscal years 2005 through 2008."

(b) CONFORMING AMENDMENT.—Section 3 of Public Law 94-98 (20 U.S.C. 50 note; 89 Stat. 480) is amended in the first sentence by striking "the purposes of this Act." and inserting "this Act (other than section 4).".

SEC. 3. PATENT OFFICE BUILDING IMPROVEMENTS.

(a) AUTHORIZATION OF USE OF FUNDS.—

(1) IN GENERAL.—The Board of Regents of the Smithsonian Institution may plan, design, and construct improvements to the interior and exterior of the Patent Office Building (including the construction of a roof covering for the courtyard), using funds available to the Institution from non-appropriated sources.

(2) DEFINITION.—In this section, the term "Patent Office Building" means the building transferred to the Smithsonian Institution pursuant to Public Law 85-357.

(b) DESIGN AND SPECIFICATIONS.—The design and specifications for any exterior alterations authorized by subsection (a) shall be—

(1) submitted by the Secretary of the Smithsonian Institution (referred to in this section as the "Secretary") to the Commission of Fine Arts for comments and recommendations; and

(2) subject to the review and approval of the National Capital Planning Commission in accordance with section 8722 of title 40, United States Code, and section 16 of the Act of June 20, 1938 (sec. 6-641.15, D.C. Official Code).

(c) AUTHORITY OF HISTORIC PRESERVATION AGENCIES.—

(1) IN GENERAL.—The Secretary shall—

(A) take into account the effect of the improvements authorized by subsection (a) on the historic character of the Patent Office Building; and

(B) provide the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such improvements.

(2) STATUS OF SMITHSONIAN.—In carrying out this subsection, and in carrying out other projects in the District of Columbia which are subject to the review and approval of the National Capital Planning Commission in accordance with section 16 of the Act of June 20, 1938 (sec. 6-641.15, D.C. Official Code), the Smithsonian Institution shall be deemed to be an agency for purposes of compliance with regulations promulgated by the Advisory Council on Historic Preservation pursuant to section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

SEC. 4. CONTRACTING AUTHORITY OF SECRETARY.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution may—

(1) enter into multi-year contracts for the acquisition of property and services under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

(2) enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l).

(b) EFFECTIVE DATE.—This section shall apply to contracts entered into on or after the date of the enactment of this Act.

SEC. 5. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

The Secretary of the Smithsonian Institution may establish a program for making voluntary separation incentive payments for employees of the Smithsonian Institution which is substantially similar to the program established under subchapter II of chapter 35 of title 5, United States Code (as added by section 1313(a) of the Homeland Security Act of 2002).

SEC. 6. SENSE OF CONGRESS REGARDING JAZZ APPRECIATION MONTH.

(a) FINDINGS.—Congress finds the following:

(1) On December 4, 1987, Congress approved House Concurrent Resolution 57, designating jazz as "a rare and valuable national American treasure".

(2) Jazz has inspired some of the Nation's leading creative artists and ranks as one of the greatest cultural exports of the United States.

(3) Jazz is an original American art form which has inspired dancers, choreographers, poets, novelists, filmmakers, classical composers, and musicians in many other kinds of music.

(4) Jazz has become an international language that bridges cultural differences and brings people of all races, ages, and backgrounds together.

(5) The jazz heritage of the United States should be appreciated as broadly as possible and should be part of the educational curriculum for children in the United States.

(6) The Smithsonian Institution has played a vital role in the preservation of American culture, including art and music.

(7) The Smithsonian Institution's National Museum of American History has established April as Jazz Appreciation Month to pay tribute to jazz as both a historic and living American art form.

(8) The Smithsonian Institution's National Museum of American History has received great contributions toward this effort from other governmental agencies and cultural organizations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Smithsonian Institution's National Museum of American History should be commended for establishing a Jazz Appreciation Month; and

(2) musicians, schools, colleges, libraries, concert halls, museums, radio and television stations, and other organizations should develop programs to explore, perpetuate, and honor jazz as a national and world treasure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

□ 1030

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

Mr. Speaker, H.R. 2195 authorizes the Smithsonian Institution to undertake several important activities important to their operations. The legislation authorizes construction at the Patent Office Building, as well as construction of a storage facility that is needed for storing items from the National Museum of Natural History.