

Farr	LaTourette	Richardson
Fattah	Laughlin	Riggs
Fawell	Lazio	Rivers
Fazio	Leach	Roberts
Fields (LA)	Levin	Roemer
Filner	Lewis (CA)	Rogers
Flake	Lewis (GA)	Rohrabacher
Flanagan	Lewis (KY)	Ros-Lehtinen
Foglietta	Lightfoot	Roth
Foley	Lincoln	Roukema
Forbes	Linder	Roybal-Allard
Ford	Lipinski	Royce
Fowler	Livingston	Rush
Fox	LoBiondo	Sabo
Frank (MA)	Lofgren	Salmon
Franks (CT)	Longley	Sanders
Franks (NJ)	Lowey	Sawyer
Frelinghuysen	Lucas	Saxton
Frisa	Luther	Scarborough
Frost	Maloney	Schaefer
Funderburk	Manton	Schiff
Furse	Manzullo	Schroeder
Galleghy	Markey	Schumer
Gejdenson	Martinez	Scott
Gekas	Martini	Seastrand
Gephardt	Mascara	Sensenbrenner
Gilchrest	Matsui	Serrano
Gillmor	McCarthy	Shadegg
Gilman	McCollum	Shaw
Gonzalez	McCrery	Shays
Goodlatte	McDade	Shuster
Goodling	McDermott	Sisisky
Gordon	McHale	Skaggs
Goss	McHugh	Skeen
Graham	McInnis	Skelton
Green (TX)	McIntosh	Slaughter
Greene (UT)	McKeon	Smith (MI)
Greenwood	McKinney	Smith (NJ)
Gunderson	McNulty	Smith (TX)
Gutierrez	Meehan	Smith (WA)
Gutknecht	Meek	Solomon
Hall (OH)	Menendez	Souder
Hall (TX)	Metcalf	Spence
Hamilton	Meyers	Spratt
Hancock	Mica	Stark
Hastert	Millender-	Stearns
Hastings (FL)	McDonald	Stenholm
Hastings (WA)	Miller (CA)	Stockman
Hayworth	Miller (FL)	Stokes
Hefley	Minge	Studds
Hefner	Mink	Stump
Heineman	Moakley	Stupak
Herger	Molinari	Talent
Hilleary	Mollohan	Tanner
Hilliard	Montgomery	Tate
Hinchey	Moorhead	Tauzin
Hobson	Moran	Taylor (MS)
Hoekstra	Morella	Taylor (NC)
Hoke	Murtha	Tejeda
Holden	Myers	Thomas
Horn	Myrick	Thompson
Hostettler	Neal	Thornberry
Houghton	Nethercutt	Thornton
Hoyer	Neumann	Thurman
Hunter	Ney	Tiahrt
Hutchinson	Norwood	Torkildsen
Hyde	Nussle	Torres
Inglis	Oberstar	Torricelli
Istook	Obey	Towns
Jackson (IL)	Oliver	Traficant
Jackson-Lee	Ortiz	Upton
(TX)	Orton	Velazquez
Jacobs	Owens	Vento
Jefferson	Oxley	Visclosky
Johnson (CT)	Packard	Volkmer
Johnson (SD)	Pallone	Vucanovich
Johnson, E. B.	Parker	Walker
Johnson, Sam	Pastor	Walsh
Johnston	Paxon	Wamp
Jones	Payne (NJ)	Ward
Kanjorski	Payne (VA)	Waters
Kaptur	Pelosi	Watt (NC)
Kasich	Peterson (FL)	Watts (OK)
Kelly	Peterson (MN)	Waxman
Kennedy (MA)	Petri	Weldon (FL)
Kennedy (RI)	Pickett	Weldon (PA)
Kennelly	Pombo	Weller
Kildee	Pomeroy	White
Kim	Porter	Whitfield
King	Portman	Wicker
Klecza	Poshard	Wilson
Klink	Pryce	Wise
Klug	Quinn	Wolf
Knollenberg	Radanovich	Woolsey
Kolbe	Rahall	Wynn
LaFalce	Ramstad	Yates
LaHood	Rangel	Young (FL)
Largent	Reed	Zimmer
Latham	Regula	

## NOT VOTING—25

Canady	Fields (TX)	Nadler
Chrysler	Ganske	Quillen
Collins (IL)	Geren	Rose
Levin	Gibbons	Sanford
Conyers	Hansen	Williams
de la Garza	Harman	Young (AK)
Deutsch	Dooley	Zeliff
Durbin	Kingston	
Engel	Lantos	

□ 1514

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mrs. MEYERS of Kansas. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3719.

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

There was no objection.

## PERSONAL EXPLANATION

Mr. KINGSTON. Mr. Speaker, I was unavoidably absent from rollcall votes Nos. 402, 403, 404, 405, and 406 because of a mandatory evacuation in my hometown of Savannah, GA, due to Hurricane Fran's approach to the Georgia coastline. If I had been present I would have voted "yes" on all five of these votes.

## BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2428) to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Page 2, line 8, after "striking" insert: "the title heading and".

Page 2, strike out line 15 and insert: Samaritan";

(C) in subsection (b)(7), to read as follows:

"(7) GROSS NEGLIGENCE.—The term 'gross negligence' means voluntary and conscious conduct (including a failure to act) by a person who, at the time of the conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.";

Page 2, strike out all after line 15, over to and including line 11 on page 3 and insert:

(D) by striking subsection (c) and inserting the following:

"(c) LIABILITY FOR DAMAGES FROM DONATED FOOD AND GROCERY PRODUCTS.—

"(1) LIABILITY OF PERSON OR GLEANER.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

"(2) LIABILITY OF NONPROFIT ORGANIZATION.—A nonprofit organization shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner for ultimate distribution to needy individuals.

"(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the person, gleaner, or nonprofit organization, as applicable, constituting gross negligence or intentional misconduct."; and

Page 3, after line 11 insert:

(E) in subsection (f), by adding at the end the following: "Nothing in this section shall be construed to supersede State or local health regulations.".

Page 4, after line 1 insert:

(c) CONFORMING AMENDMENT.—The table of contents for the National and Community Service Act of 1990 is amended by striking the items relating to title IV.

Mr. GOODLING (during the reading).

Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

Mr. CLAY. Mr. Speaker, reserving the right to object, although I do not intend to object, I ask the gentleman from Pennsylvania [Mr. GOODLING] to offer an explanation of his request.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, on July 12 the House passed H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act, which would have the effect of increasing the donation of food products to needy individuals and their families. This legislation also paid tribute to one of the finest Members of this body with whom I have had the privilege to serve, Bill Emerson.

The Senate has now acted on this legislation and returned it to this body for final action. The only major change to the bill is the inclusion of language that makes it explicit that nothing in the act supersedes State or local health regulations. It also makes minor clarifying changes with respect to the definition of gross negligence.

Mr. Speaker, the threat of liability often inhibits the donation of food to feed the needy. Individuals and corporations who are interested in donating food often do not because they are afraid of what will happen should such food cause harm to recipients. This legislation eliminates the threat of liability, except in instances of intentional harm and gross negligence, and it deserves our support.

Mr. Speaker, the legislation meant a great deal to Bill Emerson and its enactment into law will be a fitting tribute to a man who was committed to

improving our Federal nutrition programs and to ensuring that needy families do not go to bed hungry.

Bill Emerson was a great Member of Congress. He was a man of the highest character who devoted himself to the cause of reducing hunger and to making this country and this House a better place. My thanks also to the gentlewoman from Missouri [Ms. DANNER], a cosponsor of this important legislation, and a driving force in its enactment.

Mr. Speaker, for Bill Emerson and all the needy families who depend on food donations, I would ask the House give final approval to H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

Mr. CLAY. Mr. Speaker, reclaiming my time, I thank the gentleman for his explanation.

Mr. Speaker, I rise to support the Bill Emerson good samaritan food donation bill, and I commend my colleague, the gentlewoman from Missouri [Ms. DANNER], for her leadership on this issue. Nothing in this bill supercedes State or local health regulations. However, by establishing national liability standards, this bill will encourage and enable restaurants, grocers and other donors to help feed the hungry.

In addition, Mr. Speaker, to bridging the gap between willing donors and needy families, passage of this bill is a fitting tribute to Bill Emerson's efforts to combat hunger throughout his career in this Congress, and I urge my colleagues to adopt the measure.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California, [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, a short time ago we lost one of the most valued Members of this body, Bill Emerson. Today the House has an opportunity to pay tribute to our friend and colleague.

One of Bill Emerson's highest priorities during his tenure in this body was to ensure that our Nation's neediest citizens did not go hungry. One of his final efforts in this regard was to work with the gentlewoman from Missouri [Ms. DANNER] to pass H.R. 2428, a bill which would give the Model Good Samaritan Food Donation Act the full force of Federal law. It was Congressman Emerson's strong belief that enactment of this legislation would increase donations of food to the needy.

On July 12, 1996, this legislation, renamed the Bill Emerson Good Samaritan Food Donation Act in his honor, passed the House of Representatives. The Senate completed action on H.R. 2428 prior to the August recess and has returned the bill to this body for final consideration. The gentleman from Pennsylvania, Chairman GOODLING, has outlined the minor changes made to this legislation by the Senate.

Mr. Speaker, we now have opportunity to approve this legislation and send it to the President. At the same time, we will be paying one final tribute to Bill Emerson.

On behalf of Bill Emerson and the needy individuals who will benefit from enactment of this legislation, I urge my colleagues to give final approval to H.R. 2428.

Mr. CLAY. Mr. Speaker, continuing my reservation of objection, I yield to the gentlewoman from Missouri [Ms. DANNER], one of the chief sponsors of the bill.

Ms. DANNER. Mr. Speaker, today, as the House votes on the Bill Emerson Good Samaritan Food Donation Act, it brings to an end a long, but very satisfying, legislative journey, one in which I was privileged to be joined by my friend, the late Congressman Bill Emerson.

This legislation, which will encourage more businesses to donate food to the hungry, is a fitting tribute to a man who consistently demonstrated an enormous capacity for compassion for the hungry and the less fortunate. Every time another business is willing to donate food and every time another hungry person receives some of that food, it adds to the legacy of Bill Emerson's service to our Nation, as well as his commitment to fighting hunger.

Bill knew, as I do, that we have a responsibility to make certain that those of us who are blessed with ample supplies of food assist those who are not.

As the St. Louis Post Dispatch recently editorialized in support of this bill, "In a Nation that throws away over 13 billion pounds of food annually, it is shocking that even one case of malnutrition exists."

The issue of wasted food was troubling for Bill Emerson, it was troubling for me, and I know that other Members of this body agree that we must act to address this issue.

This is a national issue, but I think it is important to remember that this legislation stems from a local concern. I want to thank Harold Martin, an active community volunteer in the Sixth District of Missouri, who contacted me after a major corporation in St. Joseph stopped donating food, citing the patchwork of different State laws that they had to comply with in order to donate food. That did not make sense to Harold, it did not make sense to Bill Emerson, and it did not make sense to me. That is why I am pleased that the House of Representatives and the Senate also understand what many less fortunate Americans already know, a hungry person is not going to refuse day old bread or perfectly edible leftover food.

Thank you, Harold, and thank you, Bill, for each of you have given in your respective ways a voice to the hungry voices that will now be heard.

Mr. CLAY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GOODLING. 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 H.R. 2428.

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

There was no objection.

#### LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring from the distinguished majority leader the schedule for today, the rest of the week, and next week.

Mr. Speaker, I yield to the gentleman from Texas, Mr. ARMEY.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding. I am pleased to announce the House has concluded its legislative business for the week. We will meet next Monday at noon, 12 o'clock, September 9, for a pro forma session. Of course, there will be no legislative business and no votes will be taken that day.

On Tuesday, September 12, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We hope to consider H.R. 3056, the County Health Organization Act on the Corrections Day Calendar.

We will also take up a number of bills under suspension of the rules, a list of which will be distributed to Members' offices as soon as it becomes available. Members should note, however, that we will postpone any recorded votes until 12 o'clock noon on Wednesday.

Mr. Speaker, on Wednesday, September 11, the House will meet at 9 a.m. We will then recess immediately for a joint meeting to receive the Prime Minister of Ireland. After the joint meeting on Wednesday and for the duration of the week, we hope to consider a number of appropriations conference reports, among these energy and water, transportation, and the Department of Defense.

Next week we also hope to appoint conferees on H.R. 2202, the Immigration and National Interest Act of 1996.

We will have legislative business concluded by 2 p.m. on Friday, September 13, and hopefully even before that. I thank the gentleman for yielding me the time.

Mr. BONIOR. Can I ask my friend from Texas about next Friday. There has been some discussion about whether or not we are going to have votes next Friday. As my friend from Texas knows, Rosh Hashanah begins on Friday and it will not be possible for Members to get home in time for the holiday if we do have votes. I was wondering if my colleague is factoring that into his decisions for the end of next week.