



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 142

WASHINGTON, FRIDAY, JULY 12, 1996

No. 103

## House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. TAYLOR of North Carolina].

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 12, 1996.

I hereby designate the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom has come all the gifts that make us whole and make us human, we pray that Your Spirit will so live in our spirits that our thoughts and vision, our words and deeds will be strengthened and made right by Your blessings to us. For all Your good gifts that come to us and grace our lives with cleansing and new life, that point us on the way and accompany us along the path, for these gifts and all the wonders of Your Spirit, we offer this prayer of thanksgiving and praise. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. SKEL-

TON] come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

Mr. GOODLING. Mr. Speaker, pursuant to the order of the House of Thursday, July 11, 1996, I move to suspend the rules and pass 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 Donation Act the full force and effect of law, as amended.

The Clerk read as follows:

H.R. 2428

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

#### SECTION 1. CONVERSION TO PERMANENT LAW OF MODEL GOOD SAMARITAN FOOD DONATION ACT AND TRANSFER OF THAT ACT TO CHILD NUTRITION ACT OF 1966.

(a) CONVERSION TO PERMANENT LAW.—Title IV of the National and Community Service Act of 1990 is amended—

(1) by striking sections 401 and 403 (42 U.S.C. 12671 and 12673); and

(2) in section 402 (42 U.S.C. 12672)—

(A) in the section heading, by striking "MODEL" and inserting "BILL EMERSON";

(B) in subsection (a), by striking "Good Samaritan" and inserting "Bill Emerson Good Samaritan"; and

(C) in subsection (c)—

(i) by striking "A person or gleaner" and inserting the following:

"(1) LIABILITY OF PERSON OR GLEANER.—A person or gleaner";

(ii) by striking "needy individuals," and inserting "needy individuals.";

(iii) by inserting after "needy individuals," (as added by clause (ii)) the following:

"(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."; and (iv) by striking "except that this paragraph" and inserting the following:

"(3) EXCEPTION.—Paragraphs (1) and (2)".

(b) TRANSFER TO CHILD NUTRITION ACT OF 1966.—Section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) (as amended by subsection (a))—

(1) is transferred from the National and Community Service Act of 1990 to the Child Nutrition Act of 1966;

(2) is redesignated as section 22 of the Child Nutrition Act of 1966; and

(3) is added at the end of such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, today we are considering legislation which will have the effect of increasing the donation of food products to needy individuals and their families and paying tribute to one of the finest Members of this body, with whom I have had the privilege to serve, Bill Emerson.

Many times individuals and corporations are interested in donating food to feed the needy. However, the fear of liability prevents them from doing so. According to the executive director of the South Central Pennsylvania Food Bank, "We need to mitigate the risk and liability so this nutritious food can go to those in great need."

H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act, would encourage the donation of food products by freeing those who, in good faith, donate such products from the threat of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper containing 100% post consumer waste

H7477

civil and criminal liability should such products cause harm to the recipients of their generosity. It does not, however, in any way free such individuals from liability in cases of gross negligence or intentional harm.

Mr. Speaker, I am a strong supporter of our Federal nutrition programs and believe they go a long way toward providing the nutritional needs to low-income families. This legislation encourages communities to get involved in efforts to feed the hungry and improves our ability to ensure that citizens of this country do not go to bed hungry.

Since this bill is all about bringing people together to promote the greater good for their communities, it is only fitting that we name it in honor of Bill Emerson. This is exactly what the career of our late beloved colleague Bill Emerson was all about. That is why we have named this legislation the Bill Emerson Good Samaritan Food Donation Act as a tribute to this fine man and his commitment to improving our Nation's nutrition programs.

Bill Emerson was a true patriot and great Member of Congress. He was a Member of the highest character, who devoted himself to the cause of reducing hunger and to making this country and this House a better place. I know I speak for all of the members of this committee in expressing our sadness over his loss and express our heartfelt sympathy to his family.

While we are renaming this bill for Bill Emerson, I would like to point out that the gentlewoman from Missouri, Ms. PAT DANNER, the key sponsor of H.R. 2428, deserves an enormous amount of credit for introducing this legislation and championing this cause. Despite all the time and effort she has personally invested in this effort, she has graciously given her support for our effort to rename this bill to recognize Bill Emerson.

In summary, I urge my colleagues to support this important piece of legislation, which will go a long way toward ensuring that our Nation's low-income families will receive the nutrition they require to lead healthy, productive lives.

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

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

Mr. Speaker, I rise to support H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act. The purpose of this bill is to encourage the donation of wholesome, surplus food to nonprofit organizations, who in turn, distribute the food to our Nation's poor and hungry.

Last year the Food Research and Action Center [FRAC] reported that 13.6 million children in America below the age of 12 go hungry each month. Similarly, the Administration on Aging estimates that hunger plagues hundreds of thousands of our elderly each year.

My late colleague, Bill Emerson, was alarmed by the prevalence of hunger in a nation that throws away 20 percent of

the food it produces each year. Bill Emerson considered it his mission to search for ways to combat hunger, and so he enthusiastically became a cosponsor of the Good Samaritan Food Donation Act introduced by my colleague from Missouri, Congresswoman PAT DANNER. We all owe a great deal of gratitude to Representative DANNER for her vision and compassion in developing this legislation.

By establishing national liability standards, this bill will encourage and enable restaurants, grocers, and other donors to feed the hungry. In urging support for this bill, Congressman Emerson stated:

Private companies are too often faced with different State laws governing food donations. These differences can stand between a willing donor and a needy family.

Bill Emerson's efforts to fight hunger throughout his career in Congress make passage of this bill a fitting tribute to his legacy.

Mr. Speaker, I yield 8 minutes to the gentlewoman from the State of Missouri, Ms. PAT DANNER.

Ms. DANNER. Mr. Speaker, often, we hear about the importance of timeliness of legislation.

As we discuss today's bill, the Bill Emerson Good Samaritan Food Donation Act, I will be constantly mindful of the article that appeared only yesterday in the Kansas City Star—my hometown newspaper. The Star carried the article that I have had partially reproduced and which is behind me.

For the first time ever, Project Hunger, the annual summer food drive, ran out of supplies while people still waited in line to secure food. This year, the contributions were only one-third of the amount collected last year.

Mr. Speaker, this is but a single chapter in a much larger story. The U.S. Conference of Mayors has reported that 18 percent of all requests for food assistance went unmet last year in the Nation's cities.

And the Federal Government has estimated that some 14 billion pounds of food are discarded by businesses each year.

These incredible figures were troubling for Bill Emerson, they are troubling for me—and I'm confident that other Members of the House will agree that we must act now to address this issue.

Mr. Speaker, the Biblical passage from Leviticus reminds us that: "When you reap the harvest of your land, do not reap the corners of your field, and do not glean the fallen ears of your crop \* \* \* you must leave them for the poor and the stranger."

Bill Emerson, as a student of the Scriptures and a tireless advocate in the war against hunger, brought both life and meaning to that verse.

Bill heard those words in Leviticus and at the same time he heard the voices of the hungry—not only in our Nation—but around the world.

He knew that the rich gift of fertile soil in his beloved Missouri carried

with it a great responsibility, a responsibility to produce, provide, and share. Bill embraced that challenge in the way he did so much else in life—with an unrelenting desire to help others.

Bill Emerson was an important voice for countless noble causes in Congress and this body is immeasurably better today because of his service.

As his funeral procession moved from Cape Girardeau to Hillsboro, a most heartfelt scene unfolded as men, women, and children, with American flags held high, lined the road—in honor of Bill's service to them—and to our Nation.

And it is a most impressive record of service, indeed.

Bill had moved through the ranks—from congressional page at the age of 15 to chief of staff for Congressman Bob Ellsworth of Kansas and later Senator Bob Mathias of Maryland. In 1980, Bill was elected to Congress from Missouri's 8th District, where he soon became one of the most influential Members of Congress.

But as Bill gained new, more significant responsibilities he always remained, first and foremost, true to himself. He was universally regarded as a man of the people who never strayed from public-minded service to our country.

Three of the most important interests in Bill Emerson's life were—family, religion, and feeding the hungry.

He was a devoted family man, the leader of a prayer breakfast group, and a giant on the Agriculture Committee when it came to hunger issues, whether at home or abroad.

In fact, he served as chair of the Select Committee on Hunger, and in that capacity he traveled worldwide in his effort to fight hunger and improve nutrition.

I know that all here will agree with me that there is no more fitting tribute to Bill's memory than the passage of this legislation that will provide, by some estimates, 50 million additional pounds of food annually to the hungry.

Today, as the House of Representatives considers the Bill Emerson Good Samaritan Food Donation Act, we are, in effect, saying: "Bill, your voice will not be forgotten, the course you charted will be followed and your legacy will endure."

I might also mention that although this legislation is first and foremost a fitting testament to a wonderful man, it is also a testament to another man who has made feeding the hungry his No. 1 priority.

May I, briefly, tell the story of how the Good Samaritan bill evolved from a local concern in St. Joseph, MO, to legislation in the U.S. Congress.

As an aside, I think if we had more such stories, it would restore the American people's faith that their concerns really can make a difference.

Last summer, Herald Martin—an active community volunteer who for 20 years has gleaned food for the Patee Park Baptist Church Pantry and others in St. Joseph—contacted me.

Mr. Martin had worked tirelessly—at his own expense, I might add—to pick up and distribute leftover food.

He was understandably frustrated because a major national corporation in St. Joseph, which had made food donations in the past, had changed its policy and decided to dispose of its day-old bread and other foods rather than donate them.

The corporation had explained to Mr. Martin, and others, that there were just too many different State laws governing food donations.

After speaking with Mr. Martin and doing some research, I learned that the current patchwork of State laws has been cited by many potential donors as the principal reason so much food is thrown away rather than given to food banks and food pantries for distribution to the hungry.

Quite literally, Mr. Martin proved that a single voice that is heard can make a difference for the millions of voices that are not heard.

It is, as a result of that research, that I decided to introduce the Good Samaritan Food Donation Act.

Recognizing Bill Emerson's long-standing support of issues relating to the hungry I sought and received his enthusiastic support for the legislation.

It was Bill's tireless effort in talking to members of the leadership, committee and subcommittee chairmen, and other members of the Republican Party that made this legislation a reality. Once again, as so often in the past, Bill Emerson would be responsible for seeing that additional food would be made available to the hungry.

What started with but a single voice almost a year ago has now grown into a chorus of support for the legislation—from organizations such as Second Harvest, Foodchain, and Forgotten Harvest.

Simply put, we need a reasonable nationwide law that eliminates confusion and forges a stronger alliance between the public and private sectors in this Nation. That is exactly what this bill delivers.

The Bill Emerson Good Samaritan Food Donation Act will establish a uniform national law to protect organizations and individuals when they donate food in good faith.

A business should not have to hire a legal team to interpret numerous State laws so that it feels comfortable in contributing food to the hungry.

In the final analysis, perhaps the ultimate tragedy of hunger is that it is preventable. There is simply no excuse for any man, woman, or child in our country to suffer the pangs of hunger.

Toward that end, this legislation will bring some long overdue common sense into the system of laws governing food donations.

I think we all agree, we can provide a better tribute to our dear, departed friend and colleague, Bill Emerson than to pass, in his memory, the Bill Emerson Good Samaritan Food Donation Act.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

(Mr. GUNDERSON asked and was given permission to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I rise in strong support of the Bill Emerson Good Samaritan Food Donation Act. I want to commend our chairman, the gentleman from Pennsylvania [Mr. GOODLING], and I want to commend our ranking member, the gentleman from Missouri [Mr. CLAY], and I certainly want to commend our colleague and Bill's colleague, the gentlewoman from Missouri [Ms. DANNER], for the leadership all three of them have shown in bringing this bill before us today.

This bill epitomizes the life and the service and the philosophy of Bill Emerson. This bill encourages charity with a touch of common sense. We too often in this House divide ourselves into deep political and ideological conflicts. On some things there cannot or at least there ought to be any partisan debate. The facts of poverty are one of those.

Some 38 million Americans lived in poverty in 1995. Half of those are children or senior citizens. One out of every four children in American society today lives in poverty. The United States ranks 24th among all nations in infant mortality.

Bill Emerson was a conservative, but Bill Emerson did not believe that conservatives ought to be insensitive to the pain, the reality, and the needs of the less fortunate among us. As a result, Bill Emerson has had a history during his 16-year service in the U.S. Congress of pushing programs to deal with hunger and to deal with poverty. Whether it be the oceanic shores of Africa or it be the river of Cape Girardeau, Bill Emerson pursued the fight to end hunger wherever he saw it.

Many of us will know him as one of the ardent warriors on behalf of commodity donation programs. As he sat next to me on the House Committee on Agriculture, he would often lean over to his left, because that is the side I sat on, and say, "GUNDERSON, can't you get the Education and Labor Committee to just agree with us Agies on this commodity issue?"

And of course when it came time to reauthorize the Emergency Food Assistance Program, Bill Emerson was the leader in seeing that it was there. When it came time to deal with food stamps, and many of us remember in the debate last year on welfare reform and on the budget reconciliation when we talked about sending everything back home, Bill Emerson said, "I am for sending it home, but there are certain places where there has to be a national safety net." Because of Bill Emerson, there is no partisan debate anymore about sending food stamps back home.

Now, one of Bill Emerson's last fights is the legislation in front of us that he

introduced with his colleague. The Food Donation Act, as all of us know and as we have heard, is intended to encourage the donation of food from grocery stores, catering companies, or food distributors to whatever food pantries, soup kitchens, or other food service community organizations that might be there.

□ 1020

Bill, because of his health, was unable to testify at that hearing we held on this legislation. That did not stop him from submitting testimony to the committee.

And so today, even in his death, the life and the legacy of Bill Emerson lives on as we pass this important piece of legislation. I commend it to all of my colleagues. I thank my colleagues here for their leadership, and I thank Bill Emerson for giving all of us a touch of sensitivity of the heart to those in America and around the world who are hungry.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MCKEON], the subcommittee chairman.

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

This is an important piece of legislation and so appropriately named for our dear friend, Bill Emerson.

H.R. 2428 is designed to encourage the donation of food and grocery products to nonprofit organizations engaged in distribution of such items to the needy. The bill will relieve concerns over liability that currently exist and that deter companies and individuals from donating as freely as they would like.

Bill Emerson had a keen interest in nutrition programs and spent a considerable amount of time focusing and working to improve nutrition programs during his congressional career. The Bill Emerson Good Samaritan Food Donation Act compliments the existing programs nicely by encouraging community involvement in the effort to feed those in need.

Again, this bill is a fitting tribute to Bill Emerson who is already greatly missed by this body. Enactment of this legislation will ensure that his work will continue to be recognized, especially by those involved in efforts to feed the needy, for many, many years to come.

Mr. Speaker, I urge support for H.R. 2428, the Bill Emerson Good Samaritan Act.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, again, I commend the gracious gentlewoman from Missouri [Mr. DANNER] not only for offering this legislation, but also for honoring Bill Emerson and for her very moving message this morning, not only in memory of Bill, but I think a very moving message for the American people. I ask all to support the legislation.

Mr. CONYERS. Mr. Speaker, I have a number of serious reservations concerning H.R. 2428. Although I am supportive of the impetus behind the legislation—encouraging private entities to donate food to nonprofit organizations who distribute food to the needy—I question whether preempting traditional State law prerogatives in this area is desirable.

For more than 200 years tort law has been considered to be a State law prerogative. The States are in the best position to weigh competing considerations and adopt negligence laws which best protect their citizens from harm. The area of food donations is a good illustration of this dynamic. According to the Congressional Research Service's American Law Division, all 50 States have enacted special statutory rights concerning food donations. Not surprisingly, the States have crafted a variety of liability rules—ranging from those who subject all negligent parties to liability, to those who limit liability only to grossly negligent or intentional acts.

Unfortunately, with adoption of this bill, the House will be seeking to impose a one-size-fits-all legal standard for food donors based on the Model Good Samaritan Food Donation Act, 42 U.S.C. Secs. 12671–12673, despite the fact that since its enactment in 1990, only one State has adopted the Model Act's language. This is exactly the type of reckless federalism so many in Congress purport to oppose. Worse yet, in federalizing this standard, Congress will be selecting the most lenient possible standard of negligence. In particular, I would note that the term "gross negligence" is so narrowly defined that it may not include a failure to act which one should have known would be harmful. I believe a standard so loosely drawn constitutes an open invitation to harm to our poorest citizens.

I would also note that Congress is acting on this measure at a time when there has been no demonstrated legal problem. There is no outbreak in frivolous litigation. The proponents arguments for a uniform Federal standard are more based on anecdote than fact.

I am also concerned that to date the legislative process has completely bypassed the Judiciary Committee, which traditionally has had primary jurisdiction for any tort law matters. We should not be in such a rush to pass legislation that we fail to consider the opinions of those Members with relevant expertise.

It is because of concerns such as these that the conference committee on H.R. 2854, the Federal Agriculture Improvement and Reform Act of 1996, determined to reject adopting legislation similar to that before us today. The managers' statement to that legislation wrote:

[t]he Managers declined to adopt a provision that would convert the Model Good Samaritan Food Donation Act (Pub. L. 101-610) to federal law. . . . While the Managers commend the philanthropic intent of such legislation, the Managers understand possible implications of preempting state laws and acknowledge jurisdictional complications. See House Report 104-94 at 405.

It is my hope that as the process moves forward these and other problems can be addressed.

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

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the

rules and pass the bill, H.R. 2428, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

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 on H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

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

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess, subject to the call of the Chair.

Accordingly (at 9 o'clock and 25 minutes a.m.), the House stood in recess, subject to the call of the Chair.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TAYLOR of North Carolina) at 11 o'clock and 12 minutes p.m.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. LUNDREGAN, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2337. An act to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3230. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3230) "An Act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mrs.

HUTCHISON, Mr. INHOFE, Mr. SANTORUM, Mrs. FRAHM, Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. BRYAN, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1004) "An Act to authorize appropriations for the United States Coast Guard, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Commerce, Science, and Transportation: Mr. PRESSLER, Mr. STEVENS, Mr. GORTON, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. HOLLINGS, Mr. INOUE, Mr. FORD, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, and Mr. WYDEN; and from the Committee on Environment and Public Works for consideration of Oil Pollution Act issues: Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. BAUCUS, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mrs. BOXER, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 640. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes;

S. 1745. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1762. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1763. An act to authorize appropriations for fiscal year 1997 for defense activities of the Department of Energy, and for other purposes; and

S. 1764. An act to authorize appropriations for fiscal year 1997 for military construction and for other purposes.

#### DEFENSE OF MARRIAGE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3396.

□ 1113

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3396) to define and protect the institution of marriage, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative