of the 10,000 visa available under the United States Investor Visa Program; and

''Whereas, other countries, such as Canada have tailored their investor visa programs to attract significant capital investment; and

''Whereas, the California Policy Seminar Brief, Volume 7, Number 13, reported that Canada has attracted over $3 billion in investment through their Business Migration Program between 1986 and 1990; and

''Whereas, immigrant business investment in Canada resulted in a 30 percent increase in employment in the manufacturing firms that were invested in: Now, therefore, be it

''*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to reduce the current investment threshold under the United States Investor Visa Program to five hundred thousand dollars ($500,000) minimum investment and five employees to allow states greater flexibility in focusing investment funds to address specific economic needs; and be it further

''*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Director of the United States Immigration and Naturalization Service.''

POM–669. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs.

''SENATE JOINT RESOLUTION 49

''Whereas, California, with 3.3 million veterans, has the largest concentration of veterans in the United States and the number continues to grow as up to 50,000 newly separated service members per year select California as their residence; and

''Whereas, California has historically been underrepresented by the United States Department of Veterans Affairs (USDVA) in that California has only one USDVA employee for each 8,000 veterans while the rest of the nation averages one USDVA employee for each 6,000 veterans; and

''Whereas, this inequity means less staff to revolve the more complex claims of the veterans of this state; and

''Whereas, this inequity is aggravated by the fact that the mix of claims causes California to have a larger compensation share and a smaller pension share than the rest of the nation; and

''Whereas, despite this large population of veterans and their families, the proposed USDVA Field Restructuring Plan would transfer veterans' disability pension benefits processing services from California to Phoenix, Arizona and other states; and

''Whereas, the restructuring proposal will not, under any circumstances, provide a reasonable level of service to California veterans; and

''Whereas, the transfer of disability pension processing activities from the Los Angeles and Oakland USDVA offices to Phoenix reflects restructuring that is driven by budget concerns, and not by concern for veterans' service; and

''Whereas, it is estimated that the servicing of disability pension claims for those veterans whose files will not be in Phoenix reduces the case management effectiveness of not only the county veterans service offices but also the national service organizations, the Department of Veterans Affairs, and the Employment Development Department of California, and will have a significant impact on cost-avoiding state Medi-Cal (medicaid) appropriations as they apply to our aging veteran population due to reduced levels of service, timeliness factors, and the required ongoing training that is currently shared by county veterans service officers and the Los Angeles and Oakland regional USDVA offices; and

''Whereas, it is the understanding of the Legislature that the proposed USDVA Field Restructuring Plan is based on old and unreliable data that attacks California's regional USDVA offices as inefficient and overmanaged and these assumptions are not valid today; and

''Whereas, reducing the size of the offices or moving the offices to Phoenix, Arizona or any other state, or otherwise attempting to effectuate the ''smaller is better'' doctrine in this case will not solve the increasing problems of California more than 3.3 million veterans and their dependents: Now, therefore, be it

''*Resolved by the Senate and the Assembly of the State of California, jointly*,'' That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and the United States Department of Veterans Affairs to maintain the status quo, and to reconsider the decision to adopt the proposed USDVA Field Restructuring Plan; and be it further

''*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the United States Department of Veterans Affairs.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1264. A bill to provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes (Rept. No. 104–362).

By Mr. MCCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1973. A bill to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes (Rept. No. 104–363).

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with amendments:

S. 1897. A bill to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes (Rept. No. 104–364).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1317. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1935, and for other purposes (Rept. No. 104–365).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 1887) to make improvements in the operation and administration of the Federal courts, and for other purposes (Rept. No. 104–366).

By Mr. SIMPSON, from the Committee on Veterans' Affairs, without amendment and an amendment to the title:

S. 1791. A bill to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and for other purposes (Rept. No. 104–367).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. HATCH, and Mr. HEFLIN):

S. 2059. A bill to amend title 11, United States Code, with respect to executory contracts and unexpired leases, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 2060. A bill to require the District of Columbia to comply with the 5-year time limit for welfare recipients, to prohibit any future waiver of such limit, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES:

S. 2060. A bill to require the District of Columbia to comply with the 5-year time limit for welfare recipients, to prohibit any future waiver of such limit, and for other purposes; to the Committee on Finance.

WELFARE LEGISLATION

Mr. NICKLES. Mr. President, today, I am introducing legislation that would reverse President Clinton's recent District of Columbia welfare waiver which exempts the District of Columbia from the 5-year time limit for 10 years. It may shock our colleagues. President Clinton signed the welfare reform bill with a great deal of fanfare and said, ''We have ended welfare as we know it.'' What most people don't know is on the day he signed it, he signed a 10-year waiver for the District of Columbia, so it does not apply. The waiver will apply for 10 years.

I am just amazed that he had the audacity to do that. I am somewhat amazed that a lot of people in the press, and maybe we in Congress, have not said much about it.

Think of that. The cornerstone of the welfare reform bill was a bill with real time limits. I am quoting President Clinton. President Clinton said, ''We need to have real welfare reform, we need to end welfare as we know it, we need a bill with real teeth, a bill that has real time limits.'' What does he do on the same day? He signs the welfare bill. He gives a 10-year waiver, a 10-year exemption to the District of Columbia.

It is interesting to note, he was able to grant the waiver within 14 days to the District of Columbia. He has had over 103 days to grant the waiver that was requested by the State of Wisconsin, which he mentioned in a political address on one of his Saturday morning addresses. He said, ''We need welfare reform like the State of Wisconsin. They have real workfare. They have time limits. We need to do it.''

It is interesting to note he has not granted that waiver yet. Maybe he made a speech and got some points for it, but the fact is, by his granting the DC waiver, maybe he is trying to placate some liberal people who did not like him signing the welfare reform bill. I do not know. But today, I am introducing legislation to reverse the 10-year exemption, or welfare waiver, that he granted to the District of Columbia.

It basically says that any other waiver that would come forward must comply with the 5-year time limit on cash benefits that passed by an overwhelming majority in both the House and the Senate.

Mr. President, I send that to the desk, and ask unanimous consent that the text of the bill be printed in the RECORD. It is my hope and it is my plan to pass this legislation before we go out of session this year.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2060

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

SECTION 1. REQUIREMENT FOR THE DISTRICT OF COLUMBIA TO COMPLY WITH 5-YEAR TIME LIMIT FOR WELFARE ASSISTANCE.

(a) IN GENERAL.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall rescind approval of the waiver described in subsection (b). Upon such rescission, the Secretary shall immediately approve such waiver in accordance with subsection (c).

(b) WAIVER DESCRIBED.—The waiver described in this subsection is the approval by the Secretary on August 19, 1996, of the District of Columbia's Welfare Reform Demonstration Special Application for waivers, which was submitted under section 1115 of the Social Security Act, and entitled the District of Columbia's Project on Work, Employment, and Responsibility (POWER).

(c) CONDITION FOR WAIVER APPROVAL.—The Secretary of Health and Human Services shall not approve any part of the waiver described in subsection (b) that relates to a waiver of the requirement under section 408(a)(7) of the Social Security Act to not use any part of the grant made under section 403 of such Act to provide assistance to a family that includes an adult who has received assistance under any State program funded under part A of title IV of such Act attributable to funds provided by the Federal Government for 60 months (whether or not consecutive).

SEC. 2. NO WAIVER OF 5-YEAR TIME LIMIT FOR WELFARE ASSISTANCE.

Beginning on and after the date of the enactment of this Act, the Secretary shall not approve any application submitted under section 1115 of the Social Security Act, or under any other provision of law, for a waiver of the requirement under section 408(a)(7) of such Act to not use any part of the grant made under section 403 of such Act to provide assistance to a family that includes an adult who has received assistance under any State program funded under part A of title IV of such Act attributable to funds provided by the Federal Government for 60 months (whether or not consecutive).

ADDITIONAL COSPONSORS

S. 1556

At the request of Mr. KOHL, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1556, a bill to prohibit economic espionage, to provide for the protection of United States proprietary economic information in interstate and foreign commerce, and for other purposes.

S. 1797

At the request of Mr. LEVIN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1797, a bill to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1967

At the request of Mr. BROWN, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1967, a bill to provide that members of the Armed Forces who performed services for the peacekeeping efforts in Somalia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

S. 2052

At the request of Mrs. BOXER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 2052, a bill to provide for disposal of certain public lands in support of the Manzanar National Historic Site in the State of California, and for other purposes.

AMENDMENTS SUBMITTED

THE ORGAN AND BONE MARROW TRANSPLANT PROGRAM REAUTHORIZATION ACT OF 1996

KASSEBAUM AMENDMENT NO. 5205

Mr. LOTT (for Mrs. KASSEBAUM) proposed an amendment to the bill (S. 1324) to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes; as follows:

Beginning on page 41, strike line 23, and all that follows through line 4 on page 42, and insert the following:

''(i) in clause (i)—''

On page 43, between lines 6 and 7, insert the following:

''(i) in clause (ii), by inserting ', administrative functions of the organ procurement organization,' after 'organ'; and

''(iii) in clause (iii), to read as follows:

'(iii) in the case of a hospital-based organ procurement organization, has no authority over any non-transplant-related activity of the organization.';''

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to hold a briefing during the session of the Senate on Monday, September 9, 1996, at 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DEFENSE OF MARRIAGE ACT

● Mr. HATCH. Mr. President, I ask that written testimony from Rabbi David Saperstein, director and counsel for the Religious Action Center of Reform Judaism, and a letter from Herman Hill Kay concerning S. 1740, the Defense of Marriage Act, be printed in the RECORD. Both Rabbi Saperstein and Mr. Kay submitted these materials to be included in the transcript of the hearing held before the Senate Judiciary Committee on July 11, 1996. Unfortunately, their statements were received too late to be included, and for that reason, I ask that they be printed in the CONGRESSIONAL RECORD.

The material follows:

TESTIMONY OF RABBI DAVID SAPERSTEIN

I. INTRODUCTION

Mr. Chairman, members of the committee, thank you for this opportunity to comment on the ''Defense of Marriage Act'' (S. 1740). My name is Rabbi David Saperstein, and I am Director and Counsel of the Religious Action Center of Reform Judaism (RAC). The RAC represents the Union of American Hebrew Congregations and the Central Conference of American Rabbis, the lay and clerical bodies of Reform Judaism, with membership of over 1.5 million Reform Jews and 1700 Reform rabbis in 850 congregations nationwide. In recent years, both the parent bodies of the RAC have passed formal resolutions supporting gay civil marriage, and I have included copies of those statements as appendices to my testimony this morning.

I am also an attorney who teaches advanced Constitutional Law, especially on the First Amendment's religion clauses at the Georgetown University Law Center. Over the years, I have written a number of books and articles addressing church-state and constitutional legal issues.

This bill is woefully ill-advised and is morally wrong. Let me first address the legal concerns, lay out why this bill would likely fail to pass even the most forgiving constitutional test and why, under the current legal system, it is, unnecessary. I will then turn to some of the broader political and moral issues the bill raises.

II. LEGAL OBSERVATIONS ON THE DEFENSE OF MARRIAGE ACT

There are two key legal issues at stake in this legislation. The first is that the legislation is almost certain to be found unconstitutional both for its violation of the Full Faith and Credit clause and for its denigration of states rights as protected in the Tenth Amendment. The second issue is that it is, in all likelihood,—and from the perspective of my organizations, sadly—legally unnecessary since many of its key aims would be accomplished under the ''public policy exception'' to the conflict of laws rules, i.e. states would be able to avoid being forced to recognize same sex marriages if they determine such marriages to be in violation of fundamental public policy interests.