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H.R. [House of Representatives] 3396 Gay Marriages

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104th Congress
2d Session

H. RES. _____

H.R. 3396 -- Defense of Marriage Act

1. Modified closed rule.
2. Provides one hour of general debate equally divided between the chairman and ranking minority member of the Judiciary Committee.
3. Waives clause 2(1)(6) of rule XI (3 day availability requirement for committee reports) against consideration of the bill.
4. Makes in order only the amendments printed in the report accompanying the rule to be offered only in the order printed, by the Member specified, and debatable for the time specified in the report. The amendments are considered as read and are not subject to amendment or subject to a demand for a division of the question. All points of order are waived against the amendments.
5. Provides one motion to recommit with or without instructions.

RESOLUTION

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3396) to define and protect the institution of marriage. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments specified in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Revised

5:00 p.m.

Amendments to H.R. 3396 The Defense of Marriage Act

- 75 min 1) Frank (Ma) An amendment to strike Section 3 of the legislation, which defines for Federal purposes marriage (and spouse) as a legal union between a man and woman as husband and wife.
- 15 min 2) Frank (Ma) An amendment suspend the federal definition of marriage when a state, through its normal democratic procedures, determines a definition different than that which is provided here.
- 3) Johnson (CT), Hobson (OH) Provides for a General Accounting Office study of the differences in benefits, rights and privileges offered to persons in a marriage as opposed to persons in a domestic partnership.
- 4) Schroeder (Co) An amendment excluding from federal definition of marriage any subsequent marriage unless the prior marriage was terminated on fault grounds, with property, custody and support issues resolved in accordance with the fault findings.

**AMENDMENT TO H.R. 3396, AS REPORTED
OFFERED BY MR. FRANK OF MASSACHUSETTS**

*Amendment
1*

Strike section 3 (page 3, line 9 and all that follows
through the matter following line 24).

July 10, 1996 (3:54 p.m.)

**AMENDMENT TO H.R. 3396, AS REPORTED
OFFERED BY MR. FRANK OF MASSACHUSETTS**

*Amendment
#2*

Page 3, after line 20, insert:

1 (b) APPLICATION.—

2 (1) Subsection (a) shall not apply if the State
3 in which the persons affected by such application of
4 subsection (a) has determined that the definition of
5 "marriage" or "spouse", or both, shall be different
6 than that in subsection (a), provided such State de-
7 termination is in the form of—

8 (A) legislation; or

9 (B) citizen initiative or referendum.

10 (2) In the case where such a determination is
11 made by judicial decision interpreting a State con-
12 stitution, subsection (a) shall cease to apply if the
13 minimum time necessary in that State for an
14 amendment to the State constitution elapses and the
15 State's determination remains in effect.

16 (3) In the case where such a determination is
17 made by judicial decision interpreting a State stat-
18 ute, subsection (a) shall cease to apply with the ad-
19 journment of the next session of the State legisla-
20 ture.

Page 3, line 21, strike "(b)" and insert "(c)".

E X E C U T I V E O F F I C E O F T H E P R E S I D E

26-Jun-1996 11:32am

TO: Ingrid M. Schroeder

FROM: Jeremy D. Benami
 Domestic Policy Council

CC: Stephen R. Neuwirth
CC: Laura Capps for George

SUBJECT: Agreed upon SAP language

Ingrid

Attached has George S and Counsel OK

Jeremy

June 19, 1996
(House)

H.R. 3396 - Defense of Marriage Act

(Barr (R) Georgia and 108 cosponsors)

The President strongly opposes discrimination against any group of Americans, including gay and lesbian individuals, and he supports legislation to outlaw such discrimination in the workplace.

The President has long opposed same sex marriage, however, believing that the institution of marriage should be reserved for unions between one man and one woman. Therefore, if H.R. 3396 were presented to the President as ordered reported from the House Judiciary Committee, the President would sign the legislation.

* * * * *

**SUMMARY OF CONSTITUTION SUBCOMMITTEE
MARK-UP ON MAY 30, 1996**

MARK-UP OF H.R. 3434

Chairman Canady opened discussion of the bill. **Mr. Frank** commented that this bill reflects a very constructive bipartisan effort. No other discussion was offered, and the subcommittee adopted to amend in nature of substitute with unanimous aye votes. It was similarly moved and passed to report the bill as amended favorably to full committee.

MARK-UP OF H.R. 3435

The Chairman opened discussion. **Mr. Frank** commented that this bill provides a balance between the right of the public to be informed and keeping from over-burdening people. He feels that the bill has sensible regulations, and that it is a good move toward reaching a balance.

It was moved to amend in nature of substitute, and passed and adopted unanimously. **Mr. Frank** moved to report the bill favorably as amended to the full committee, and this was also passed unanimously.

MARK-UP OF H.R. 3396

Chairman Canady opened discussion by referring to the same sex marriage case currently in Hawaii. He sees same sex marriages as an obstruction of full faith and credit clause. He also feels that one judge in Hawaii should not be able to force all of the other states to recognize anything. Chairman Canady also stated that it is necessary to make it explicit that marriage is only a union between one woman and one man. He concluded his opening statement by adding that the Clinton administration sees the bill as legal, and the President would sign it as it is currently written (says Press Secretary Mike McCurry).

Next, **Mr. Frank** offered his opening comments. He feels that the majority wants to pass this bill as a political issue, and that the bill is being rushed because of the upcoming election. The states already have the right to reject the policies of other states, and a federal action is not necessary. Passage of this bill will mean that Congress has the power to give rights, which will actually weaken the power of the states, and interfere with their rights.

Mr. Flanagan asked if this bill will be referred by Chairman to the Ways and Means Committee for inspection on Section 3, and the Chairman told him that it would not.

Mr. Conyers commented that the testimony of Deborah Wyman is irrelevant--she is not even a lawyer. He was also upset that the ACLU was not allowed to be a witness. He also felt that if the

committee has nothing to do, then they should not be meeting because Congress has more important issues to deal with. Mr. Conyers feels that the selection of witnesses was strange, and that the subject matter is unnecessary.

Mr. Hoke commented on the full faith and credit clause as it applies to the law in Hawaii. He feels that it is a genuine justiciable question regarding whether full faith and credit supersedes the right of states with laws such as the marriage contract. This is the conflict of law with which this piece of legislation seeks to deal. Mr. Hoke stated that if laws in each individual state would supersede the laws in Hawaii, then there would be no need for Section 2; but, however, if you believe that the question as to whether full faith and credit will require legal marriage in one state in another, then this Congress should clarify when and under what circumstances full faith and credit should be used. He concluded by saying that this issue is not a political exercise, but rather, a very practical experience.

Mrs. Schroeder argued that over 30 states already have prohibition of same sex marriages, which shows that over 30 states use (?) full force and credit already. She said that federal benefits were above state law when she began in Washington and she has worked hard to bring them under state law. She feels that this is not just about full faith and credit, but also a strong statement about benefits. She is concerned and troubled because there is no testimony on benefits.

Mr. Sensenbrenner commented that a single judge in Hawaii should not get to set policy for all of the states, and that there is a definite need for Section 3.

Proposed Amendments:

AMENDMENT 1 by Mr. Frank. Striking page 2 line 15 to page 3 line 6.

Mr. Frank opened by stating that the question is whether the federal government can tell a state whether they can allow same sex marriages or not. Mr. Frank feels that the title of this bill does a disservice to the institution of marriage. He posed this question: How can a couple be threatened because two women down the street are in love? Mr. Frank feels that this is crazy. The bonds between man and woman couples are not so tenuous that they should feel threatened. We do not need to defend marriage from love that exists elsewhere. People will not get divorced because homosexuals get married. Mr. Frank again stated that he feels this is a desperate search for a political issue, and that there are much more important issues that should be dealt with.

Mr. Sensenbrenner offered his opposition to the amendment, and said that this is a question of federalism. He opposed this amendment because the section to be struck outlines who a spouse is, which is needed to determine who receives benefits. In order to protect those who receive benefits, this part must be left in.

Mrs. Schroeder said that this is indeed about federalism. We have trusted the states...

Mr. Sensenbrenner asked her to yield, and he challenged her

on trusting the states with the forcing of Utah to abandon polygamy before they were allowed statehood.

Mrs. Schroeder shot back at him that this example only supports what she was saying--Utah was forced to change before it became a state because once you become a state, you can do what you want. Utah did not have the right to choose about polygamy because it was not a state yet. Polygamy could never be outlawed on the federal level. We have lived 200 years letting the states make decisions on their own. Passing this bill would take power from the states on deciding who gets benefits, and it would be a historic break with tradition that simply should not happen.

Mr. Hoke referred to the definition of marriage in the bill. He said that nothing in the language prevents states from recognizing any type of marriage. Rather, the meaning of federal law is the union of one man and one woman. States can still do whatever they want. Mr. Hoke feels that this is a desperate attempt to publicize an issue that is not political.

Mr. Watt said that he thinks that this bill significantly invades the province of states. For people who proclaim states' rights, this is insane. States have defined for years what constitutes marriage without any problems, so why change it now?

Mr. Frank said that everyone knows this is a political issue, and political is all right, but do not deny it! a concern of his is that gays will be less married than other couples.

Mr. Hyde voiced his opposition to the amendment. He feels that same sex marriages trivialize marriage and condone immorality in society. He charged that the Democrats are not concerned with states' rights, and they should not claim to be. Finally, he feels that this political profit is not the reason that anyone is concerned with this.

Mr. Hyde suggested that gays can love one another all they want, and make up their own little ceremony, but that allowing same sex marriage demeans the institution of marriage...

Mr. Frank asked him to yield, and he asked Mr. Hyde how he personally demeans the marriage of the other Members or even of Mr. Hyde himself [because of his homosexuality.]

Mr. Hyde responded that there is nothing wrong with relationships, and that same sex marriages are not demeaning personally, but rather, demeaning of the institution of marriage as a whole.

Mr. Flanagan stated that this is an issue of federalism. He said that it has always been understood that marriage was between one man and one woman. This definition was understood in all states, but now that it has been challenged, it must be defined on the federal level. He urged the passage of this amendment because of the poor definition of marriage. He wanted to go with the status quo and to let Ways and Means handle it. He feels that someone else should come up with a better definition of marriage.

Mrs. Schroeder thanked Mr. Flanagan for the bravery of his statement.

Mr. Goodlatte commented that the vast majority of people do not want benefits to go to couples in same sex marriages. He voiced that he was against this amendment...

Mr. Watt asked the gentleman to yield and asked Mr.

Goodlatte if this should also, then, apply to commonwealth marriages...

Mr. Goodlatte responded that he was not referring to commonwealth marriages, only same sex marriages...

Mr. Watt shot back that commonwealth is living in sin also, however...

Mr. Goodlatte said that no overwhelming public opinion suggests this, but the bill could be amended if the public demanded...

Mr. Frank asked Mr. Goodlatte whether a public opinion poll should be used to determine what we will allow...

Mr. Goodlatte answered that because our country is a democracy, yes!!

CALL TO QUESTION:

NO=7

YES=4 (including Flanagan)

AMENDMENT 2 by Mr. Frank. Adds Subsection C to the end of page 3.

Mr. Frank opened discussion by stating that this amendment gives the opportunity and the requirement to act. He said that there is no reason whatsoever to enact a permanent restriction on the rights of states to grant marriages.

Mr. Sensenbrenner voiced his opposition to this amendment. He said that this amendment would force the Subcommittee and Congress to discuss this again next year, and this would be a waste of time.

CALL TO QUESTION:

NO=7

YES=4 (including Flanagan)

AMENDMENT 3 by Mrs. Schroeder. Adds to definition of who receives benefits.

Mrs. Schroeder began by saying that the time has come to really look at marriage and sacred bonds. She feels that sacred bonds cannot be shed like a shirt. For dealing with federal benefits, if someone is in a second or subsequent marriage, his/her first marriage must have fallen under "no fault." The reasoning behind her amendment is to keep parents from leaving families on welfare. Her amendment goes to the core of traditional marriage, and will make a difference on economic issues. This amendment defends custodial parents abandoned by others, and she argued that if a person wants to reap the benefits of marriage, he must also have the responsibilities of it. She hopes to keep people from throwing off one family for another.

Mr. Sensenbrenner began by saying that he was a no-fault opponent in his state legislature, and that he is opposed to this amendment because second or subsequent marriages would become second class marriages. He feels that where property goes after a divorce should be determined individually in a court of law, not by federal law...

Mrs. Schroeder asked **Mr. Sensenbrenner** to yield and she said that second marriages would not become second class, but that it would require people to deal fairly with their first marriages before their other marriages would be first class.

Mr. Frank said that because Senator Dole is a co-sponsor of this bill, it is surely a political issue. He said that this is an effort to take a shot at gay men and women. **Mr. Frank** feels that the majority cannot come up with a logical argument for explaining how same sex marriages demean. This is only an issue because people are having trouble coming up with others.

Mr. Watt said that he wants to protect the institution of marriage, and that this is a pretty good amendment, but that it will not do enough to help this bad bill. He urged to vote against the amendment because this issue ought not be dealt with at all because it is an issue of states' rights!

Mr. Hyde asserted that same sex marriages legitimize something that most people feels should be illegitimate, and that it trivializes the legitimate status of marriage by putting a stamp of approval on a union that most see as immoral.

Mr. Hoke wanted something by the Lambda Legal Defense entered as testimony.

CALL TO QUESTION:

NO=9 (including Flanagan and Watt)

YES=2

PRESENT=1 (Mr. Frank)

AMENDMENT 4 by Mr. Frank. Strike page 1 lines ??.

Mr. Frank said that the statute is either unconstitutional of unnecessary because the states already have the power, so the federal government does not need to give it.

Mr. Sensenbrenner offered his opposition to the amendment. He read a quotation of Janet Reno's that said that the President would sign the bill as currently written, and that the administration's lawyers found the bill to be constitutional.

CALL TO QUESTION

UNANIMOUS NO

Charles T. Canady

Representing Florida's 12th District



1222 Longworth House Office Building • Washington, D.C. 20515 • 202-225-1252

**Statement of Chairman Charles T. Canady
Subcommittee on the Constitution**

**Markup of H.R. 3435,
"Lobbying Disclosure Technical Amendments Act of 1996"
May 30, 1996**

H.R. 3435 addresses several technical issues which have been raised during implementation of the Lobbying Disclosure Act. The "Lobbying Disclosure Technical Amendments Act of 1996" represents a bipartisan effort to provide for technical corrections to the Act to ensure that the operation of the Act is carried out as efficiently and effectively as possible. All of the amendments made by H.R. 3435 reflect the original intent of the Act and will strengthen an already significant and successful law. The changes made by the amendment in the nature of the substitute are purely technical.

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104TH CONGRESS
2D SESSION

H. R. 3396

To define and protect the institution of marriage.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1996

Mr. BARR of Georgia (for himself, Mr. LARGENT, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. VOLKMER, Mr. SKELTON, Mr. BRYANT of Tennessee, and Mr. EMERSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To define and protect the institution of marriage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Defense of Marriage
5 Act".

6 **SEC. 2. POWERS RESERVED TO THE STATES.**

7 (a) IN GENERAL.—Chapter 115 of title 28, United
8 States Code, is amended by adding after section 1738B
9 the following:

1 **“§ 1738C. Certain acts, records, and proceedings and**
 2 **the effect thereof**

3 “No State, territory, or possession of the United
 4 States, or Indian tribe, shall be required to give effect to
 5 any public act, record, or judicial proceeding of any other
 6 State, territory, possession, or tribe respecting a relation-
 7 ship between persons of the same sex that is treated as
 8 a marriage under the laws of such other State, territory,
 9 possession, or tribe, or a right or claim arising from such
 10 relationship.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 115 of title 28, United States
 13 Code, is amended by inserting after the item relating to
 14 section 1738B the following new item:

“1738C. Certain acts, records, and proceedings and the effect thereof.”.

15 **SEC. 3. DEFINITION OF MARRIAGE.**

16 (a) IN GENERAL.—Chapter 1 of title 1, United
 17 States Code, is amended by adding at the end the follow-
 18 ing:

19 **“§ 7. Definition of ‘marriage’ and ‘spouse’**

20 “In determining the meaning of any Act of Congress,
 21 or of any ruling, regulation, or interpretation of the var-
 22 ious administrative bureaus and agencies of the United
 23 States, the word ‘marriage’ means only a legal union be-
 24 tween one man and one woman as husband and wife, and

1 the word 'spouse' refers only to a person of the opposite
2 sex who is a husband or a wife.'".

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 1 of title 1, United States
5 Code, is amended by inserting after the item relating to
6 section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'.".

○

Charles T. Canady

Representing Florida's 12th District



1222 Longworth House Office Building • Washington, D.C. 20515 • 202-225-1252

Statement of Chairman Charles T. Canady Subcommittee on the Constitution

Markup of H.R. 3434, "Revolving Door Act of 1996" May 30, 1996

Efforts in the House of Representatives to pass the Lobbying Disclosure Act of 1995 began in this Subcommittee in a truly bipartisan manner. Due in large part to the efforts of this Subcommittee and the Judiciary Committee, the House passed the most meaningful reforms of the laws governing lobbying disclosure in over 40 years. In the short time since the Lobbying Disclosure Act has been signed into law, the Act has been widely regarded as a success in enhancing the public disclosure of lobbying activities here in Washington.

During the Subcommittee's hearing on lobbying proposals on March 22, 1996, several Members of Congress testified on proposals that were either offered or might have been offered as amendments to the Lobbying Disclosure Act during the House's consideration of the bill last November. Due to the successful efforts to avoid a conference with the Senate by keeping amendments off the bill, many good proposals were not added to the Lobbying Disclosure Act.

H.R. 3434 incorporates many of the proposals put forth by Members who testified at the March 22 hearing. The "Revolving Door Act of 1996" amends section 207 of title 18. The bill places additional reasonable post-employment restrictions on former Members of Congress and employees of the legislative and executive branches.

Two changes have been made to the bill by the amendment in the nature of a substitute. The bill currently provides that former Members of Congress and certain congressional and executive branch employees convicted of a felony are banned from serving as a paid lobbyist representing interests before the Federal Government. The substitute applies this ban to any Member or covered employee who has been convicted of a felony related to government service. In addition, in order to avoid any confusion, the substitute adds section 207(f)(2), the special rule prohibiting the U.S. Trade Representative and Deputy Trade Representative from representing foreign entities to the bill. Without this addition, there might be some question as to whether Congress, by implication, intended to repeal this section.

As we planned this markup, it was my hope that the Subcommittee would markup H.R. 3128, a bill offered by Mr. Flanagan, which would outlaw fraudulent lobbying communications to the Congress. At this time, several outstanding issues need to be resolved in H.R. 3128. It is, however, my intention to move forward with H.R. 3128 and to markup the bill as soon as these issues can be resolved.

Finally, I would like to thank Representative Frank for his input and effort on the Revolving Door Act. Special thanks also go to Representatives Zimmer, Kaptur, English and Upton for their work on the issues addressed by this legislation.

####

Take a hard look at it

[Need timing Congress]

5/26 / 5/15 Hry

HR3396

Barr B. (R-GA)
Introduced in House

05/07/96

(76 lines)

To define and protect the institution of marriage.

Special typefaces used in this bill version:

// \\\ Italic
|| || Bold Roman

Item Key: 9520

104TH CONGRESS
2D SESSION

H. R. 3396

To define and protect the institution of marriage.

IN THE HOUSE OF REPRESENTATIVES

May 7, 1996

Mr. BARR of Georgia (for himself, Mr. LARGENT, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. VOLKMER, Mr. SKELTON, Mr. BRYANT of Tennessee, and Mr. EMERSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To define and protect the institution of marriage.

//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 "Defense of Marriage Act".

||SEC. 2. POWERS RESERVED TO THE STATES.||

(a) IN GENERAL.--Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following:

||"S 1738C. Certain acts, records, and proceedings and the effect thereof||

"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."

(b) CLERICAL AMENDMENT.--The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738B the following new item:

"1738C. Certain acts, records, and proceedings and the effect thereof."

SEC. 3. DEFINITION OF MARRIAGE.

(a) **IN GENERAL.**--Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"S 7. Definition of 'marriage' and 'spouse'."

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

(b) **CLERICAL AMENDMENT.**--The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'."

To: Peter Jacoby
From: George R. Stephanopoulos (6-7128) FAX 6-6703
Re: Gay marriage talking points

POTUS approved

Gay Marriage Talking Points

---- The President has long opposed gay marriage based on his belief that the institution of marriage should be reserved for unions between one man and one woman.

---- The President strongly believes that gay and lesbian individuals should not be subject to unfair discrimination, which is why he has endorsed legislation outlawing discrimination against gays and lesbians in the workplace. But he does not believe that the federal government should promote gay marriages.

[If asked about domestic partnerships or providing federal benefits to partners in gay and lesbian partnerships---]

---- These decisions are best left to state and local governments and private institutions. But since the President does not believe that the federal government should recognize gay marriage, he does not believe it is appropriate for scarce federal resources to be devoted to providing spousal benefits to partners in gay and lesbian relationships.



**FAMILY
RESEARCH
COUNCIL**

Gary L. Bauer
President

TALKING POINTS: DEFENSE OF MARRIAGE ACT (DOMA)

by
Robert H. Knight

- Marriage is universal. All cultures, all major religions honor marriage. Even though customs vary, it is always the bringing together of the two sexes to form families.
- Homosexual couples are not the same as a husband and wife. To say they are is to claim that men and women are the same, with no appreciable differences, which is absurd.
- Marriage has already been so cheapened and undervalued that homosexual activists now feel emboldened to deal the final indignity--separating the two sexes from each other. No-fault divorce, out-of-wedlock pregnancies and sexual promiscuity have weakened support for marriage in the law and culture, with dire social and economic consequences. The answer is not to stretch the institution further out of shape but to reassert support for the only model that really works.
- Homosexuals are free to hold their own ceremonies, but when they bring the law into it, they force everyone into it. Under the law, businesspeople would be forced to subsidize homosexual relationships; children would have to be taught that homosexuality is the moral equivalent of marital love, and anyone disagreeing with the policy would be denounced as a "bigot."

A Sample Dialogue

HOMOSEXUAL ACTIVISTS: "We just want the same things as you--commitment, love, etc. You say you believe in "family values," well why not encourage us to form committed relationships?"

ANSWER: You already can. But what you are asking us to do is to pretend that two men or two women are the same as a marriage, which they are not. And if you base these

relationships on all the qualities you just mentioned, why not demand that three men and a woman be considered “married?” Or how about a man and a boy? Or two cousins?

ACTIVISTS: You know as well as we do that that is not what we’re asking. We just want to let two people who love each other have the same rights as others.

ANSWER: You, like all citizens, already have the right to enter into marriage by meeting that unique institution’s central requirement--joining the opposite sexes. Once you break the one-man, one-woman definition of marriage, there is no stopping point. Several homosexual activists have admitted that they wanted to redefine marriage so they could enact the rest of the gay agenda. And Andrew Sullivan says in his book Virtually Normal that gay male relationships may be superior to marriage because gays understand the need for outside sex. So we are not even talking about monogamy here.

ACTIVISTS: Right now, gay people can’t visit their lovers in hospitals. They can’t leave their property to their lover. They are denied a whole range of protections given to married couples. We need marriage to be equal.

ANSWER: That is extremely misleading. Like other citizens, homosexuals can draft any type of will that they want and leave their property to anyone they want. Family members do retain a higher standing in challenges to wills, but that is the case whenever a will is contested by anyone. The same goes for the powers of attorney. A homosexual can designate his lover or anyone else as the executor of his estate or as guardian of his health in the event of an untimely, debilitating illness. As far as hospital visitation, that is not a federal issue, nor should it be. Families have been given preference in visitation because family ties transcend other types of relationships--as well they should. Homosexuals are free to lobby individual hospitals as well as local authorities to change their rules regarding visitation. But they do not need to overturn the institution of marriage to do so.

ACTIVISTS: What about married couples who don’t have children? Would you take away their licenses?

ANSWER: Marriage is a social good even without children, but it overwhelmingly is about forming families, preserving kinship and providing for future generations. Exceptions do not disprove the rule. Besides, those couples who are childless can either choose to conceive or to adopt to give a child a mother and a father. A homosexual couple by definition is motherless or fatherless, and it is not in the best interests of children to deliberately create motherless or fatherless families.

ACTIVISTS: Years ago, some groups supported laws preventing blacks and whites from marrying and also keeping blacks out of the military. They used all the same arguments then. But we overcame their prejudice and moved ahead.

ANSWER: Wrong on two counts: First, Family Research Council and other pro-family groups have always supported the civil rights movement, which is about eliminating discrimination. Second, skin color and sexual behavior are entirely different. We don't know any former African-Americans, but we do know some former homosexuals. Jim Crow laws were invented to keep blacks down, but marriage was not invented to keep homosexuals down. Equating the two is inaccurate and is merely a politically expedient tactic.

ACTIVISTS: The lives of lesbian and gay people are under attack all over the country by extremist groups. They are trying to shut down debate on gay marriage by passing unnecessary and mean-spirited laws.

ANSWER: Excuse me but WE didn't pick this fight. We are not radically trying to change marriage or force homosexuals to recognize a radical new institution. If anyone is extremist, it is homosexual activists who are trying to pretend that two homosexual men are the equivalent of a man and a woman, biologically, psychologically and socially. Two men cannot provide the same experience as a mother in a child's life; and a father cannot be replaced by two lesbians. No culture has sanctioned homosexual relationships as "marriage" because it is not marriage.

ACTIVISTS: DOMA and these state laws are not necessary. Full faith and credit has worked fine for many years. Extremist groups are reacting to something that hasn't even happened yet. This is an attempt to shut off debate.

ANSWER: Why should we wait until unelected judges in Hawaii impose their views on the rest of the American people? And what's to stop some other radical judge somewhere else from trying this?

ACTIVISTS: These are nothing but ugly attempts to use the federal government to discriminate against gay people..... Are you telling us that big government should be telling the states what to do?

ANSWER: Well let us mark this day that you've become state's rights advocates! But let's be clear: DOMA allows the states the freedom NOT to have another state's radical redefinition of marriage imposed on them. In no way does the federal government tell the states what to do.

ACTIVISTS: This is just an attempt to stop debate on the topic. It's an attempt to shut down the public dialogue on this issue.

ANSWER: Wait a minute: Who was trying to keep the issue off the ballot in Hawaii and elsewhere? Homosexual lawyers with the American Civil Liberties Union and the Lambda Legal Defense and Education Fund have tried to quash ballot measures in Maine, Colorado, Washington State and elsewhere. They are trying to force their agenda on America by judicial fiat.

ACTIVISTS: This is extremist!

ANSWER: Do you really think that name-calling can substitute for a sound argument? Polls show that about 70 percent of the American people oppose same-sex "marriage" and in Hawaii it is rising. At last count it was 74%. The more people know about it, the more people oppose it. Are all these people extremists?

5/15/96

Robert H. Knight is director of cultural studies at the Family Research Council, a Washington, D.C.-based research and educational organization.

House To Consider Wis. Welfare Waivers Next Week

A partisan brawl erupted on the House floor late Thursday night upon the acknowledgment by **House Majority Leader Armey** that among the bills on the House's suspension calendar next Tuesday would be a measure providing waivers to permit Wisconsin to implement its own welfare reform plan.



Wisconsin GOP Gov. Tommy Thompson has been demanding the waivers since President Clinton endorsed the Wisconsin welfare plan during a May 18 radio address.

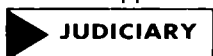
House Minority Whip Bonior Thursday night called it "outrageous" the bill would go directly to the House floor with no markup or time for members to review it.

And **House Appropriations ranking member David Obey**, D-Wis., called it a "blatantly political act," adding, "Nobody knows diddly about the details."

But Armey, referring to Clinton's earlier embrace of the proposal, told the Democrats, "I don't know why some of you are so reluctant ... to stand by your man."

Canady Subpanel Approves Same-Sex Marriages Bill

The House Judiciary Constitution Subcommittee Thursday on an 8-4 party-line vote approved the Defense of Marriage Act, under which states would not have to recognize a same-sex marriage approved in another state, *LEGISLATE News Service* reported.



Rep. Bob Barr, R-Ga., introduced the bill following a 1993 Hawaii Supreme Court ruling that found denying marriage licenses to same-sex couples violates the equal rights clause of the state constitution. The case has been sent to a lower court for further review of same-sex marriages.

Bill supporters say if same-sex marriages are approved in Hawaii, other states would have to recognize the marriage. The U.S. Constitution says states must give "full faith and credit" to other state's public records, acts and proceedings.

Gay rights lawyers plan to nationalize same-sex marriages if they are approved in Hawaii, according to **Constitution Subcommittee Chairman Charles Canady**, R-Fla.

"I have a serious problem with the strategy the gay rights groups are pursuing," Canady said. "It strikes me as profoundly undemocratic, and it is surely an abuse of the full faith and credit clause."

Canady said he received a letter this week from the Justice Department saying the bill would be sustained as constitutional if challenged in court.

Bill opponents argued states already have the right to prohibit same-sex marriages through state statutes. For one, **Rep. Barney Frank**, D-Mass., said the

committee was considering the legislation merely to pursue a divisive issue in an election season.

"I think this makes it very clear we are talking about a desperate search for a political issue," Frank declared.

Judiciary Chairman Hyde said he would rather not touch this issue, calling it an "uncomfortable, queasy issue." He contended supporters do not seek political gain, but rather feel a responsibility to bring up the bill for moral reasons.

"The word morality may be a strange one ... but some of us think same-sex unions legitimated by the government trivialize marriage and condone public immorality," Hyde said. "And the politics of that are miserable. Nobody wants to talk about it. We're forced to talk about it by the courts."

The comments touched off a testy debate between Frank and Hyde. Frank, who is gay, argued same-sex couples do not threaten heterosexual marriages.

"How do you argue that a man and a woman in love ... are somehow threatened because two women down the street also are in love," Frank said.

The bill also includes a definition of marriage as a "legal union between one man and one woman as a husband and wife." The word "spouse" would refer to "a person of the opposite sex who is a husband or wife."

Frank introduced an amendment to strike the section in the bill containing the definitions. If a state does decide to recognize same-sex marriages, that portion of the bill would prevent the fed-

eral government from accepting it, Frank said.

"This is the federal government imposing its view on the states," Frank said.

Most Republicans argued the section is necessary to clarify federal benefits, such as Social Security and veterans benefits, shared by spouses. The definitions in the bill merely preserve the status quo accepted for thousands of years by placing it in the federal code, said **Rep. James Sensenbrenner**, R-Wis.

However, **Rep. Patricia Schroeder**, D-Colo., said marriage and family law for more than 200 years has remained largely a state — not federal — issue.

Frank's amendment failed 4-7. Following the unsuccessful amendment, Frank attempted to sunset the section on Dec. 31, 1997. That also failed on a 4-7 vote.

Schroeder introduced an amendment to clarify the definition of wife so that spouses who divorce must resolve support issues before getting remarried. Schroeder's amendment failed, 2-9.

The committee also rejected on a voice vote a Frank amendment that would have struck the section of the bill giving states the right not to recognize same-sex marriages approved in other states.

President Clinton has said he will sign the bill if it remains in its original form. **Senate Republican Policy Committee Chairman Don Nickles** of Oklahoma has introduced a companion bill in the Senate.

House GOP Leaders Meet On Moving Bank Reform Bill

The House Republican leadership called a meeting late Thursday to discuss prospects for moving the bank reform bill **House Banking Chairman Leach** wants to bring to the House floor as soon as possible, sources confirmed Thursday.

A primary criteria for bringing the bill to the floor will be "assurance that a majority of the GOP Conference supports it," explained a spokesperson for **House Majority Leader Armey**. Armey has made no commitment to when the bank bill could move to the floor, staff pointed out.

"[Armey] wants to make sure that members are aware of what is in it," a spokesperson said, adding there are several ways Leach may bring Republican members up to speed on the issues.

Leach could brief members and answer questions in a closed-door GOP policy forum, or hold another Banking Committee markup, leadership staff said.

Also, Leach could address the issues during a weekly House Republican Conference meeting.

At presstime, sources said Leach was trying to reassure committee Democrats that they would have a role in

the legislative process as well as access to revised legislative language, which no one on either side of the aisle has seen yet.

Banking Committee Democrats voted earlier Thursday to oppose Leach's bill, saying they had no idea what is in it since it has undergone so many incarnations since the panel approved a measure one year ago. One Democrat referred to the bill as "virtual legislation."

In a letter Thursday to **House Banking ranking member Henry Gonzalez**, D-Texas, Leach said that for the past six months he has been working on changes to his bill to be included in a manager's amendment, "about which we have requested input from the minority. ... To date, the minority has chosen not to provide input."

The letter further angered committee Democrats, aides said, since Leach has only invited Democratic participation on the bill's regulatory relief measures, never on the significant restructuring on bank, securities and insurance powers.

In the letter, Leach invited Democrats to review the precise language. However, he added, "I do not expect

that the managers' amendment will be 100 percent finalized until shortly before presentation to the Rules Committee, but it is 99.9 percent complete."

Also Thursday, the Independent Insurance Agents of America wrote to Leach to formally endorse his current bill, and to prod the banks to "shun greed, put pettiness aside and support this legislation."

This follows a letter to Armey last Friday from the Oklahoma Bankers Association, reiterating the firm opposition by 25 state banking associations to bank insurance provisions in Leach's bill.

In an interview Thursday, Oklahoma Bankers Association President Roger Beverage said: "The positions taken by The Bankers Roundtable and the American Bankers Association don't reflect the industry — they reflect the top 10 banks. I don't care what Citicorp wants. They don't vote in Oklahoma."

Also Thursday, a coalition of 12 consumer and community groups, led by the Association of Community Groups For Reform Now (ACORN), released a letter they sent to Leach that outlined provisions in the bill they said "would do real damage to the nation's underserved urban and rural communities."

Bill Disallowing Child Airplane Pilots Is Passed

The House Transportation and Infrastructure Aviation Subcommittee by voice vote Thursday gave its blessing to a bill to prevent children from piloting planes, *LEGI-SLATE News Service* reported.

Subcommittee Chairman John Duncan, R-Tenn., said the measure would cut down on the type of "media-driven stunts" that killed a 7-year-old girl and two others earlier this year.

Under the bill, anyone undertaking to set an aviation record would be required to first obtain a pilot's license. Under current FAA rules, a person must be 16 years of age to obtain a license.

The bill also would establish a study to determine whether the current minimum age requirement is appropriate.

Subcommittee ranking member William Lipinski, D-Ill., said he had some questions about the issue but would accept the approach taken in the bill.

Meanwhile, the subcommittee also approved by voice vote a separate bill that would require airlines to check whether pilots they are about to hire have poor safety records or have had substance abuse problems.

The measure has met with some opposition from pilots and airlines. Pilots have said factual errors in their records, either deliberate or accidental, could ruin their careers. Airlines have voiced concerns over the legal liability they would inherit with the new requirement. But Duncan offered assurances to both groups that the bill addresses these issues as carefully as possible.

The need for the bill came to light a few years ago with the crash of an American Eagle flight. It turned out the pilot of the plane had been let go by his previous employer because of a poor safety record just weeks before the ill-fated flight.

Still, **Transportation and Infrastructure Chairman Shuster** stressed that flying in America remains a safe mode of travel. He pointed out that in 1994, 264 people died in air disasters, while 40,000 died in auto accidents. He added that 300 died in bath tubs, 800 were killed by falling objects and 2,900 people died as a result of choking in 1994.

Shuster speculated in jest that the on-flight meal might be the most dangerous part of a flight.



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 29 1996

The Honorable Charles T. Canady
Chairman
Subcommittee on the Constitution
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I write in response to your letter of May 28 requesting updated information regarding the Administration's analysis of the constitutionality of H.R. 3396, the Defense of Marriage Act.

The Administration continues to believe that H.R. 3396 would be sustained as constitutional if challenged in court, and that it does not raise any legal issues that necessitate further comment by the Department. As stated by the President's spokesman Michael McCurry on Wednesday, May 22, the Supreme Court's ruling in Romer v. Evans does not affect the Department's analysis (that H.R. 3396 is constitutionally sustainable), and the President "would sign the bill if it was presented to him as currently written."

Please feel free to contact this office if you have further questions.

Sincerely,

Andrew Fois *AF*
Assistant Attorney General

cc: The Honorable Henry Hyde
Chairman
Committee on the Judiciary

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary

The Honorable Barney Frank
Ranking Minority Member
Subcommittee on the Constitution

104TH CONGRESS
2D SESSION

H. R. 3396

To define and protect the institution of marriage.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1996

Mr. BARR of Georgia (for himself, Mr. LARGENT, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. VOLKMER, Mr. SKELTON, Mr. BRYANT of Tennessee, and Mr. EMERSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To define and protect the institution of marriage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Defense of Marriage
5 Act".

6 **SEC. 2. POWERS RESERVED TO THE STATES.**

7 (a) IN GENERAL.—Chapter 115 of title 28, United
8 States Code, is amended by adding after section 1738B
9 the following:

1 **“§ 1738C. Certain acts, records, and proceedings and**
2 **the effect thereof**

3 “No State, territory, or possession of the United
4 States, or Indian tribe, shall be required to give effect to
5 any public act, record, or judicial proceeding of any other
6 State, territory, possession, or tribe respecting a relation-
7 ship between persons of the same sex that is treated as
8 a marriage under the laws of such other State, territory,
9 possession, or tribe, or a right or claim arising from such
10 relationship.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 115 of title 28, United States
13 Code, is amended by inserting after the item relating to
14 section 1738B the following new item:

“1738C. Certain acts, records, and proceedings and the effect thereof.”.

15 **SEC. 3. DEFINITION OF MARRIAGE.**

16 (a) IN GENERAL.—Chapter 1 of title 1, United
17 States Code, is amended by adding at the end the follow-
18 ing:

19 **“§ 7. Definition of ‘marriage’ and ‘spouse’**

20 “In determining the meaning of any Act of Congress,
21 or of any ruling, regulation, or interpretation of the var-
22 ious administrative bureaus and agencies of the United
23 States, the word ‘marriage’ means only a legal union be-
24 tween one man and one woman as husband and wife, and

1 the word 'spouse' refers only to a person of the opposite
2 sex who is a husband or a wife.'".

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 1 of title 1, United States
5 Code, is amended by inserting after the item relating to
6 section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'.".

○

5/13

Robert Rabe H.R. 3396 Gay Marriages

Per
witnesses

State Senators - Nebraska & Iowa

Elizabeth Birch

David Spearhead

Per
witnesses

Andrew Sullivan - Editor of New Republic

Repub
witnesses

State Hawaii legislator

Conservative Leg. Scholars → Full faith & credit

Substantive objectors [not religious folks]

• DOJ Its not worth testifying

• Why opposed to gay marriages

• Tolerates but does not promote
gay marriages

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001****LRM NO: 4814****FILE NO: 2400****6/20/96****LEGISLATIVE REFERRAL MEMORANDUM****Total Page(s): _____****TO: Legislative Liaison Officer - See Distribution below:****FROM: James JUKES****(for) Assistant Director for Legislative Reference****OMB CONTACT: Ingrid SCHROEDER 395-3883 Legislative Assistant's Line: 395-3454
C=US, A=TELEMAIL, P=GOV+EOP, O=OMB, OU1=LRD, S=SCHROEDER, G=INGRID, I=M
schroeder_1@a1.eop.gov****SUBJECT: Proposed Statement of Administration Policy RE: HR3396, Defense of Marriage Act****DEADLINE: 3pm Friday, June 21, 1996**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

**COMMENTS: This SAP will be transmitted by email and fax.
H.R. 3396 was ordered reported without
amendment from the House Judiciary Committee on June 12th.**

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FILE NO: 2400

Please include the LRM number shown above, and the subject shown below.

TO: Ingrid SCHROEDER 395-3883
Office of Management and Budget
Fax Number: 395-3109
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

SUBJECT: Proposed Statement of Administration Policy RE: HR3396, Defense of Marriage Act

The following is the response of our agency to your request for views on the above-captioned subject:

☐ Concur
☐ No Objection
☐ No Comment
☐ See proposed edits on pages _____
☐ Other: _____
☐ FAX RETURN of _____ pages, attached to this response sheet

DRAFT - NOT FOR RELEASE

June 20, 1996
(House)

H.R. 3396 - Defense of Marriage Act
(Barr (R) Georgia and 108 cosponsors)

The President strongly opposes discrimination against any group of Americans. He has been a vocal opponent of discrimination against gay and lesbian individuals, and the Administration supported legislation to outlaw such discrimination in the workplace.

The President has long opposed gay marriage, however, believing that the institution of marriage should be reserved for unions between one man and one woman. Therefore, if H.R. 3396 were presented to the President as ordered reported from the House Judiciary Committee the President would sign the legislation.

* * * * *

104TH CONGRESS
2D SESSION

H. R. 3396

To define and protect the institution of marriage.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1996

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3

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○

EXECUTIVE OFFICE OF THE PRESIDENT

06-Jul-1996 06:38pm

FROM: Doug. Case

SUBJECT: Washington Times - GOP wants to pass DOMA quickly

WASHINGTON TIMES

Weekend Edition, July 5 -7, 1996

Inside Politics

Compiled by Greg Pierce

Timing is everything

House Republicans hope to embarrass President Clinton by quickly passing a bill that discourages government recognition of same-sex "marriages," but the Bob Dole campaign thinks the timing might be wrong.

House GOP leaders, in a private document outlining their agenda for the rest of this session, "spoke of the need to advance the Defense of Marriage Act in time for the Aug. 26 Democratic National Convention," reports Sandy Hume of the Hill newspaper. "President Clinton has vowed to sign the bill that would make it more difficult for states to recognize gay marriages. To pass it into law before the convention, the strategy goes, opens the door for protests against Clinton at the nationally televised convention."

However, the Dole campaign "has reportedly suggested that the bill would, in fact, benefit Clinton by giving him the opportunity to appear more moderate at a critical juncture of the campaign," the newspaper said. "But the argument appears not to have swayed Republican leaders."

6-2604

TV PREP JACOBY



White House Press Release

Press Conference By President Clinton And German Chancellor Kohl

The White House

Office of the Press Secretary
(Milwaukee, Wisconsin)

For Immediate Release
1996

May 23,

Press Conference By President Clinton
And German Chancellor Kohl

City Hall
Milwaukee, Wisconsin

11:45 A.M. Cdt

President Clinton: Good afternoon. It's indeed a pleasure for me to welcome Chancellor Kohl back to the United States. He's now in his 14th year in office, the longest serving leader in the West. And not only Germany and the European Union, but all of the West has been well served by his leadership, his devotion to freedom and to free markets.

He's a friend to whom three American Presidents have turned for support and wise counsel. And I am especially grateful for the relationship that we have enjoyed and the counsel he has shared with me. During his tenure, the relationship between our two nations has grown stronger and deeper than ever, and it has become a powerful force for positive change.

As Chancellor, Helmut Kohl has visited Washington 23 times. He knows the shortcuts through the traffic better than most of us who have come there more recently. We thought it was high time that the Chancellor saw another part of our great country. What better place than Milwaukee, the city that German immigrants helped to build; a city so rich in German heritage and culture that in the 19th century it was called the Deutsche Athens -- the German Athens.

It is also fitting that as Chancellor, as he approaches the mark for the longest tenure of all those who have held his office, he is visiting a city that his great predecessor, Chancellor Conrad Addenauer, came to 40 years ago.

Today the partnership between our two nations has taken another important step forward. The two aviation agreements we just signed will strengthen our cooperation in this vital economic sector. The safety agreement will help us to clear the way to better, safer air traffic. The open skies agreement will create the largest fully-opened bilateral market in the entire world of aviation, dramatically increasing opportunities for consumers and flexibility for our airlines. The Chancellor and I believe this agreement heralds a new era of competition in the over-regulated aviation markets of Europe.

But these agreements are just one example of the work we're doing together to increase growth and prosperity for our people. As the world's two greatest exporting nations, Germany and the United States have a vital interest and are, together, playing a vital role in bringing down trade barriers and building the international marketplace of the 21st century. We helped to complete the Uruguay Round, the most ambitious trade agreement of all time, which has already boosted the greatest export surge in our country's history. Our cooperation in the G-7 has helped the global economy to keep moving forward for the benefit of people all around the world.

Today I also salute the Chancellor for his bold budget and reform program. Strengthening Germany's finances and its capacity to grow and generate jobs will not only benefit the German people, but also its many trading partners. Our economic cooperate is also making a difference in the daily lives of our citizens, but it has succeeded only because it has been backed by our security partnership as well -- especially our security partnership in Nato, which has provided vital safety and stability for our nations for nearly 50 years.

Today we reviewed the process of Nato's enlargement. We reaffirmed that it is proceeding in a predictable and clear and deliberate way. Much as it did after World War II in Western Europe, Nato can provide an important shelter for the new democracies of Central and Eastern Europe that share our values and are ready to bear the responsibilities of allies.

The success of the partnership of Nato in the Ifor mission in Bosnia demonstrates how the Alliance is adapting to the needs of our time. I especially want to thank the Chancellor for the truly historic decision to deploy 4,000 German troops to support the Bosnia peace agreement. Germany is shouldering its security responsibilities in the post-Cold War World, and we are all grateful for that.

As Nato grows, it must also develop a strong and positive relationship with Russia. The seeds for that partnership have already been sown in the partnership of Russian troops alongside our Nato units in Bosnia, where they have served together and served well; and in the Partnership for Peace exercises involving Russian and American troops here in the United States.

This is a moment of extraordinary opportunity. Not since the emergence of the modern nation state have the prospects been so great for a free and undivided Europe, a cause so many Americans gave their lives for in this century. We will do all we can to see that this vision for Europe is realized. But no one -- no one -- has done more to make that vision real than Helmut Kohl. For that, the friends of freedom throughout the world are in his great debt.

Mr. Chancellor, welcome again to the United States, and the floor is yours.

Chancellor Kohl: Mr. President, dear Bill, ladies and gentlemen: Allow me to thank you, first of all, for this very warm reception. I would like to thank the Governor. I would like to thank the citizens of this city who in the streets welcomed us so warmly. And it has already been said that this is our first meeting outside of Washington.

And let me say that I immediately accepted the invitation to come to Milwaukee because this is, after all, a region that as regards the history of the United States and the history of this state, Wisconsin, was in many ways one where German immigrants left their imprint. And I think it's a very good opportunity to be able to address the citizens of this state and of this region, and to document once again how close the German-American relations have developed over the years. And let me say that I'm very, very pleased and it warms my heart to be here.

The many talks that we've had this morning we will continue later on during the day and also later in the afternoon when we fly together to Washington. They document how close and intensive our relationship has developed. I think there are only few examples that I would be able to mention where politicians of countries meet so often, so regularly; where they exchange letters and phone calls; and where their staff members cooperate in such a close and coordinated way. And, obviously, we also have a very close, personal rapport. As has always been the case

when we met we covered a lot of ground. We discussed many issues and we shall continue to do so.

We signed just now the protocol amending the aviation agreement between the United States of America and the Federal Republic of Germany. I think that this is a very important step for the future, in order to be able to improve the liberalization of air traffic. And this opens up, after all, access of German airlines to all American airports, and the same goes for American airlines in Germany.

This is a milestone, indeed, in the relationship between our two countries -- and you mentioned this, Mr. President. And what is also obviously very important for us and what we think constitutes a very important step forward as regards aviation safety is the conclusion of the relevant agreement that was signed today, as well. After all, we've seen a history of air crashes just recently, and these are instances where we as leaders ask ourselves, have we really done enough in order to make accidents like that impossible.

Now, this also underscores that we have a common

position as regards free world trade. We think that goods and services should move freely between the countries of the world.

Let me just, by way of a brief introductory statement, make a few remarks on Nato. I think we should have time for questions, so I'll keep my remarks short.

Also, in view of what the President said of the former Yugoslavia, we, all of us wish that what was agreed upon for this year will come true. We hope that -- in the discussion going on on the international scene that people assume right from the start that this will be a failure -- I think we should, all of us, try everything in order to make this come true, to make the agreements that were reached become reality.

From a German point of view, we as Germans continue to be interested in Nato fulfilling its role and being able to fulfill its role in this changed world after the collapse of communism, of the communist empire. We think Nato does have a role to play in order to secure peace and freedom for the of the communist empire. We think Nato does have a role to play in order to secure peace and freedom for the peoples of the world. And I think that we should do everything -- we should use prudence and farsightedness and wisdom, and to bear in mind also the changes in the world today, and that we should pursue a course that bears these changes in mind and addresses them.

Now, first steps have been taken as regards Nato in Paris. I think that this is a very positive development. I think in the days and months ahead, also as regards to security cooperation in Europe and generally speaking in the world, we will hold necessary talks with Russia and the Ukraine.

So, in a nutshell, ladies and gentlemen, I'm looking forward to my talks with Bill Clinton that will go on during the course of today. I should like to thank all of you for the very warm reception that I have been given. (Applause.)

President Clinton: Paul.

Q Mr. President, in recent days and weeks you've been asked about your support for a series of larger Republican initiatives that have seemed at odds or were criticized at being at odds with your previous positions, such as the gas tax despite your strong -- environment quality; such as the Helms-Burton bill, despite concerns expressed within your administration; such as the Wisconsin welfare plan despite concerns it might actually hurt children. Is this basically election-year positioning -- or is this something more fundamental --

President Clinton: Well, first of all, I dispute the way you characterized it. On the gas tax, what I said was that I far preferred that we spend our limited money in this budget to give tax relief to people for child rearing and for education, but that if the Congress would pass a clean minimum wage that was tied to the gas tax, I would sign that. And I reiterated that.

What we have done to try to bring the price of gasoline down will be more effective in the modest release from the Strategic Petroleum Reserve and, frankly, time will take care of this. We had a spike in the gas tax partly caused by the fact

that we had a very tough winter and a lot of oil supplies were refined for home heating oil instead of gasoline.

Now, that's what I said on the gas tax. I reiterate that. I will do that; I will sign it if they will pass it with a clean minimum wage, and that's the price of getting the minimum wage increase in a clean way. But there are far better ways to get tax relief to the American people.

On the Helms-Burton bill, I would remind you that the defense of freedom in Cuba is not a Republican issue. I came out for the Cuba Democracy Act before President Bush did in 1992. And I made it clear that we had some concerns about Helms-Burton, many of which were answered in the legislation, which gave me some flexibility there. And there was a big intervening event which gave us a clear signal about whether things had changed in Cuba or not. Two planes with American citizens were shot out of the sky in international waters. That didn't have anything to do with the election.

And, finally, on the welfare issue, I don't see how any member of the American press corps could say that welfare reform is a Republican issue. Now, let me just give you a few facts here.

In 1980, when I was Governor of Arkansas -- 1980 -- I asked for and was granted permission to be one of the first states in the first federal welfare reform experiment in the modern era. I helped to develop the governors' positions in the mid-'80s and helped to write the Family Support Act of 1988. Let's come to the present day. I have granted 61 approvals for state welfare reform experiments. President Bush granted 11; President Reagan granted 13.

Three-quarters of the American people on welfare are now under welfare reform experiments. We have moved to stiffen child support enforcement. The results have been pretty impressive. The welfare roles are down by 1.3 million; child support enforcement collections are up by 40 percent. I don't believe welfare reform is a partisan issue. It's certainly not out there in the country.

If you look at the 21 states where the welfare caseload has gone down -- or the 13 states, or how many, I think there are 13 where -- there are 21 states where the welfare caseload has down by 18 percent or more -- 13 are governed by Republicans, 8 by Democrats -- almost the exact ratio in the Governors Association as a whole. The state with the biggest drop in welfare caseload is Indiana, which has a Democratic governor. This is not a partisan issue.

Now, the Republicans passed a bill that I vetoed. Does that mean they're for welfare reform and I'm not? No. Look at the Wisconsin plan -- you mentioned the Wisconsin plan. The Wisconsin plan does three things that I think are very important. First of all, it says you got to work immediately, but we'll give you a job and we can use welfare money to subsidize private-sector jobs or to create community service jobs. I asked every governor in the country to do just that when I spoke at the Governors Conference in Vermont quite a long while ago.

Secondly, it says, if you go to work, we won't ask

you to hurt your children; we'll give you child care and health care. Now, it seems to me that those are elements that we all ought to be for. Now, that is not what was in the Republican welfare reform bill. It was tough on kids and easy on work, and that's why I vetoed it.

All this election-year rhetoric and posturing and gnashing of teeth, if you look beneath the rhetoric, the Republicans are moving toward the position I have advocated all along. And I'm encouraged by that. In the country this is not a partisan issue. This does not have to be a partisan issue in Washington.

When Senator Dole was here Tuesday, he said some things which it seemed to me were very consistent with what I have said I would be glad to support. He said that he wanted a welfare plan that had tough work requirements, that had a five-year lifetime benefit, that had no welfare benefits to illegal immigrants except in extreme circumstances, that had tough child support enforcement, more responsibility for teen mothers, and greater flexibility for states to reform welfare on their own -- they could require drug testing or, as Texas does, they could require immunization.

Now, I am for all of that. Yesterday the House Republicans introduced a new plan that abandoned most of their extreme proposals. And these proposals -- both some of what Senator Dole said and the House plan seem much closer to the bipartisan bills that are in the Senate and the House -- the Castle-Tanner bill, the Breaux-Chafee bill that I have supported.

So here's what I'd like to say about it. If we can rely on the commonsense of America about this, we ought to still pass federal legislation. Even though three-quarters of the American people who are on welfare are under welfare reform, not all of them are. Even the scholar for the American Enterprise Institute says in this week's edition of Business Week that I can justifiably claim to end welfare as we know it -- that's what he said -- the truth is, we still need legislation.

So what I say is, if this is Senator Dole's plan, I think what he ought to do is to pass this plan through the Congress before he leaves the Senate on June 11th, and I will sign it. And we will put this behind us. So my attitude is, let's let it rip. If this is the plan, let's don't pollute it with a lot of poison pills. Pass this plan through the Congress before you retire on June 11th and I will sign it. And it will be good for the country.

Chancellor.

Q Mr. President, could you comment on the legislature put forward to sanction European companies trading with Iran or Libya, and how did the Chancellor react on that? And do you see on that case any link, probably just morally, with the U.S. secretly allowing weapons being shipped into Bosnia by Iran?

President Clinton: First of all, there is no linkage. Our Congress passed a bill at one point prohibiting us from enforcing the arms embargo against Bosnia. And if you go back and look at the facts, what enabled the peace to be made in Bosnia? What made the Dayton Agreement possible?

I would argue that there were two things. One, Nato's willingness to attack through the air, the aggression. The second, the Muslims and the Croats and their Federation began to win military victories on the ground.

The arms embargo had a one-sided effect. We did not violate it. There's a difference in not violating it and being mandated to enforce it. So the two things have no connection.

Now, this legislation that is working its way through the Congress has some provisions with flexibility in it that enables the President to take into account the national interests of the country in implementing it. But I have to tell you, we believe that there are a few countries in the world that all attempts to reason with have failed. And that's why this legislation is moving its way through the Congress. We will do everything we can to implement it in a way that is sensitive to the partnerships we have with our friends and the honest disagreements that we have.

I believe that Chancellor Kohl is as good a friend of freedom and as strong an enemy of terrorism as any democratic country has anywhere in the world. I believe that. And we had a discussion about it today. We are working on a number of things and I think that's, at this moment, all I should say about it.

Q Mr. President, yesterday your Press Secretary said that you would sign a bill banning recognition of same-**sex marriages**. What do you say to those who feel that this discriminates against gays and lesbians? And how do you respond to the many gays who supported you who now feel betrayed?

President Clinton: Well, first of all, as I understand it, what the bill does -- let's make it clear. As I understand it, what the bill does is to state that **marriage** is an institution between a man and a woman, that, among other things, is used to bring children into the world, but the legal effect of the bill -- as I understand it, the only legal effect of the bill is to make it clear that states can deny recognition of gay **marriages** that occurred in other states. And if that's all it does, then I will sign it.

Now, having said that, I do not favor discrimination against people because they're homosexual. And you asked me what I would say to gay Americans who may disagree with me about this is -- I say, look at my record. Name me another President who has been so pilloried for standing up for the fact the we shouldn't discriminate against any group of Americans, including gay Americans, who are willing to work hard, pay their taxes, obey the law and be good citizens.

And let me just say, even though -- I will sign this bill if that's what it does, and that's what I understand it does. This is hardly a problem that is sweeping the country. No state has legalized gay **marriages**. Only one state is considering it. We all know why this is in Washington now -- it's one more attempt to divert the American people from the urgent need to confront our challenges together. That's really what's going on here. And I'm determined -- this has always been my position on gay **marriage**. It was my position in '92. I told everybody who

asked me about it, straight or gay, what my position was. I can't change my position on that; I have no intention of it.

But I am going to do everything I can to stop this election from degenerating into an attempt to pit one group of Americans against another. Every time we do that the American people make a mistake. We are a better country than that. We're a greater country than that. And we ought not to do it, and I'm going to do what I can to stop it . (Applause.)

Who else is there? Chancellor, do you want to call on somebody?

Q I'd like to bring your guest, the Chancellor, into this discussion here and ask the two of you to give us some insight in how we should feel about what's going on in the Soviet Union. We have talked a lot about issues in our election here. They have elections coming up there. They're very close to you, sir. How do you feel about that? How should we think about what is going to happen there? And what backing are you giving whom in that election?

Chancellor Kohl: Well, obviously, no one here is in a position to give any sort of safe, ironcast predictions as to what is going to happen. And I must say I'm always a bit hesitant in such turbulent times -- and I think if there ever were turbulent times in Russia, that is certainly going on now -- I'm always hesitant in such times to rely on polls that try or make an attempt to clarify a little bit this sort of situation.

Well, the Russian people will now decide in two rounds of elections. My position is a very clear one. I support those political forces that pursue reform, that wish to open up Russia to the rest of the world, and that consider that to be a basic tenet of their policy. And I would support those who are pursuing a policy to build bridges; build bridges after all of the horrors that we have experienced -- bridges to Europe, but also to the United States of America and to the people of America.

And I think one simply will have to wait for the outcome of this election. I'm not one of those who reveres either of the candidates or any of the candidates as a sort of icon. I observe closely what is going on there, and I do hope -- the outcome of that is I do hope that the present President will win the election.

Q (Inaudible.)

President Clinton: I would ask the American people and the German people to imagine how the world looks to the Russians. And I understand this has been a difficult period for them. They have freedom in a way they have never had it before. Their voice is controlling now in these elections, as it has been now in Duma elections and in one presidential election already. But they have been through a traumatic experience, which has cost them great economic hardship. They have withdrawn their forces from Central and Eastern Europe, from the Baltics. They have downsized their defense dramatically.

So they are in the process of doing two things. They are in the process of stabilizing their democracy and

regenerating their economy at home, but also in redefining how they should relate to the rest of the world. And keep in mind, this is a country that not only has been through economic hardships, but has also suffered in the 19th and 20th century two very traumatic invasions.

So the appeal of people who say, we can make it the way it used to be -- even though I'm kind of with Will Rogers -- do you remember what Will Rogers said about the good old days? "Don't tell me about them. They never was." But still there is that nostalgic appeal and that's what's making this a tough, tight election in Russia.

The Chancellor and I have admired the way that President Yeltsin has continued the President press forward to the future -- and not always agreeing with us -- tried to define a new system of greatness for the Russian people, as well as trying to solidify democracy and bring back economic prosperity. And he and the other forces of reform in Russia, it seems to me, represent the future, and we hope the Russian people will vote for the future.

Brit.

Q Mr. President, thank you. I want to give you an opportunity to respond to Senator Dole. The Senator in a speech today accused your administration of being "without direction or moral vision," citing specifically your veto of the partial birth abortion ban which he said, "pushed the limits of decency too far." Would you respond to that, sir? Thank you.

President Clinton: What would Senator Dole say to those five women who stood up there with me -- they're five women of several hundred women every year who are told by their doctors that their baby, severely hydrocephalic, often without functioning brains, sometimes without even a brain in their skull, are going to die right before they're born or during birth or right afterward, and that the only way those women can avoid serious physical damage, including losing the ability to ever bear further children is to reduce the size of the skull, the head of the baby before it's too late?

What would he say to the fact that at least two of those five women who were with me made it clear that they were pro-life, Catholic Republicans? That one of those women said she got down on her knees and prayed to God to take her life and let her child live? I am always a little skeptical when politicians piously proclaim their morality. He has to answer to those women.

All I asked the Republicans in Congress to do was to pass an exception for women who would face severe physical damage. And their answer was, oh, you want to give them an exception so they can fit in their prom dress. That was the answer. Ads were run saying, this is what the President wants; they'll be able to drive a truck through this exception.

Well, I know that those 500 or 1,000 women, or however many there are a year -- they're not many of them -- they don't have an organized voice and they don't have much influence at the election. And I know what appeal this partial birth abortion bill had because it appeals to me; I wanted to sign it.

But the President is the only place in this system of ours where there is one person who can stand up for people with no voice, no power, who are going to be eviscerated.

And two of those five women had already had other children. One of those women had adopted another child and was physically able to take care of it. So before he or anybody else stands up and condemns the rest of us for our alleged lack of moral compass, he ought to say -- he's looking at those women and he said there was too much political support behind this, I did not want to be bothered by the facts, it's okay with me whatever -- if they rip your body to shreds and you could never have another baby even though the baby you were carrying couldn't live. Now, I fail to see why his moral position is superior to the one I took.

And, again, I'm telling you, why did this come up now in this way? Why wouldn't they accept that minor amendment? Why? Because they would rather have an issue than solve a problem. Some people live and breathe to divide the American people and keep them in a turmoil all the time. I work to calm the American people down, to lift their vision, to unite them and to move them into the future. And I think when it's all said and done, that's what the American people will want to do. (Applause.)

Q Mr. President, Mr. Chancellor, what about a follow-up to Ifor, and will there be an American participation for a certain Ifor Ii next year? Thank you.

President Clinton: First of all, I think it's important that we stay on the timetable that has been established. One of the worst things that would happen is if we said that we were going to have an indefinite military presence there as it would slow down all the other efforts. It would slow down the effort to hold the elections on time. It would slow down the efforts to strengthen the Federation. I would slow down the reconstruction efforts and the efforts to create in Bosnia the conditions in which the refugees can return from Germany and other places.

And by the way, I want to thank the Chancellor and thank the German people for the extraordinary financial sacrifice they have undertaken in order to provide a decent home for those refugees who were driven out of Bosnia.

So, for me, it's important to stay on the timetable because, otherwise, the people involved in economic reconstruction or political reform and all the other aspects of the Dayton Agreement will, I think, inevitably, be more likely to get off track. Now, we're going to watch this very closely and see the developments unfold. But I am convinced that we have to continue to try to work within this timetable.

One of the great tragedies of this whole endeavor, as you know, from the American point of view was the crash of the airplane carrying Secretary Ron Brown and many American business leaders. We're reestablishing that trade mission now. We're going to go back to Bosnia. We're going to try to get some things going there sooner rather than later. And I think that ought to be the feeling that we all have. We should be driven by a sense of urgency to complete the tasks of the Dayton Agreement.

Chancellor, would you like answer?

Chancellor Kohl: I would like to say very clearly at this point in time that I completely agree with President Clinton's position. I think it would be a very grave mistake, and it's something that you can see sometimes on the international scene, that people don't speak enough about what is necessary now, what has to be done now. People think too much about what we should do once the year is over and expectations have not been fulfilled.

But this is a very critical kind of challenge, a very crucial kind of challenge is obvious to all of us. And that we have to do everything in order to attain this goal that we have set for ourselves is equally clear. I think whoever thinks that problems will become smaller when we extend the time frame is under an illusion. We have assumed responsibility now. We have -- this responsibility on the people there. Just think of the elections. And I think we to do everything in order to maintain pressure by the international community and to make it very clear to all of those in the country itself who want to shed the responsibility that we shall not allow this.

Let me at this point take up what the President said on the German contribution and let me thank him for what he said on this. Ladies and gentlemen, I'm not complaining about the money that we have earmarked for this purpose, but in Germany right now we have 350,000 refugees from that civil war in former Yugoslavia, which is more than double the number that any other European country has absorbed. And the German taxpayer has paid about 10 billion Deutsche mark over these few years in order to assist those refugees.

Now, I'm not talking about us wanting to have this money back; not at all. I only think it doesn't really make sense that this money that we have, that we have to spend for caring for these refugees should be spent in Germany. We should take it, I think, and use it in those villages and towns that have been deserted by the refugees, these villages and towns that are partly destroyed. And I think we should use this money in order to give them, to allow them to buy materials for construction -- timber, bricks, cement -- and give some of it also for free, so as to enable people to rebuild their home.

I must say I see it with great concern, every year, that these refugees are not able to return to their home there is a certain degree of uprootedness that is spreading, particularly among the children of those refugees. And those people who,

after all, have launched this terrible war and this terrible campaign and have waged a war of ethnic cleansing, that they should be proved right, that their achievements should, so to speak, come true in the end -- that is an intolerable thought for me. And this is why I support the President and others in us trying to keep within the timetable and trying to achieve what we wanted to.

President Clinton: Thank you all very much.

End

12:23 P.M. Cdt



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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 11, 1996
(House)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 3396 - Defense of Marriage Act
(Barr (R) Georgia and 117 cosponsors)

The President strongly opposes discrimination against any group of Americans, including gay and lesbian individuals, and he supports legislation to outlaw such discrimination in the workplace.

The President, however, has long opposed same sex marriage. Therefore, if H.R. 3396 were presented to the President as ordered reported from the House Judiciary Committee, the President would sign the legislation.

* * * * *

THE WHITE HOUSE
WASHINGTON

September 3, 1996

MEMORANDUM FOR LEON E. PANETTA
HAROLD ICKES
EVELYN LIEBERMAN
MICHAEL McCURRY
MARY ELLEN GLYNN
BARRY TOIV
RAHM EMANUEL
DONALD BAER
MICHAEL WALDMAN
KATHRYN HIGGINS
MARGARET WILLIAMS
JACK QUINN
ELENA KAGAN
MARCIA HALE
JOHN HILLEY ✓
DOUGLAS SOSNIK
KAREN HANCOX
ALEXIS HERMAN
TODD STERN
RON KLAIN
DAVID STRAUSS
LORRAINE VOLES

FROM: George Stephanopoulos
Richard Socarides

RE: SAME-SEX MARRIAGE TALKING POINTS



The same-sex marriage bill is scheduled for Senate floor debate on Thursday. The Administration supports efforts by Senators Kennedy, Lieberman and Jcffords to amend the marriage bill to include the provisions of the Employment Non-Discrimination Act.

Slightly revised and re-formatted talking points for use in connection with these topics are attached.

SAME-SEX MARRIAGE

- The President strongly opposes discrimination against any group of Americans, including gays and lesbians, and supports legislation to outlaw such discrimination in the workplace.**
- In 1992, the President stated his opposition to same-sex marriage and recently, as the issue was raised by some in Congress, has said that if a bill consistent with his previously stated position reached his desk, he would sign it.**
- The President also believes that raising this issue now is divisive and unnecessary, and is calculated only to score political points at the expense of this community. The President believes that it is an attempt to divert the American people from the urgent need to confront our challenges together.**
- [If asked how the President can both oppose discrimination and support DOMA: this bill makes it clear that states may decide for themselves whether or not to recognize same sex unions, and so is consistent with his position on same sex marriage. The President strongly supports efforts to ensure that all Americans can find and keep jobs based on their ability and the quality of their work.]**

EMPLOYMENT NON-DISCRIMINATION ACT

- On October 19, 1995 the President endorsed the Employment Non-Discrimination Act.**
- This legislation would ensure that Americans, regardless of their sexual orientation, can find and keep their jobs based on their ability and the quality of their work.**
- The Act is careful to apply some exemptions in certain cases, such as small businesses, the Armed Forces, and religious organizations, including schools and other educational institutions. The bill also specifically prohibits preferential treatment on the basis of sexual orientation, including quotas.**
- Thus the President supports the efforts of Senators Kennedy, Lieberman, Jeffords and others to amend the so-called Defense of Marriage Act to include the provisions of the Employment Non-Discrimination Act and the Administration is working actively for passage of the Amendment.**

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

LRM NO: 5468

FILE NO: 2400

9/4/96

LEGISLATIVE REFERRAL MEMORANDUM

Total Page(s): _____

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(for) Assistant Director for Legislative Reference

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schroeder_l@at.eop.gov

SUBJECT: Proposed Statement of Administration Policy RE: HR3396, Defense of Marriage Act

DEADLINE: 5pm Wednesday, September 04, 1996

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: The Senate is scheduled to begin consideration of HR 3396 tomorrow, September 5th. Attached for your reference are the amendments made in order by the UC agreement for Senate consideration of HR 3396. The amendments can also be found in the September 3, 1996, Congressional Record on pages S9750-S9755.

*Please note that a number of the amendments
are not germane to the bill.*

LEGISLATIVE REFERRAL MEMORANDUM
Distribution List

LRM NO: 5468

FILE NO: 2400

SUBJECT: Proposed Statement of Administration Policy RE: HR3396, Defense of Marriage Act

AGENCIES:

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Thompson - C
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White - B
Burke - D
Felt - D
Tingit - D
 Chris Jennings
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RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

LRM NO: 6468

FILE NO: 2400

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.
If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter.

Please include the LRM number shown above, and the subject shown below.

TO: Ingrid SCHROEDER 395-3883
Office of Management and Budget
Fax Number: 395-3109
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

SUBJECT: Proposed Statement of Administration Policy RE: HR3396, Defense of Marriage Act

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

DRAFT -- NOT FOR RELEASE

September 4, 1996
(Senate)

H.R. 3396 - Defense of Marriage Act
(Barr (R) Georgia and 117 cosponsors)

The President strongly opposes discrimination against any group of Americans, including gay and lesbian individuals, and he supports legislation to outlaw such discrimination in the workplace.

The President, however, has long opposed same sex marriage. Therefore, if H.R. 3396 were presented to the President as passed by the House of Representatives, the President would sign the legislation.

* * * * *

S9750

CONGRESSIONAL RECORD—SENATE

September 3, 1996

project. In exchange for debt forgiveness under this paragraph, the project shall remain affordable to low-income families for a period of 20 years, unless otherwise provided by the Secretary.

(8) **BUDGET-BASED RENTS.**—During fiscal year 1997, the Secretary or designee may renew an expiring contract, for a period of not more than 1 year, at a budget-based rent that covers debt service, reasonable operating expenses (including all reasonable and appropriate services), and a reasonable return on equity, as determined solely by the Secretary, but that does not exceed the rent levels under the expiring contract. The Secretary may establish a preference under the demonstration program for budget-based rents for unique housing projects, such as projects designated for occupancy by elderly families in rural areas.

(i) **COMMUNITY AND TENANT INPUT.**—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notices, including an opportunity for comment, to officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

(j) **LIMITATION ON DEMONSTRATION AUTHORITY.**—The Secretary shall carry out the demonstration program with respect to mortgages not to exceed 60,000 units.

(k) **PRIORITY FOR PARTICIPATION.**—The Secretary or designee shall give priority for participation in the demonstration program to any owner of an eligible multifamily housing project with an expiring contract for project-based assistance.

(l) **FUNDING.**—In addition to the \$30,000,000 made available under section 210 of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (110 Stat. 1321), for the costs (including any credit subsidy costs associated with providing direct loans or mortgage insurance) of modifying and restructuring loans held or guaranteed by the Federal Housing Administration, as authorized under this section, \$10,000,000, are hereby appropriated, to remain available until September 30, 1998.

(m) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—

(A) **BIANNUAL REPORTS.**—Not less than biannually, the Secretary shall submit to the Congress a report describing and assessing the programs carried out under the demonstration program.

(B) **FINAL REPORT.**—Not later than 6 months after the end of the demonstration program, the Secretary shall submit to the Congress a final report on the demonstration program.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) any findings and recommendations for legislative action; and

(B) a description of the status of each multifamily housing project selected for the demonstration program.

(3) **CONTENTS OF FINAL REPORT.**—The report submitted under paragraph (1)(B) may include—

(A) with respect to each multifamily housing project participating in the demonstration program, information relating to—

(i) the size of the project;

(ii) the geographic locations of the project, by State and region;

(iii) the physical and financial condition of the project;

(iv) the occupancy profile of the project, including the income, family size, race, and ethnic origin of the tenants, and the rents paid by those tenants;

(v) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and

any impediments to the transfer or sale of the projects;

(vi) a description of the extent to which the demonstration program has displaced tenants of the project;

(vii) a description of the impact to which the demonstration program has affected the localities and communities in which the projects are located; and

(viii) a description of the extent to which the demonstration program has affected the owners of the projects; and

(B) a description of any of the functions performed in connection with this section that are transferred or contracted out to public or private entities or to State entities.

THE DEFENSE OF MARRIAGE ACT

NICKLES AMENDMENT NO. 5168-5170

(Ordered to lie on the table.)

Mr. NICKLES submitted three amendments intended to be proposed by him to the bill (H.R. 3396) to define and protect the institution of marriage, as follows:

AMENDMENT No. 5168

At the appropriate place in the bill, insert the following new sections:

SEC. . REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS

(a) **IN GENERAL.**—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) **VERIFICATION REQUIRED.**—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) **NO INFERENCE OF LIABILITY.**—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. . LIMITATION ON FILING OF CLAIMS

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. . REDUCTION

The amount paid pursuant to this Act to an individual for attorneys fees and costs described in section shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. . PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Payment under this Act, when accepted by an individual described in section , shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

AMENDMENT No. 5169

At the appropriate place in the bill, insert the following new sections:

SEC. . SHORT TITLE

This Act may be cited as the "Workers Political Freedom Act of 1996".

SEC. . WORKERS' POLITICAL RIGHTS

(a) **UNFAIR LABOR PRACTICES BY EMPLOYERS PROHIBITED.**—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by—

(1) striking the period at the end of paragraph (8) and inserting in lieu thereof "; or"; and

(2) adding after paragraph (5) the following new paragraph:

"(6) to receive from an employee dues, initiation fees, assessments, or other payments as a condition of employment for use for political activities in which the employer is engaged unless with the prior written voluntary authorization of the employee."

(b) **UNFAIR LABOR PRACTICES BY LABOR ORGANIZATIONS PROHIBITED.**—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended by—

(1) striking "and" at the end of paragraph (6);

(2) striking the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) adding after paragraph (7) the following new paragraph:

"(8) to receive from a member or nonmember dues, initiation fees, assessments, or other payments as a condition of membership in the labor organization or as a condition of employment for use for political activities in which the labor organization is engaged unless with the prior written voluntary authorization of the member or nonmember: *Provided*, That nothing in this paragraph shall be construed to deprive the courts of their concurrent jurisdiction over claims that a labor organization's use of the monies specified in this paragraph, or over the procedures for objecting to such spending, breaches the duty of fair representation."

AMENDMENT No. 5170

At the appropriate place in the bill, insert the following new section:

SEC. . REQUIREMENT 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 time limit on receipt of assistance.

KENNEDY (AND OTHERS)
AMENDMENT NO. 5171

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. JEFFORDS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill, H.R. 3396, supra; as follows:

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Insert before section 1 the following:

TITLE I—DEFENSE OF MARRIAGE

In section 1, strike "This Act" and insert "This title".

At the end of the bill, add the following new title:

**TITLE II—EMPLOYMENT
NONDISCRIMINATION****SEC. 1. SHORT TITLE.**

This title may be cited as the "Employment Nondiscrimination Act of 1996".

SEC. 2. PURPOSES.

It is the purpose of this title—

(1) to provide a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation;

(2) to provide meaningful and effective remedies for employment discrimination on the basis of sexual orientation; and

(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution and to regulate commerce, in order to prohibit employment discrimination on the basis of sexual orientation.

SEC. 3. DEFINITIONS.

As used in this title:

(1) **COMMISSION.**—The term "Commission" means the Equal Employment Opportunity Commission.(2) **COVERED ENTITY.**—The term "covered entity" means an employer, employment agency, labor organization, joint labor management committee, an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(a)) applies, an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) applies, or an employing authority to which section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) applies.(3) **EMPLOYEE.**—The term "employee" means an employee, as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)), an employee or applicant to whom section 717(a) of the Civil Rights Act of 1964 applies, a Presidential appointee or State employee to whom section 802(a)(1) of the Government Employee Rights Act of 1991 applies, and a covered employee to whom section 201(a)(1) of the Congressional Accountability Act of 1995 applies. The term "employee" does not include an individual who volunteers to perform services if the individual receives no compensation for such services.(4) **EMPLOYER.**—The term "employer" means a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h))) who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986.(5) **EMPLOYMENT AGENCY.**—The term "employment agency" has the meaning given such term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).(6) **EMPLOYMENT OR EMPLOYMENT OPPORTUNITIES.**—Except as provided in section 302(a)(1), the term "employment or employment opportunities" includes job application procedures, hiring, advancement, discharge, compensation, job training, or any other term, condition, or privilege of employment.(7) **INDIVIDUAL.**—The term "individual" includes an employee.(8) **LABOR ORGANIZATION.**—The term "labor organization" has the meaning given such

term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(9) **PERSON.**—The term "person" has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).(10) **RELIGIOUS ORGANIZATION.**—The term "religious organization" means—

(A) a religious corporation, association, or society; or

(B) a college, school, university, or other educational institution, not otherwise a religious organization, if—

(1) it is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association, or society; or

(2) its curriculum is directed toward the propagation of a particular religion.

(11) **SEXUAL ORIENTATION.**—The term "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether such orientation is real or perceived.(12) **STATE.**—The term "State" has the meaning given such term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).**SEC. 4. DISCRIMINATION PROHIBITED.**

A covered entity shall not, with respect to the employment or employment opportunities of an individual—

(1) subject the individual to a different standard or different treatment on the basis of sexual orientation;

(2) discriminate against the individual based on the sexual orientation of a person with whom the individual is believed to associate or to have associated; or

(3) otherwise discriminate against the individual on the basis of sexual orientation.

SEC. 5. BENEFITS.

This title does not apply to the provision of employee benefits to an individual for the benefit of such individual's partner.

SEC. 6. NO DISPARATE IMPACT.

The fact that an employment practice has a disparate impact, as the term "disparate impact" is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of sexual orientation does not establish a prima facie violation of this title.

SEC. 7. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.(a) **QUOTAS.**—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.(b) **PREFERENTIAL TREATMENT.**—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.**SEC. 8. RELIGIOUS EXEMPTION.**(a) **IN GENERAL.**—Except as provided in subsection (b), this title shall not apply to a religious organization.(b) **FOR-PROFIT ACTIVITIES.**—This title shall apply with respect to employment and employment opportunities that relate to any employment position that pertains solely to a religious organization's for-profit activities subject to taxation under section 511(a) of the Internal Revenue Code of 1986.**SEC. 9. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.**(a) **ARMED FORCES.**—(1) **EMPLOYMENT OR EMPLOYMENT OPPORTUNITIES.**—For purposes of this title, the term "employment or employment opportunities" does not apply to the relationship between the United States and members of the Armed Forces.(2) **ARMED FORCES.**—As used in paragraph (1), the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.(b) **VETERANS' PREFERENCES.**—This title does not repeal or modify any Federal, State,

territorial, or local law creating a special right or preference for a veteran.

SEC. 10. CONSTRUCTION.

Nothing in this title shall be construed to prohibit a covered entity from enforcing rules regarding nonprivate sexual conduct, if such rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation.

SEC. 11. ENFORCEMENT.(a) **ENFORCEMENT POWERS.**—With respect to the administration and enforcement of this title in the case of a claim alleged by an individual for a violation of this title—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, and 1204);

in the case of a claim alleged by such individual for a violation of such title or of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, and 1204);

in the case of a claim alleged by such individual for a violation of such title or of section 302(a)(1) of such Act, respectively; and

(5) a court of the United States shall have the same jurisdiction and powers as such court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, and 1204) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act; and

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act.

(b) **PROCEDURES AND REMEDIES.**—The procedures and remedies applicable to a claim alleged by an individual for a violation of this title are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2

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U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section.

(c) OTHER APPLICABLE PROVISIONS.—With respect to claims alleged by a covered employee (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) for a violation of this title, title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleged by such a covered employee for a violation of section 201(a)(1) of such Act.

SEC. 12. FEDERAL AND STATE IMMUNITY.

(a) STATE IMMUNITY.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in a Federal court of competent jurisdiction for a violation of this title. In an action against a State for a violation of this title, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies are available in an action against any public or private entity other than a State.

(b) LIABILITY OF THE UNITED STATES.—The United States shall be liable for all remedies (excluding punitive damages) under this title to the same extent as a private person and shall be liable to the same extent as a non-public party for interest to compensate for delay in payment.

SEC. 13. ATTORNEYS' FEES.

In any action or administrative proceeding commenced pursuant to this title, an entity described in section 11(a), in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including expert fees and other litigation expenses, and costs. The United States shall be liable for the fees, expenses and costs described in the preceding sentence to the same extent as a private person.

SEC. 14. RETALIATION AND COERCION PROHIBITION.

(a) RETALIATION.—A covered entity shall not discriminate against an individual because such individual opposed any act or practice prohibited by this title or because such individual made a charge, assisted, testified, or participated in any manner in an investigation, proceeding, or hearing under this title.

(b) COERCION.—A person shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of such individual's having exercised, enjoyed, assisted, or encouraged the exercise or enjoyment of, any right granted or protected by this title.

SEC. 15. POSTING NOTICES.

A covered entity shall post notices for employees, applicants for employment, and members describing the applicable provisions of this title in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10).

SEC. 16. REGULATIONS.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Commission shall have authority to issue regulations to carry out this title.

(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have authority to issue regulations to carry out this title with respect to employees of the Library of Congress.

(c) BOARD.—The Board referred to in section 11(a)(3) shall have authority to issue regulations to carry out this title, in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), with respect to covered employees to which section 201(a)(1) of such Act applies (2 U.S.C. 1311(a)(1)).

SEC. 17. RELATIONSHIP TO OTHER LAWS.

This title shall not invalidate or limit the rights, remedies, or procedures available to

an individual claiming discrimination prohibited under any other Federal law or any law of a State or political subdivision of a State.

SEC. 18. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected by such invalidity.

SEC. 19. EFFECTIVE DATE.

This title shall take effect 60 days after the date of enactment of this title and shall not apply to conduct occurring before such effective date.

FEINSTEIN (AND WYDEN) AMENDMENT NO. 5172

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, H.R. 3398, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 1. FEDERALLY PROTECTED ACTIVITIES.

Section 245(b) of title 18, United States Code, is amended—

- (1) in paragraph (2) in the matter before subparagraph (A), by inserting “, sexual orientation,” after “religion”; and
- (2) in paragraph (4)(A), by inserting “, sexual orientation,” after “religion”.

LAUTENBERG AMENDMENT NO. 5173

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill, H.R. 3396, supra; as follows:

At the appropriate place _____, insert the following:

SEC. 1. OWN RAN FOR INDIVIDUALS COMMITTING DOMESTIC VIOLENCE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

“(33) The term ‘crime involving domestic violence’ means a felony or misdemeanor crime of violence, regardless of length, term, or manner of punishment, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim under the domestic or family violence laws of the jurisdiction in which such felony or misdemeanor was committed.”

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended—

- (1) in subsection (d)—
- (A) by striking “or” at the end of paragraph (7);
- (B) by striking the period at the end of paragraph (8) and inserting “; or”; and
- (C) by inserting after paragraph (8) the following new paragraph:

“(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.”;

- (2) in subsection (g)—
- (A) by striking “or” at the end of paragraph (7);
- (B) in paragraph (8), by striking the comma and inserting “; or”; and
- (C) by inserting after paragraph (8) the following new paragraph:

“(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.”;

“(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.”; and

(3) in subsection (s)(3)(B)(i), by inserting before the semicolon the following: “and has not been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel”.

(n) RULES AND REGULATIONS.—Section 925(a) of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by inserting after paragraph (3) the following new paragraph:

“(4) regulations providing for the effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(9) or (g)(9) of section 922.”.

BRADLEY (AND OTHERS) AMENDMENT NO. 5174

(Ordered to lie on the table.)

Mr. BRADLEY (for himself, Mrs. KASSEBAUM, and Mr. FRIST) submitted an amendment intended to be proposed by them to the bill, H.R. 3396, supra; as follows:

At the appropriate place, add the following:

TITLE _____NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996

SEC. 1. SHORT TITLE.

This title may be cited as the “Newborns' and Mothers' Health Protection Act of 1996”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the length of post-delivery inpatient care should be based on the unique characteristics of each mother and her newborn child, taking into consideration the health of the mother, the health and stability of the newborn, the ability and confidence of the mother and father to care for the newborn, the adequacy of support systems at home, and the access of the mother and newborn to appropriate follow-up health care; and

(2) the timing of the discharge of a mother and her newborn child from the hospital should be made by the attending provider in consultation with the mother.

SEC. 3. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOLLOWING BIRTH.

(a) IN GENERAL.—Except as provided in subsection (b), a health plan or an employee health benefit plan that provides maternity benefits, including benefits for childbirth, shall ensure that coverage is provided with respect to a mother who is a participant, beneficiary, or policyholder under such plan and her newborn child for a minimum of 48 hours of inpatient length of stay following a normal vaginal delivery, and a minimum of 96 hours of inpatient length of stay following a caesarean section, without requiring the attending provider to obtain authorization from the health plan or employee health benefit plan.

(b) EXCEPTION.—Notwithstanding subsection (a), a health plan or an employee health benefit plan shall not be required to provide coverage for post-delivery inpatient length of stay for a mother who is a participant, beneficiary, or policyholder under such plan and her newborn child for the period referred to in subsection (a) if—

- (1) a decision to discharge the mother and her newborn child prior to the expiration of such period is made by the attending provider in consultation with the mother; and

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(2) the health plan or employee health benefit plan provides coverage for post-delivery follow-up care as described in section ____4.

SEC. ____4. POST-DELIVERY FOLLOW-UP CARE.**(a) IN GENERAL.**

(1) **GENERAL RULE.**—In the case of a decision to discharge a mother and her newborn child from the inpatient setting prior to the expiration of 48 hours following a normal vaginal delivery or 96 hours following a cesarean section, the health plan or employee health benefit plan shall provide coverage for timely post-delivery care. Such health care shall be provided to a mother and her newborn child by a registered nurse, physician, nurse practitioner, nurse midwife or physician assistant experienced in maternal and child health in—

(A) the home, a provider's office, a hospital, a birthing center, an intermediate care facility, a federally qualified health center, a federally qualified rural health clinic, or a State health department maternity clinic; or

(B) another setting determined appropriate under regulations promulgated by the Secretary, in consultation with the Secretary of Health and Human Services;

except that such coverage shall ensure that the mother has the option to be provided with such care in the home. The attending provider in consultation with the mother shall decide the most appropriate location for follow-up care.

(2) **CONSIDERATIONS BY SECRETARY.**—In promulgating regulations under paragraph (1)(B), the Secretary shall consider telemedicine and other innovative means to provide follow-up care and shall consider care in both urban and rural settings.

(b) **TIMELY CARE.**—As used in subsection (a), the term "timely post-delivery care" means health care that is provided—

(1) following the discharge of a mother and her newborn child from the inpatient setting; and

(2) in a manner that meets the health care needs of the mother and her newborn child, that provides for the appropriate monitoring of the conditions of the mother and child, and that occurs not later than the 72-hour period immediately following discharge.

(c) **CONSISTENCY WITH STATE LAW.**—The Secretary shall, with respect to regulations promulgated under subsection (a) concerning appropriate post-delivery care settings, ensure that, to the extent practicable, such regulations are consistent with State licensing and practice laws.

SEC. ____5. PROMOTIONS.

In implementing the requirements of this title, a health plan or an employee health benefit plan may not—

(1) deny enrollment, renewal, or continued coverage to a mother and her newborn child who are participants, beneficiaries or policyholders based on compliance with this title;

(2) provide monetary payments or rebates to mothers to encourage such mothers to request less than the minimum coverage required under this title;

(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided treatment in accordance with this title; or

(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide treatment to an individual policyholder, participant, or beneficiary in a manner inconsistent with this title.

SEC. ____6. NOTICE.

(a) **EMPLOYEE HEALTH BENEFIT PLAN.**—An employee health benefit plan shall provide conspicuous notice to each participant regarding coverage required under this Act not later than 120 days after the date of enactment of this title, and as part of its summary plan description.

(b) **HEALTH PLAN.**—A health plan shall provide notice to each policyholder regarding coverage required under this title. Such notice shall be in writing, prominently positioned, and be transmitted—

(1) in a mailing made within 120 days of the date of enactment of this title by such plan to the policyholder; and

(2) as part of the annual informational packet sent to the policyholder.

SEC. ____7. APPLICABILITY.**(a) CONSTRUCTION.**

(1) **IN GENERAL.**—A requirement or standard imposed under this title on a health plan shall be deemed to be a requirement or standard imposed on the health plan issuer. Such requirements or standards shall be enforced by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this title. In the case of a health plan offered by a health plan issuer in connection with an employee health benefit plan, the requirements or standards imposed under this title shall be enforced with respect to the health plan issuer by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this title.

(2) **LIMITATION.**—Except as provided in section ____8(c), the Secretary shall not enforce the requirements or standards of this title as they relate to health plan issuers or health plans. In no case shall a State enforce the requirements or standards of this title as they relate to employee health benefit plans.

(b) **RULE OF CONSTRUCTION.**—Nothing in this title shall be construed to affect or modify the provisions of section 614 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

(c) **RULE OF CONSTRUCTION.**—Nothing in this title shall be construed to require that a mother who is a participant, beneficiary, or policyholder covered under this title—

(1) give birth in a hospital; or

(2) stay in the hospital for a fixed period of time following the birth of her child.

SEC. ____8. ENFORCEMENT.

(a) **HEALTH PLAN ISSUERS.**—Each State shall require that each health plan issued, sold, renewed, offered for sale or operated in such State by a health plan issuer meet the standards established under this title. A State shall submit such information as required by the Secretary demonstrating effective implementation of the requirements of this title.

(b) **EMPLOYEE HEALTH BENEFIT PLANS.**—With respect to employee health benefit plans, the standards established under this title shall be enforced in the same manner as provided for under sections 502, 504, 508, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1138, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c)(1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(c) **FAILURE TO ENFORCE.**—In the case of the failure of a State to substantially enforce the standards and requirements set forth in this title with respect to health plans, the Secretary, in consultation with the Secretary of Health and Human Services, shall enforce the standards of this title in such State. In the case of a State that fails to substantially enforce the standards set forth in this title, each health plan issuer operating in such State shall be subject to civil enforcement as provided for under sections 502, 504, 508, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1138, and 1140). The civil penalties

contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c)(1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(d) **REGULATIONS.**—The Secretary, in consultation with the Secretary of Health and Human Services, may promulgate such regulations as may be necessary or appropriate to carry out this title.

SEC. ____9. DEFINITIONS.

As used in this title:

(1) **ATTENDING PROVIDER.**—The term "attending provider" shall include—

(A) the obstetrician-gynecologists, pediatricians, family physicians, and other physicians primarily responsible for the care of a mother and newborn; and

(B) the nurse midwives and nurse practitioners primarily responsible for the care of a mother and her newborn child in accordance with State licensure and certification laws.

(2) **BENEFICIARY.**—The term "beneficiary" has the meaning given such term under section 3(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(3) EMPLOYEE HEALTH BENEFIT PLAN.

(A) **IN GENERAL.**—The term "employee health benefit plan" means any employee welfare benefit plan, governmental plan, or church plan (as defined under paragraphs (1), (32), and (33) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1), (32), and (33))) that provides or pays for health benefits (such as provider and hospital benefits) for participants and beneficiaries whether—

(i) directly;

(ii) through a health plan offered by a health plan issuer as defined in paragraph (4); or

(iii) otherwise.

(B) **RULE OF CONSTRUCTION.**—An employee health benefit plan shall not be construed to be a health plan or a health plan issuer.

(C) **ARRANGEMENTS NOT INCLUDED.**—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(4) **GROUP PURCHASER.**—The term "group purchaser" means any person (as defined under paragraph (9) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(9))) or entity that purchases or pays for health benefits (such as provider or hospital benefits) on behalf of participants or beneficiaries in connection with an employee health benefit plan.

(5) **HEALTH PLAN.**—

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(A) IN GENERAL.—The term "health plan" means any group health plan or individual health plan.

(B) GROUP HEALTH PLAN.—The term "group health plan" means any contract, policy, certificate or other arrangement offered by a health plan issuer to a group purchaser that provides or pays for health benefits (such as provider and hospital benefits) in connection with an employee health benefit plan.

(C) INDIVIDUAL HEALTH PLAN.—The term "individual health plan" means any contract, policy, certificate or other arrangement offered to individuals by a health plan issuer that provides or pays for health benefits (such as provider and hospital benefits) and that is not a group health plan.

(D) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(K) CERTAIN PLANS INCLUDED.—Such term includes any plan or arrangement not described in any clause of subparagraph (D) which provides for benefit payments, on a periodic basis, for—

- (i) a specified disease or illness, or
- (ii) a period of hospitalization,

without regard to the costs incurred or services rendered during the period to which the payments relate.

(G) HEALTH PLAN ISSUER.—The term "health plan issuer" means any entity that is licensed (prior to or after the date of enactment of this title) by a State to offer a health plan.

(7) PARTICIPANT.—The term "participant" has the meaning given such term under section 3.7 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7)).

(8) SECRETARY.—The term "Secretary" unless otherwise specified means the Secretary of Labor.

SEC. 10. PREEMPTION.

(a) IN GENERAL.—The provisions of sections 3, 5, and 6 relating to inpatient care shall not preempt a State law or regulation—

(1) that provides greater protections to patients or policyholders than those required in this title;

(2) that requires health plans to provide coverage for at least 48 hours of inpatient length of stay following a normal vaginal delivery, and at least 96 hours of inpatient length of stay following a caesarean section;

(3) that requires health plans to provide coverage for maternity and pediatric care in accordance with guidelines established by the American College of Obstetricians and Gynecologists, the American Academy of Pe-

diatrics, or other established professional medical associations; or

(4) that leaves decisions regarding appropriate length of stay entirely to the attending provider, in consultation with the mother.

(b) FOLLOW-UP CARE.—The provisions of section 4 relating to follow-up care shall not preempt those provisions of State law or regulation that provide comparable or greater protection to patients or policyholders than those required under this title or that provide mothers and newborns with an option of timely post delivery follow-up care (as defined in section 4(b) in the home).

(c) EMPLOYEE HEALTH BENEFIT PLANS.—Nothing in this section affects the application of this title to employee health benefit plans, as defined in section 3.3(3).

SEC. 11. REPORTS TO CONGRESS CONCERNING CHILD BIRTH.

(a) FINDINGS.—Congress finds that—

(1) childbirth is one part of a continuum of experience that includes pre-pregnancy, pregnancy and prenatal care, labor and delivery, the immediate postpartum period, and a longer period of adjustment for the newborn, the mother, and the family;

(2) health care practices across this continuum are changing in response to health care financing and delivery system changes, science and clinical research, and patient preferences; and

(3) there is a need to—

(A) examine the issues and consequences associated with the length of hospital stays following childbirth;

(B) examine the follow-up practices for mothers and newborns used in conjunction with shorter hospital stays;

(C) identify appropriate health care practices and procedures with regard to the hospital discharge of newborns and mothers;

(D) examine the extent to which such care is affected by family and environmental factors; and

(E) examine the content of care during hospital stays following childbirth.

(b) ADVISORY PANEL.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this title, the Secretary of Health and Human Services shall establish an advisory panel (hereafter referred to in this section as the "advisory panel") to—

(A) guide and review methods, procedures, and data collection necessary to conduct the study described in subsection (c) that is intended to enhance the quality, safety, and effectiveness of health care services provided to mothers and newborns;

(B) develop a consensus among the members of the advisory panel regarding the appropriateness of the specific requirements of this title; and

(C) prepare and submit to the Secretary of Health and Human Services, as part of the report of the Secretary submitted under subsection (d), a report summarizing the consensus developed under subparagraph (B) if any, including the reasons for not reaching such a consensus.

(2) PARTICIPATION.—

(A) DEPARTMENT REPRESENTATIVES.—The Secretary of Health and Human Services shall ensure that representatives from within the Department of Health and Human Services that have expertise in the area of maternal and child health or in outcomes research are appointed to the advisory panel established under paragraph (1).

(B) REPRESENTATIVES OF PUBLIC AND PRIVATE SECTOR ENTITIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall ensure that members of the advisory panel include representatives of public and private sector entities

having knowledge or experience in one or more of the following areas:

- (I) Patient care.
- (II) Patient education.
- (III) Quality assurance.
- (IV) Outcomes research.
- (V) Consumer issues.

(2) REQUIREMENT.—The panel shall include representatives from each of the following categories:

- (I) Health care practitioners.
- (II) Health plans.
- (III) Hospitals.
- (IV) Employers.
- (V) States.
- (VI) Consumers.

(c) STUDIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study of—

(A) the factors affecting the continuum of care with respect to maternal and child health care, including outcomes following childbirth;

(B) the factors determining the length of hospital stay following childbirth;

(C) the diversity of negative or positive outcomes affecting mothers, infants, and families;

(D) the manner in which post natal care has changed over time and the manner in which that care has adapted or related to changes in the length of hospital stay, taking into account—

(i) the types of post natal care available and the extent to which such care is accessed; and

(ii) the challenges associated with providing post natal care to all populations, including vulnerable populations, and solutions for overcoming these challenges; and

(E) the financial incentives that may—

(i) impact the health of newborns and mothers; and

(ii) influence the clinical decisionmaking of health care providers.

(2) RESOURCES.—The Secretary of Health and Human Services shall provide to the advisory panel the resources necessary to carry out the duties of the advisory panel.

(d) REPORTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that contains—

(A) a summary of the study conducted under subsection (c);

(B) a summary of the best practices used in the public and private sectors for the care of newborns and mothers;

(C) recommendations for improvements in prenatal care, post natal care, delivery and follow-up care, and whether the implementation of such improvements should be accomplished by the private health care sector, Federal or State governments, or any combination thereof; and

(D) limitations on the databases in existence on the date of enactment of this title.

(2) SUBMISSION OF REPORTS.—The Secretary of Health and Human Services shall prepare and submit to the Committees referred to in paragraph (1)—

(A) an initial report concerning the study conducted under subsection (c) and the report required under subsection (d), not later than 18 months after the date of enactment of this title;

(B) an interim report concerning such study and report not later than 3 years after the date of enactment of this title; and

(C) a final report concerning such study and report not later than 5 years after the date of enactment of this title.

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(e) **TERMINATION OF PANEL.**—The advisory panel shall terminate on the date that occurs 60 days after the date on which the last report is submitted under this section.

SEC. 12. SALE OF GOVERNORS ISLAND, NEW YORK.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator of General Services shall dispose of by sale at fair market value all rights, title, and interests of the United States in and to the land of, and improvements to, Governors Island, New York.

(b) **RIGHT OF FIRST REFUSAL.**—Before a sale is made under subsection (a) to any other parties, the State of New York and the city of New York shall be given the right of first refusal to purchase all or part of Governors Island. Such right may be exercised by either the State of New York or the city of New York or by both parties acting jointly.

(c) **PROCEEDS.**—Proceeds from the disposal of Governors Island under subsection (a) shall be deposited in the general fund of the Treasury and credited as miscellaneous receipts.

SEC. 13. SALE OF AIR RIGHTS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator of General Services shall sell, at fair market value and in a manner to be determined by the Administrator, the air rights adjacent to Washington Union Station described in subsection (b), including air rights conveyed to the Administrator under subsection (d). The Administrator shall complete the sale by such date as is necessary to ensure that the proceeds from the sale will be deposited in accordance with subsection (c).

(b) **DESCRIPTION.**—The air rights referred to in subsection (a) total approximately 18.6 acres and are depicted on the plat map of the District of Columbia as follows:

- (1) Part of lot 172, square 720.
- (2) Part of lots 172 and 523, square 720.
- (3) Part of lot 811, square 717.

(c) **PROCEEDS.**—Before September 30, 1997, proceeds from the sale of air rights under subsection (a) shall be deposited in the general fund of the Treasury and credited as miscellaneous receipts.

(d) **CONVEYANCE OF AMTRAK AIR RIGHTS.**—

(1) **GENERAL RULE.**—As a condition of future Federal financial assistance, Amtrak shall convey to the Administrator of General Services on or before December 31, 1996, at no charge, all of the air rights of Amtrak described in subsection (b).

(2) **FAILURE TO COMPLY.**—If Amtrak does not meet the condition established by paragraph (1), Amtrak shall be prohibited from obligating Federal funds after March 1, 1997.

SEC. 14. EFFECTIVE DATE.

Except as otherwise provided for in this title, the provisions of this title shall apply as follows:

(1) With respect to health plans, such provisions shall apply to such plans on the first day of the contract year beginning on or after January 1, 1996.

(2) With respect to employee health benefit plans, such provisions shall apply to such plans on the first day of the first plan year beginning on or after January 1, 1996.

THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

BOND AMENDMENT NO. 5175

Mr. BOND proposed an amendment to the bill, H.R. 3666, *supra*, as follows:

On page 59, after line 2, insert the following:

SEC. . In order to avoid or minimize the need for involuntary separations due to a reduction in force, departmental restructuring, reorganization, transfer of function, or similar action affecting the Department of Housing and Urban Development, the Secretary shall establish a program under which separation pay, subject to the availability of appropriated funds, may be offered to encourage employees to separate from service voluntarily, whether by retirement or resignation: *Provided*, That payments to individual employees shall not exceed \$25,000; *Provided further*, That in addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, HUD shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5 to whom a voluntary separation incentive has been paid under this paragraph."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources to receive testimony on the issue of U.S. climate change policy.

The hearing will take place on Tuesday, September 17, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

Those who wish to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact David Garmen at (202) 224-8115.

CANCELLATION OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a hearing before the Committee on Energy and Natural Resources to receive testimony on S. 1852, the Department of Energy Class Action Lawsuit Act, has been canceled.

The hearing was scheduled to take place Wednesday, September 6, 1996, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

There are no plans to reschedule this hearing. For further information, please contact Kelly Johnson or Jo Meuse at (202) 224-6730.

BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 1996

The text of the bill (S. 1559) to make technical corrections to title 11, United States Code, and for other purposes, as passed by the Senate on August 2, 1996, is as follows:

S. 1559

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 "Bankruptcy Technical Corrections Act of 1996".

SEC. 2. DEFINITIONS.

Section 101 of title 11, United States Code, is amended—

(1) by striking "in this title—" and inserting "in this title:";

(2) in paragraph (51B)—

(A) by inserting "family farms or" after "other than"; and

(B) by striking all after "thereto" and inserting a semicolon;

(3) by reordering the paragraphs so that the terms defined in the section are in alphabetical order and redesignating the paragraphs accordingly;

(4) in paragraph (37)(B) (defining insured depository institution), as redesignated by paragraph (3) of this section, by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (29) and (35)(A)";

(5) in each paragraph, by inserting a heading, the text of which is comprised of the term defined in the paragraph;

(6) by inserting "The term" after each paragraph heading; and

(7) by striking the semicolon at the end of each paragraph and "; and" at the end of paragraphs (35) and (38) and inserting a period.

SEC. 3. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "502(f)(9)." after "502(d)," each place it appears.

SEC. 4. COMPENSATION TO OFFICERS.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ", or the debtor's attorney" after "§502(f)(9); and

(2) in paragraph (8), by striking "(3)(A) In" and inserting "(3) In".

SEC. 5. EFFECT OF CONVERSION.

Section 545(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 545 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3), by adding "or" at the end;

(B) in paragraph (8), by striking "or" at the end and inserting a period; and

(C) by striking paragraph (4);

(2) in subsection (d), by striking paragraphs (5) through (9); and

(3) in subsection (f)(1), by striking "except that" and all that follows through the end of the paragraph and inserting a period.

SEC. 7. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (B)".

SEC. 8. PRIORITIES.

Section 507(a)(7) of title 11, United States Code, is amended by inserting "unsecured" after "allowed".

SEC. 9. EXEMPTIONS.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (f)(1)(A)—

(A) in the matter preceding clause (i), by striking "or" at the end; and

(B) in clause (ii), by striking the period at the end and inserting "or"; and

(2) in subsection (g)(2), by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".