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

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

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

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

S. 2060

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

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

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

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

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

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

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

ADDITIONAL COSPONSORS

S. 1556

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

S. 1797

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

S. 1967

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

S. 2052

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

AMENDMENTS SUBMITTED

THE ORGAN AND BONE MARROW TRANSPLANT PROGRAM REAUTHORIZATION ACT OF 1996

KASSEBAUM AMENDMENT NO. 5205

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

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

''(i) in clause (i)—''

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

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

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

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

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

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

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

ADDITIONAL STATEMENTS

DEFENSE OF MARRIAGE ACT

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

The material follows:

TESTIMONY OF RABBI DAVID SAPERSTEIN

I. INTRODUCTION

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

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

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

II. LEGAL OBSERVATIONS ON THE DEFENSE OF MARRIAGE ACT

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