the American people will be very dis- 
appointed and disillusioned when they 
discover that the bill does not live up 
to their expectations.

Therefore, I want to make clear, at 
least to the people I serve in Iowa, 
what this bill has never been designed 
to do.

It does not attempt to make health 
insurance more affordable; 

It would not completely eliminate 
denial of coverage for pre-existing con-
ditions; 

It would not provide portability be-

tween different individual policies; and 

It would not necessarily mean that 
currently uninsured individuals would 
have to be sold a health insurance pol-
picy.

Having said that, let me conclude by 
saying that this monumental piece of 
legislation is the kind of incremental 
common sense reform individuals 
and families across the country have 
been looking for. I am proud to support it 
and I urge the President to sign it.

GOOD SAMARITAN FOOD 
DONATION BILL

Mr. SANTORUM. Mr. President, I 
ask unanimous consent that the Sena-
ete proceed to the consideration of 
H.R. 2428, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: 

A bill (H.R. 2428) to encourage the donation 
of food and grocery products to nonprofit or-

ganizations for distribution to needy individ-
uals by giving the Model Good Samaritan 
Food Donation Act the full force and effect 
of law.

The PRESIDING OFFICER. Is there 
objection to the immediate consider-
ation of the bill?

There being no objection, the Senate 
proceeded to consider the bill.

Mr. SANTORUM. Mr. President, I 
rise to support the passage of the Good 
Samaritan Food Donation Act, H.R. 2428. 
This important measure will en-
courage the charitable distribution of 
food by establishing a single national 
liability standard for the good-faith do-

cation of food and grocery products. It 
has been named in honor of my good 
friend, the late Bill Emerson, who 

staunchly advocated this measure as 
well as other nutrition programs dur-
ing his service in the House of Rep-
resentatives, and I believe it is a fine 
tribute to his interest and commitment 
to ensuring that hungry Americans are 
properly fed. I would also like to com-
mend Senator BOND and Senator LEAHY 
for their efforts in seeing this bill 
brought to the floor as quickly as possible.

Liability concerns are the overriding 
reason why unsalable, but otherwise 
wholesome, food is destroyed rather 
than donated to charity. In 1990, Con-
gress attempted to address these con-

cerns with enactment of the Model 
Good Samaritan Food Donation Act, 
which gave States a model statute to 

enact in order to provide some measure 
of protection from liability. All 50 
States and the District of Columbia 
have enacted some form of legislation 
aimed at extending liability protec-
tions to donors and distributors of 
donated food. Unfortunately, States have 
taken a wide variety of approaches to 
this legislation.rimon and distribu-
tors of food with a confusing patch-
work of laws with which to contend.

It is my understanding that none of 
the various State laws have been tested 
in the courts. Nevertheless, the fear of 
potential liability continues to dis-
courage potential donors 6 years after 
passage of the model statute. When 
Second Harvest, the Nation’s largest 

network of food banks, commissioned a 
survey last year to examine the factors 

affecting food donations, the fear of li-
ability remained the single most im-
portant reason why food is destroyed 
rather than donated.

Computerization and new inventory 
practices by some of the Nation’s larg-
est food retailers and distributors have 
meant less food is wasted in this coun-
try. For food banks, this new efficiency 
has made it more difficult to obtain 
food donations. Fear of liability only 
makes their essential work harder.

By enacting this measure, Congress 
will be helping to ensure that food 
banks can respond to the needs of the 
hungry in our communities. This mod-
est bill should be just the first step in 
sustained effort to see that other ob-
stacles to charitable activities are re-
moved as well.

AMENDMENTS Nos. 5148 and 5149

Mr. SANTORUM. I understand there 
are two amendments at the desk, one 
by Senator LEAHY and one by Senator 
KENNEDY. I ask unanimous consent they 
be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows: 

The Senator from Pennsylvania [Mr. 
SANTORUM] proposes amendments en bloc 
numbered 5148 and 5149.

Mr. SANTORUM. I ask unanimous 
consent of reading the amendments be 
dispensed with.

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

The amendments (No. 5148 and 5149) 
were agreed to, en bloc, as follows:

Beginning on page 2, strike line 16 and 
all that follows through page 3, line 11, and 
insert the following:

(C) by striking subsection (b)(7) and inserting 
the following:

(3) LIABILITY FOR DAMAGES FROM DO-
nation of Food and Grocery Products—

(1) LIABILITY OF PERSON OR CLEANER.—A 
person who or a person or cleaner donates 
food or products to another person who, at the time of the 

conduct, knew or should have known 
that the conduct was likely to be 

another person would still be action-

liable if the food was produced in 
good faith to a nonprofit organization for 
ultimate distribution to needy individuals.

(2) LIABILITY OF NONPROFIT ORGANIZA-
TION.—Donors shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or cleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

(4) CONFORMING AMENDMENT.—The table of 

contents for the National and Community 
Service Act of 1990 is amended by striking 
the items relating to title IV.

Mr. KENNEDY, Mr. President, H.R. 
2428 provides limited immunity from 
tort liability for nonprofit food banks. 
I am pleased to support the bill now 
that it includes my amendment clari-
fying that nothing in the bill super-


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sedes State or local health regulations.

Tort liability is a central pillar of 
our legal system. It protects consumers 
by providing an incentive for reason-


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able care, and it ensures reimburse-


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ment for those who are injured by neg-


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ligent conduct. Any exceptions to the 


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general rules of tort liability must be 


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arrowly tailored.

I do not object to the effort embodied 
in this bill to provide a measure of ad-
nitional protection against liability for 
food banks. These organizations engage 
in important work, and they deserve 
our support. I have some concerns 
about the scope of the protection we 
are extending to food banks. I would 
have preferred a definition of gross 
conduct which made clear that con-
duct, including a failure to act, by a 

person who knew or should have known 
that the conduct was likely to be 

harmful to the health or well-being of 

another person would still be action-

liable.

But I am satisfied that the stand-

ards contained in the bill still requires 
that food donors and food banks exer-
cise care to ensure that the food they 
donate or distribute does not harm the 

people receiving the food.

My amendment makes explicit the 

fact that nothing in this Good Samari-
tan Food Donation Act supersedes State or local health regulations. If we 

diminish the protections afforded by 
the tort laws, it is vital for the health
and safety of those who consume donated food that regulatory protections remain in place. I also remain concerned about subsection (b) of the bill, which transfers this provision from the National and Community Service Act to the Child Nutrition Act. But I will not object or seek to amend that subsection based on my understanding that the Labor and Human Resources Committee will continue to exercise jurisdiction over this provision in connection with the Agriculture Committee. I ask the Senator from Missouri if my understanding of this jurisdictional matter is correct.

Mr. BOND. I agree with the Senator from Massachusetts that we have reached that understanding.

Mr. KENNEDY. I thank my friend.

Mr. SANTORUM. I ask unanimous consent the amendments be agreed to, en bloc.

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

The amendments (Nos. 5148 and 5149) were agreed to, en bloc.

Mr. BOND. Mr. President, I am pleased that the Senate supported overwhelmingly the passage of H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

This is a tremendous tribute to my good friend and colleague from Missouri, Congressman Bill Emerson, who represented southeast Missouri’s Eighth Congressional District for 16 years. Bill Emerson was well known in this body, and certainly to many around this city, and was loved by the people of southeast Missouri. He had a long and distinguished career of service in the U.S. Congress.

Bill was especially well known for his work in agriculture and in the fight against hunger, including being an ardent supporter of food distribution programs. One of his legislative priorities this session was a bill that would make it easier for millions of tons of unused food by restaurants, supermanets, and other private businesses to end up in food pantries and shelters rather than in garbage cans.

The Bill Emerson Good Samaritan Food Donation Act is identical to legislation championed by Bill Emerson before his death. In the past, private donors have been reluctant to make contributions to nonprofit organizations because they are concerned about potential civil and criminal liability. With this legislation, private donors will be protected from such liability, except in cases of gross negligence and intentional misconduct. Those in need will truly benefit from this legislation.

Again, I am happy to be a part of this commonsense approach to fight hunger, and I appreciate the cooperation of all Members involved in this process.

Mr. SANTORUM. Mr. President, I want to say this bill was a long time coming. We have been hassling through a variety of different amendments. I want to thank Senator LEAHY, Senator KENNEDY, and their cooperation in finally getting this bill to pass. This is a bill that really is a tribute to a friend of mine and many here in this body, Bill Emerson, who recently passed away from cancer. Bill did tremendous work in the area of nutrition on the Agriculture Committee in the House. This is a fitting tribute, a bill that will bear his name, that will provide much more food for food banks to be able to feed needy families all over this country.

I am very proud to have been involved with this effort. Thank you, Mr. President.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

HOMEMAKER IRA’S

Mrs. HUTCHISON. Mr. President, I want to say, along with many others who have talked about some of the really important legislation that has been accomplished in the last few weeks in Congress, along with the one that I have worked the hardest for, and the one that I think will have a lasting impact, not tomorrow and not next year, but 20 years from now, and that is the homemaker IRA’s.

When I got to the Senate, I was very surprised that there was still the inequity against homemakers being able to save for their retirement security in the same way that someone who works outside the home is now able to do. In fact, this penalizes the one-income-earner family when the homemaker stays home and raises children. I think we should be encouraging homemakers to be able to do that, rather than discouraging them. That is why Senator MIKULSKI and I introduced the homemaker IRA bill in 1993.

We have been working for these 3 years, and this year, Senator ROTH, the chairman of the Finance Committee took up our cause. He and Chairman BILL ARCHER said that this would be a priority for them, and I want to thank Chairman ARCHER and Chairman ROTH for not only saying it would be a priority, but for delivering on that promise. They have delivered homemakers of this country an equal opportunity to save for their retirement security.

What this means, Mr. President, is that a homemaker will now be able to set aside $2,000 a year toward retirement security, accruing tax-free. That can make a difference of over $150,000 in a lifetime of savings, so that now a one-income-earner couple, if they both leave the workforce for 30 years, would have around $350,000 as a nest egg. That could make a big difference in retirement planning, especially for people who are squeezing to make ends meet so that one parent can stay home and raise the children.

So this is a wonderful accomplishment. It is one for which will not be appreciated, probably, in the near future because it does have to accrue into retirement. But this was a great bipartisan effort.

I do want to commend Senator LOTT for helping us move this through. I want to commend Senator ROTH and Senator EMERSON for shepherding it through the committees in the House and Senate. I just want to say how much I appreciate Senator MIKULSKI, Senator FEINSTEIN, NANCY JOHNSON, and JENNIFER DUNN and SUSAN MOLINARI on the House side, along with BARBARA KENNELLY, for making sure that this did become an accomplishment of this session of Congress.

Thank you, Mr. President. I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. COATS. Mr. President, in a moment, I am going to propose a unanimous-consent request that we move to the conference report to accompany H.R. 3252, the National Defense Authorization Act for fiscal year 1997. I note the absence of members of the other party on the floor. Obviously, they will want to be notified of this. I do not intend to pull any surprises here. I will be propounding that UC in a few moments.

The reason I do this, Mr. President, is that we have worked long and hard and very diligently this year to avoid the problems that we encountered last year in not moving the defense authorization bill for fiscal year 1996 as quickly as we would have liked. There were some issues that were contentious, and we did not have difficulty resolving some of those issues.

There was a determination on the part of the chairman and members of the committee this year to avoid the problem we had last year. I commend Senator THURMOND for the extraordinary work that he led in bringing this item to closure in a timely fashion. We held hearings earlier than we ever have, we held markups earlier than we ever have—at least since I have been on the committee—and we moved forward in an extraordinarily efficient way. We resolved the contentious issues and the defense authorization bill for fiscal year 1996 as quickly as we would have liked.