

The Gekas bill provides an umbrella of protection for men and women of good will, enabling them to carry on their beneficent works without the fear of being sued or the expense of having to acquire high-priced liability insurance.

The volunteer spirit is an American institution that is threatened by an aberrant phenomenon. Any reasonable measure that strengthens and preserves this spirit deserves favorable consideration.

Mr. CONYERS. Mr. Speaker, I rise in opposition to this legislation. Although H.R. 911 is well intentioned, it will do nothing to encourage increased voluntarism, it will unnecessarily preempt traditional State law, discriminates against women and seniors, and it fails to adequately protect against abuse by hate groups. Simply put, I believe we can encourage voluntarism without encouraging negligence.

H.R. 911 WILL DO NOTHING TO INCREASE VOLUNTARISM

We all want to increase voluntarism in our communities, but this bill doesn't amount to a hill of beans in that respect. No witness has been able to identify a single case whose outcome would have been altered had H.R. 911 been law at the time of the case, and we've found no evidence of any case filed during the last 7 years whose outcome would have been altered by the legislation. There is absolutely no empirical evidence showing that this bill would do anything to increase voluntarism.

H.R. 911 UNNECESSARILY PREEMPTS STATE TORT LAW

To the extent there is any problem with volunteer liability, the States are fully capable of passing their own laws protecting volunteers from personal civil liability. As a matter of fact, every State in the union now has a law specifically limiting the legal liability of volunteers or nonprofit organizations.

Moreover, by mandating these provisions on the States, we invite legal challenges to congressional authority to legislate in this area, particularly under the Supreme Court's recent decision in *United States versus Lopez*. The Justice Department Office of Legal Counsel has similarly expressed concern that the bill would invite constitutional challenges because its coverage is not limited to volunteer organizations that engage in interstate commerce or liability that arises by reason of volunteer services affecting interstate commerce.

Arguments that the so called opt-out provision protects State prerogatives because it allows them to elect not to have the provisions apply miss the mark. Not only does this require affirmative action in the statehouse and senate as well as the Governor's signature, many States only meet on a biennial basis and couldn't even consider electing to opt-out for several years. In addition, the opt-out provision is unduly narrow in that it would only allow States to preserve their laws if all the parties are residents of the State. This is in direct contravention of traditional conflict of law principles, which typically apply a State's law to outsiders so long as the injury occurred within a State.

H.R. 911 FAILS TO PROTECT AGAINST ABUSE BY HATE GROUPS

While there is a limited provision relating to hate groups in the bill, this does nothing to insure that State law does not unnecessarily immunize such persons. For example, if a particular State provides across the board immunity to volunteers, H.R. 911 continues to allow a member of a militia or hate group who negligently entrusts a gun to a child—who in turn

harms an innocent victim—to avoid responsibility for the negligent entrustment.

It is because of the bill's failure to provide full protection against harm perpetrated by hate group members that the Southern Poverty Law Center has chosen to oppose the legislation. Morris Dees, there chief trial counsel has written:

Under this legislation . . . a state could maintain or reinstate protections for volunteers of white supremacists, neo-Nazi and violent militia groups—the types of organizations the Southern Poverty Law center has crippled over the past ten years through the use of both federal and state tort laws . . . Without two-way preemption, ensuring that volunteers connected with hate groups are never insulated from liability, we would oppose H.R. 911.

H.R. 911 DISCRIMINATES AGAINST WOMEN, CHILDREN, AND ELDERLY

Because H.R. 911 limits recovery for noneconomic damages—the loss of a limb, the loss of reproductive capacity and other pain and suffering—by saying that tortfeasors are not jointly and severally liable for such damages. Losses incurred by a wealthy CEO who is a victim of negligence are easily translated into economic losses which are not limited by this bill. By contrast, losses incurred by a woman who loses her reproductive capacity, or a senior, or child who loses a limb, are more likely to be considered noneconomic damages which are limited by the bill.

CONCLUSION

Instead of enhancing volunteerism or helping our poor and underprivileged, H.R. 911 creates a complex and inconsistent new overlay of limitations, confusing a system of State tort law that has served this Nation well for more than 200 years. I urge a "no" vote on this legislation.

Mr. DOYLE. Mr. Speaker, as a cosponsor of the Volunteer Protection Act in both the 104th and 105th Congress, I am pleased that the House is considering this thoughtful approach to voluntarism, as it relates to the disincentive of potential litigation. This measure has significant bipartisan support and represents our commitment to encouraging individuals to contribute to the success of their communities by volunteering their valuable time.

In today's climate, schedules are busy and personal demands are great. As Members of Congress, we cannot directly remedy the day-to-day responsibilities of individuals which may pose as obstacles for volunteer service. We can however, remove obstacles for those individuals who have the time and interest in committing themselves to community service.

The Volunteer Protection Act provides protection from personal civil liability in reasonable circumstances to volunteers involved in the activities of groups such as nonprofits, community organizations, nursing homes, educational institutions, and local governments. If we are truly serious about encouraging voluntarism, support of H.R. 911 embodies a responsible, concrete first step. The consensus on the merits of this bill is evident by the wide range of philosophical views held by its 152 cosponsors.

The Volunteer Protection Act has met with success at every level. The Senate overwhelmingly approved this bill by a 99-to-1 vote. And the House Judiciary Committee reported this measure by a 20-to-7 vote. I am confident that the full House will act today in favor of this provolunteer legislation.

In the spirit of voluntarism, I urge my colleagues to join me in sending a message of assurance to those who selflessly provide uncompensated services to those in need by voting in favor of H.R. 911, the Volunteer Protection Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. INGLIS] that the House suspend the rules and pass the bill, H.R. 911, as amended.

The question was taken.

Mr. INGLIS of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF HOUSE REGARDING TERRORIST ATTACK IN CAMBODIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 121) expressing the sense of the House of Representatives regarding the March 30, 1997, terrorist grenade attack in Cambodia.

The Clerk read as follows:

H. RES. 121

Whereas Cambodia continues to recover from more than three decades of recent warfare, including the genocide committed by the Khmer Rouge from 1975 to 1979;

Whereas Cambodia was the beneficiary of a massive international effort to ensure peace, democracy, and prosperity after the October 1991 Paris Peace Agreements on Cambodia;

Whereas more than 93 percent of the Cambodians eligible to vote in the 1993 elections in Cambodia did so, thereby demonstrating the commitment of the Cambodian people to democracy;

Whereas since those elections, Cambodia has made significant economic progress which has contributed to economic stability in Cambodia;

Whereas since those elections, the Cambodia Armed Forces have significantly diminished the threat posed by the Khmer Rouge to safety and stability in Cambodia;

Whereas other circumstances in Cambodia, including the recent unsolved murders of journalists and political party activists, the recent unsolved attack of party officials of the Buddhist Liberal Democratic in 1995, and the quality of the judicial system—described in a 1996 United Nations report as "thoroughly corrupt"—raise international concern for the state of democracy in Cambodia;

Whereas Sam Rainsy, the leader of the Khmer Nation Party, was the target of a terrorist grenade attack on March 30, 1997, during a demonstration outside the Cambodia National Assembly;

Whereas the attack killed 19 Cambodians and wounded more than 100 men, women, and children; and

Whereas among those injured was Ron Abney, a United States citizen and employee of the International Republican Institute who was assisting in the advancement of democracy in Cambodia and observing the demonstration: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its sincerest sympathies to the families of the persons killed, and the persons wounded, in the March 30, 1997, terrorist grenade attack outside the Cambodia National Assembly;

(2) condemns the attack as an act of terrorism detrimental to peace and the development of democracy in Cambodia;

(3) calls upon the United States Government to offer to the Cambodia Government all appropriate assistance in identifying and prosecuting those responsible for the attack;

(4) calls upon the Cambodia Government to accept such assistance and to expeditiously identify and prosecute those responsible for the attack; and

(5) calls upon all Cambodian political parties to renounce and condemn all forms of political violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON], each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Resolution 121. I want to thank the gentleman from California [Mr. HORN], for sponsoring this resolution. House Resolution 121 rightfully expresses the concern of this Chamber about the terrorist grenade attack against a peaceful political rally in Cambodia on March 30, 1997.

Cambodia emerged from a protracted civil war in 1991 and soon thereafter began the difficult process of bringing prosperity and democracy to its people. The Congress has stood by Cambodia, has been a consistent supporter of the efforts to build and advance democratic institutions and processes there.

I strongly believe that it is appropriate for the House to condemn this grenade attack, a bloody and cowardly challenge to freedom, and to call on all parties to end political violence in Cambodia. The Cambodian Government must ensure that those responsible for this act of terror are brought to justice. This resolution reaffirms our support of those Cambodians who are committed to democracy and to human rights.

Mr. Speaker, I conclude by expressing our condolences to families of those who were killed in the attack, and I wish a full and speedy recovery for those who were wounded.

Again I commend my colleague, the gentleman from California, for introducing this resolution, and I want to thank the distinguished chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska [Mr. BEREUTER], for his leadership in bringing this measure before us today.

I fully support House Resolution 121 as a sign of our continuing support for democracy and for freedom in Cambodia, and I urge its adoption.

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

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the resolution.

Mr. Speaker, I certainly support this resolution. I urge my colleagues to vote for it. I want to express my appreciation to the chairman of the committee and the gentleman from Nebraska [Mr. BEREUTER], the two cosponsors, and of course the chief author of the resolution, the gentleman from California [Mr. HORN].

The resolution was adopted unanimously in committee. I do not know of any opposition to it. The administration supports the resolution. All of us agree, I think, that violence has no place in a democracy, and all those who believe in democracy have an obligation to speak out and to condemn such acts as this grenade attack in Cambodia a few weeks ago.

This resolution places the House of Representatives squarely on record in opposition to such wanton acts of violence, and I urge the adoption of the resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HORN], the sponsor of this resolution.

Mr. HORN. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations, and the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, and the gentleman from Indiana [Mr. HAMILTON], the ranking Democrat on the committee, for their initiative in bringing House Resolution 121 before the House of Representatives.

Yesterday we considered a critical measure on balancing our budget. Many had varying concerns over the impact made by a balanced budget. We debate this vital legislation because we are fortunate to live in a nation that allows us to debate the future direction of our country in peace. The only bombs thrown in this Chamber are rhetorical.

House Resolution 121, however, addresses a very different problem. The democratic system established in Cambodia in 1993 has existed in a very fragile environment. The hopes the world shared for peace in Cambodia are being frustrated again as violence returns to daily life and the political process in Cambodia.

As outlined in this resolution, we can voice our outrage at the March 30 attempt by some to fatally wound democracy in Cambodia. In this attempt, 19 were killed and over 100 were injured in an attack outside the Cambodian National Assembly. Among the wounded was an American, Ron Abney. He was in Cambodia as a staff member for the International Republican Institute. He was helping Cambodians in building a stronger representative system.

I urge the support of this resolution. It recognizes the hope of Cambodians and all free people to secure democracy and fair representation in this too-long-troubled nation.

Mr. Speaker, I have the privilege of representing Long Beach, CA, which is proud to be the home of 50,000 Cambodians. They chose Long Beach because California State University at Long Beach has educated many of the leaders of Cambodia in the late 1960's. When many of these able students returned to their country in the early 1970's, they left their families in Long Beach.

During the tragic days of 1975, one Cambodian after another left their native country before Pol Pot and his murderers and butchers were able to massacre them as he did 1 million Cambodians. Many of them have never forgotten their homeland. Some of them have returned to their country and are part of the current government, which is seeking to bring peace, progress, prosperity, and freedom to that beautiful nation.

I have had many of their children in my classes at the university. They are intelligent, hard-working students. They and their families bring new energy to our country and the country of their ancestors.

Mr. Speaker, I urge the passage of House Resolution 121.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of our Subcommittee on Asia and the Pacific.

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

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York, the chairman, for yielding me this time.

As an original cosponsor of this legislation, I, of course, rise in strong support of it. It condemns the tragic and unprovoked grenade attack that occurred on Easter Sunday morning at a political rally in Phnom Penh, Cambodia. The distinguished gentleman from California [Mr. HORN] is to be commended for his initiative in working with the Subcommittee on Asia and the Pacific and his earlier initiative in introducing this legislation.

Mr. Speaker, Cambodia has, of course, made tremendous strides toward democracy since the killing fields of Pol Pot and the Vietnamese occupation, but serious problems remain. There are real concerns about the deterioration of human rights problems in that country.

The most troubling in a string of recent violent incidents occurred on Easter morning, March 30, at a morning rally before the National Assembly building in Phnom Penh. Unknown assailants threw handgrenades into a peaceful rally being held by several opposition parties. Almost certainly the target of this highly coordinated attack was Sam Rainsy, the former finance minister and the leader of the opposition Khmer National Party. Mr. Rainsy escaped serious injury only because his bodyguard sacrificed his life when shielding him from the blast.

Although it is difficult to get a firm number, at least 16 individuals were killed and over 100 were wounded. One of those who was seriously wounded was Ron Abney, an employee of the National Endowment for Democracy's International Republican Institute. He was present at this rally in his capacity as an employee of the National Endowment for Democracy, and it almost certainly cost him his life. Almost. He was seriously injured.

The United States and the international community have an enormous amount invested in the peace process in Cambodia. Following the 1991 Paris Peace accord, international donors have plunged more than \$1 billion into ensuring that peace and normality return to Cambodia.

House Resolution 121 sends the strong message that political violence should not be allowed to return to Cambodia. Assassinations, bombings, and grenade attacks are not acceptable forms of political expression. The political parties in Cambodia must be made to understand that they cannot go down the path of political violence. They must know that the international community will not tolerate or support parties that condone political intimidation or violence.

House Resolution 121 represents a balanced and constructive effort to advance democracy and human rights in Cambodia. I commend, as I said, the gentleman from California for introducing the legislation. He has a long and distinguished record as an advocate for basic political liberties. It is this Member's understanding that the gentleman from California will be working with the National Endowment for Democracy as an election observer in the upcoming election in Cambodia. While such activities can be arduous, it is nevertheless extremely important, particularly in a country such as Cambodia that has such a fragile democracy.

This Member also thanks the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], for moving this initiative in such an expeditious manner. While the committee's schedule has been hectic, the gentleman from New York has been very gracious in addressing special concerns, such as the resolution before the body today.

I thank the distinguished ranking member of the committee, the gentleman from Indiana [Mr. HAMILTON], for his support, as well as my ranking member on the Subcommittee on Asia and the Pacific, the distinguished gentleman from California [Mr. BERMAN].

Again, Mr. Speaker, I commend the careful attention of the distinguished gentleman from California [Mr. HORN] on the events in Cambodia and his initiative in sponsoring this resolution. I urge support of House Resolution 121.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], one of our leading advo-

cates of human rights and a cochairman of the Human Right Caucus in the Congress.

Mr. PORTER. Mr. Speaker, I thank my friend from New York for yielding me this time and for those kinds words.

Mr. Speaker, I rise today to commend my colleagues for their efforts to call attention to the deteriorating political situation in Cambodia. Democracy is new in Cambodia and it is extremely fragile. The political violence that has again flared up in recent months has shaken an already unstable situation in this long-suffering nation.

The people of Cambodia have endured the brutality of the Khmer Rouge and the neglect of the international community. Now they are struggling with perhaps their greatest challenge, the effort to bring lasting peace and democracy to their country.

The deadly Easter Sunday attack on Sam Rainsy and the Khmer National Party shattered a peaceful demonstration in front of the Cambodian National Assembly. The wounded and injured were described in detail by the gentleman from Nebraska [Mr. BEREUTER] in his remarks. I might say, however, that Mr. Rainsy is convinced that persons in the government, specifically Second Prime Minister Hun Sen, colluded in the attack. I hope, Mr. Speaker, that he turns out to be wrong in that assessment.

This attack represents an affront to justice, peace, the rule of law, democracy, and the desires of the Cambodian people for these ideals to take root in their country. The KNP organized this rally to call attention to the need to strengthen the rule of law and reform the Cambodian judiciary. How ironic it would be if there were no justice for the victims.

Such actions of terror and cowardice threaten to undo a \$2 billion United Nations-led national reconciliation effort sponsored primarily by the United States. The KNP is a leading pro-democracy party, and they are working with other like-minded political parties to ensure that the national elections this year secure the gains that this international involvement has brought.

If acts of political violence go unpunished, the enemies of peace and democratic transition will be rewarded. This cannot be allowed to happen. Cambodia cannot be allowed to sink back into the horrible lawlessness from which it recently emerged. I am, therefore, pleased to join my colleagues in calling on our Government to offer assistance in bringing the perpetrators of this heinous crime to justice and in urging the prime ministers of Cambodia to take advantage of U.S. technical expertise.

Our Federal law enforcement agencies have the know-how to conduct a comprehensive investigation. I hope that the Cambodian Government will accept our help. Such a move would send a clear signal that they are serious about stopping political violence.

In addition, the Congress should call on all parties to vigorously renounce political violence and reaffirm their commitment to free and fair elections.

I have recently been to Cambodia, Mr. Speaker, and I do not underestimate the many hurdles to democracy in that country.

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However, I have also seen the spirit of the Cambodian people and I know of their strong desire for a better future. I can assure the Congress that we have an extraordinary and energetic U.S. Ambassador, Kenneth Quinn, who is doing an outstanding job working with all parties in all segments of Cambodian society to build the institutions of democracy and the elements of civil society in this fragile country for which we have so much moral obligation.

We cannot tolerate political violence or intimidation. The people of Cambodia deserve the opportunity to choose their future without fear. I commend this resolution and the leadership of the gentleman from California and the chairman of the committee and ranking member to all the Members and urge their support for it.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I want to thank my friend, the gentleman from Indiana [Mr. HAMILTON], for yielding.

Mr. Speaker, I rise to commend the distinguished gentleman from California [Mr. HORN] for bringing this issue to our attention. I am fully in support of his efforts, and I want to identify myself entirely with the words of my distinguished Republican cochairman of the Congressional Human Rights Caucus, the gentleman from Illinois [Mr. PORTER].

It is absolutely critical that we prevent Cambodia from sliding back into violence, dictatorship, human rights violations, and terrorism; and every effort should be made, with the assistance of all of our appropriate agencies, to bring the perpetrators of this outrage to justice.

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

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, House Resolution 121.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members