

is going to reform campaign financing significantly and importantly and in a good way. It will require greater disclosure of independent expenditures. I believe independent expenditures is a sore that is festering and is going to wind up tremendously damaging the body politic.

Unnamed people, with money coming from unknown sources, are running campaign ads viciously attacking candidates. That is wrong. That is really un-American.

The McCain-Feingold legislation will require the FEC to provide advance notice to complying candidates if they have been targeted by these independent expenditures or outside organizations.

McCain-Feingold would restrict contributions from people not eligible to vote in Federal elections. It could ban incumbent use of franked mass mailings in the calendar year of an election.

It would increase disclosure and accountability for those who engage in political advertising. And it would strengthen penalties for willful violations of Federal election law. We must do something to make people feel better about the elections.

Elections are 18 months away. Negative ads are already starting around the country. That is wrong. People who say we need to hold more hearings to determine whether or not McCain-Feingold is a good law, I say let us look at what has happened over the past 10 years. Congress has produced almost 6,800 pages of hearings. There have been 3,361 floor speeches. I guess because of this one, it is 3,362 floor speeches. There have been 1,060 pages of committee reports, 113 Senate votes on campaign finance reform, and one bipartisan Federal commission. Certainly this is enough. We have enough information to act responsibly.

Over the next 2 years, Madam President, Congress will deal with changes to regulations and programs that affect virtually every American, from clean air and water to education programs, matters dealing with crime in the streets, juvenile crime, trying to improve our infrastructure, Medicare, Medicaid, problems dealing with our Nation's elderly. In order to address these concerns credibly, should we not first act to reform the way we are elected? I say yes. I hope that my colleagues join hands in rallying around the McCain-Feingold legislation. It is the best we have to bring debate to the Senate floor and to get something done. I have talked about it for 11 years. It has been a problem even longer than that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MAINE HIGH SCHOOL PARTICIPATES IN "WE THE PEOPLE" PROGRAM

Ms. COLLINS. Mr. President, during this past weekend, 14 students from St. Dominic Regional High School in Lewiston, ME, joined with almost 1,200 other high school students from across the Nation to participate in the national finals for the "We the People" competition, a program designed to help students better understand the history of our Constitution and its Bill of Rights, which are the foundations upon which our system of government rests.

The St. Dominic High School students have been representing the State of Maine during this weekend's activities, which will culminate in a national winner being chosen tonight, at an awards banquet here in Washington. The St. Dominic's team spent a considerable amount of time and energy reaching the national finals this weekend by winning various competitions in Maine in order to earn the honor of representing our State.

The 14 members of our State's outstanding team, who should be individually acknowledged for their efforts in this undertaking, are:

Robyn Adair, Michael Beam, Julie Blanchette, Nicole Bouttenot, Rachel Bouttenot, Martin Bruno, Derek Coulombe, Emma Dore-Hark, Jennifer Elliott, Jonathan LaBonte, Kendra LaRoche, Kathryn Mailhot, Michael Theriault, and Matthew Walton.

Of course, in addition to these outstanding students, I want to acknowledge and recognize the hard work of their teacher, Rosanne Ducey, who deserves her fair share of the credit for the team's success as well. The "We the People" program coordinator for Maine, Pamela Beal, has also contributed a significant amount of her time and effort to help the St. Dominic team reach the national finals.

The "We the People" program, which is administered by the Center for Civic Education, is the most in-depth educational program in the country developed specifically to educate high school students about the U.S. Constitution. This past weekend's 3-day national competition re-creates a public hearing in which the student's oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

The "We the People" program has been operating for 10 years now. Since its origination, millions of students nationwide have participated in this program at either the elementary, middle, and/or high school level. This program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives.

Mr. President, I'm pleased to be able to recognize the valuable contribution that the St. Dominic Regional High School team has made to the success of

the "We the People" program, and I wish these students and their teachers the very best of luck. I am proud of their accomplishments.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 25, 1997, the Federal debt stood at \$5,345,392,363,906.29. (Five trillion, three hundred forty-five billion, three hundred ninety-two million, three hundred sixty-three thousand, nine hundred six dollars and twenty-nine cents)

Twenty-five years ago, April 25, 1972, the federal debt stood at \$428,301,000,000 (Four hundred twenty-eight billion, three hundred one million) which reflects a debt increase of nearly \$5 trillion—\$4,917,091,363,906.29 (Four trillion, nine hundred seventeen billion, ninety-one million, three hundred sixty-three thousand and, nine hundred six dollars and twenty-nine cents) during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

PRIVILEGE OF THE FLOOR

Mr. ABRAHAM. Madam President, I ask unanimous consent that Elizabeth Kessler, a member of my staff, be granted privilege of the floor for the period of time during which the Volunteer Protection Act is discussed.

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

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 543, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The Senate resumed consideration of the motion to proceed.

Mr. ABRAHAM. Madam President, this week in Philadelphia, President Clinton is joining former Presidents Bush and Ford, along with former Chairman of the Joint Chiefs of Staff Colin Powell at a summit to promote voluntarism.

I commend any and all efforts to increase charitable activity on the part of Americans. And I find it extremely fitting that this summit is being held in the City of Brotherly Love because charitable activity does more even than providing help and counseling to those in need. Charitable activity helps all Americans by promoting habits and appreciation of benevolent actions—actions aimed at helping those in need because it is the right thing to do.

Charitable activity binds us together as members of the same community. It helps each of us think of our neighbors, and even strangers, as our brothers, deserving of our care and help. By volunteering, Americans bring us together in our towns, cities, States, and indeed our Nation.

America has a vast interstate network of 114,000 operating nonprofit organizations, ranging from schools to hospitals to clinics to food programs.

This network's revenues totaled \$388 billion in 1990.

Meanwhile, revenues for the 19,000 support institutions—which raise money to fund operating organizations—came to \$29 billion.

And total revenues for religious congregations were \$48 billion. That's 465 billion dollars worth of nonprofit activity we enjoyed in 1990 alone.

Nonprofit organizations rely heavily on volunteers, and Americans gladly comply. According to a 1993 report from the Independent Sector, a national coalition of 800 organizations, Americans donated 9.7 billion hours of their time to nonprofit organizations that year.

This volunteer time produced the equivalent of 5.7 million full time volunteers, worth an estimated \$112 billion.

But there is trouble in the organizations and among the people who promote voluntary, charitable activity in our country. Unfortunately voluntarism is declining nationwide.

According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991 and 48 percent in 1993.

Americans also are giving less money. The average household's charitable donation dropped from \$978 in 1989 to \$880 in 1993.

The decline of giving and volunteering spells danger for our voluntary organizations, for the people who depend on them, and for the social trust that is based on the spirit of association.

This makes gestures, like the summit on voluntarism, important. It also means that we should look for immediate, practical means by which we in government can reduce the burdens that we impose on voluntary, charitable activity.

That is why I am extremely pleased to rise today to join my colleagues, Senator COVERDELL and Senator MCCONNELL, in sponsoring the Volunteer Protection Act of 1997, which we are debating on the floor at this time.

I commend Senators COVERDELL and MCCONNELL for their leadership in encouraging and supporting the voluntarism that is so important to communities in Michigan and across this country.

This long overdue legislation will provide volunteers and nonprofit organizations with desperately needed relief from abusive lawsuits brought based on the activities of volunteers.

Those are precisely the activities that we should be protecting and encouraging.

And one major reason for the decline is America's litigation explosion. Nonprofit organizations are forced to spend an increasing amount of time and resources preparing for, avoiding, and/or fighting lawsuits.

Thus, litigation has rendered our nonprofit organizations less effective at helping people, and allowed Americans to retreat more into their private lives, and away from the public, social activity that binds us together as a people.

Last Congress, I spoke on the floor many times concerning the need for litigation reform and describing the litigation abuses that plague our small businesses, our consumers, our schools, and others. I came to Congress as a freshman Senator intending to press for lawsuit reforms, and it is something I have worked very hard on.

I supported the securities litigation reform legislation, which Congress successfully enacted over the President's veto, and I also supported the product liability reform bill, which the President unfortunately killed with his veto.

I also introduced legislation with Senator MCCONNELL to provide broader relief in all civil cases, and offered floor amendments that would do the same.

I continue to support broader civil justice reforms and I particularly look forward to considering product liability reform legislation both in the Commerce Committee and on the floor in this session.

But I believe that our voluntary, nonprofit organizations, perhaps more than any other sector of our country, urgently need protection from current lawsuit abuses. I encourage my colleagues to consider the problems facing our community groups and their volunteers, and to support this legislation.

I hope that, given his public support for voluntary activity, President Clinton will support this litigation reform bill, recognize the value of volunteers and nonprofit groups, and give them the protection they need to keep doing their good deeds.

Litigation adds a variety of onerous burdens to our nonprofit organizations. Among the most obvious is increasing insurance costs.

Mr. John Graham, on behalf of the American Society of Association Executives [ASAE], gave testimony last year arguing that liability insurance premiums for associations have increased an average 155 percent in recent years.

Some of our most revered nonprofit institutions have been put at risk by increased liability costs.

Dr. Creighton Hale of Little League Baseball reports that the liability rate for a league increased from \$75 to \$795 in just 5 years. Many leagues cannot afford this added expense, on top of increasing costs for helmets and other

equipment. These leagues operate without insurance or disband altogether, often leaving children with no organized sports in their neighborhood.

What kind of suits add to insurance costs? ASAE reports that one New Jersey umpire was forced by a court to pay a catcher \$24,000. Why? Because the catcher was hit in the eye by a softball while playing without a mask. The catcher complained that the umpire should have lent him his.

Organizations that try to escape skyrocketing insurance costs must self-insure, and Andrea Marisi of the Red Cross will describe self-insurance costs only as "huge." The result? "Obviously, we have fewer funds available for providing services than would otherwise be the case."

Outside insurance generally comes with significant deductibles. Charles Kolb of the United Way points out that insurance deductibles for his organization fall into the range of \$25,000 to \$30,000. When, as has been the case in recent years, the organization is subjected to three or four lawsuits per year, \$100,000 or more must be diverted from charitable programs.

And there are even more costs. Mr. Kolb reports that the costs in lost time and money spent on discovery—for example going through files for hours on end to establish who did what when—can run into the thousands of dollars as well.

Further, as the Boy Scouts' William Cople puts it:

We bear increased costs from risk management programs of many kinds—[including] those to prevent accidents. We have higher legal bills as well. But even more of a problem is the need to find pro-bono help to quell possible lawsuits. The Scouts must spend scarce time, and use up scarce human capital in preventing suits. For example, 5 years ago the General Counsel's office, a pro-bono operation, committed less than 100 hours per year on issues relating to lawsuits. Last year we devoted about 750 hours to that duty.

The Boy Scouts must do less good so that they can defend themselves from lawsuits, and that just doesn't seem quite right.

Frivolous lawsuits also increase costs by discouraging voluntarism. Dottie Lewis of the Southwest Officials Association, which provides officials for scholastic games, observes, "Some of our people got to the point where they were just afraid to work because of the threat of lawsuits."

What makes this fear worse is the knowledge that one need do no harm in order to be liable.

Take for example Powell versus Boy Scouts of America. While on an outing with the Sea Explorers, a scouting unit in the Boy Scouts' Cascade Pacific Council, a youth suffered a tragic, paralyzing injury in a rough game of touch football.

Several adults had volunteered to supervise the outing, but none observed the game. The youth filed a personal injury lawsuit against two of the adult volunteers. The jury found the volunteers liable for some \$7 million, which

Oregon law reduced to about \$4 million—far more than the volunteers could possibly pay.

What is more, as Cople points out, “the jury seemingly held the volunteers to a standard of care requiring them constantly to supervise the youth entrusted to their charge, even for activities which under other circumstances may routinely be permitted without such meticulous oversight.”

Clearly, when an injury of this sort occurs, it is a tragic situation. The question is, How should society allocate these responsibilities, and to what extent should a voluntary organization and its volunteers be responsible for the same standard of care as outlined by this jury?

No one can provide the meticulous oversight demanded by the jury. Thus volunteers are left at the mercy of events—and juries—beyond their control.

Such unreasonable standards of care also penalize our nonprofit organizations.

Len Krugel of the Michigan Salvation Army reports that regulations and onerous legal standards often keep his organization from giving troubled youths a second chance.

Because the organization is held responsible for essentially all actions by its employees and volunteers, it can take no risks in hiring.

As Mr. Krugel observes, “If we can’t give these kids a second chance, who can?”

Then there is the problem of joint and several liability, in which one defendant is made to pay for all damages even though responsible for only a small portion.

Such findings are a severe burden on the United Way, a national organization that sponsors numerous local nonprofit groups. Although it cannot control local operations, the United Way often finds itself a defendant in suits arising from injuries caused by the local entity.

Such holdings result from juries’ desire to find someone with the funds necessary to pay for an innocent party’s injuries. But this search for the deep pocket leads to what Ms. Marisi calls a “chilling effect” on Red Cross relations with other nonprofits. And the same is obviously true for other national organizations.

The Red Cross is now less willing to cooperate with smaller, more innovative local agencies that might make it more effective.

Thus nonprofits forbear from doing good because they cannot afford the insurance, they cannot afford the loss of volunteers, they cannot afford the risk of frivolous lawsuits.

The Volunteer Protection Act will address the danger to our nonprofit sector, Madam President.

It will not solve all the problems facing our volunteers and nonprofits.

But it will provide voluntary organizations with critical protection against improper litigation, at the same time

that it recognizes the ability of the States to take additional or even alternative protections in some cases.

By setting the standard for the protection of volunteers outright, this bill provides much-needed lawsuit relief immediately to volunteers and nonprofits wherever they may be. Let me briefly describe what this bill does.

The bill protects volunteers from liability unless they cause harm through action that constitutes reckless misconduct, gross negligence, willful or criminal misconduct, or is in conscious, flagrant disregard for the rights and safety of those harmed.

This ensures that where volunteers truly exceed the bounds of appropriate conduct they will be liable. But in the many ridiculous cases I have described, some of them clearly frivolous—where no real wrongdoing occurred—the volunteer will not be forced to face and defend a lawsuit.

In lawsuits based on the actions of a volunteer, the bill limits the punitive damages that can be awarded.

It is unfortunate that charities and volunteers have punitive damages awarded against them in the first place, but they do.

Congressman JOHN PORTER, who is leading the fight for this legislation on the House side, reports that in August 1990, a Chicago jury awarded \$12 million to a boy who was injured in a car crash. The negligent party? The estate of the volunteer who gave his life attempting to save the boy.

Under this bill, punitive damages in cases involving the actions of a volunteer could be awarded against a volunteer, nonprofit organization, or Government entity only upon a showing by the claimant that the volunteer’s action represented willful or criminal misconduct, or showed a conscious, flagrant disregard for the rights and safety of the individual harmed.

This should ensure that punitive damages, which are intended only to punish a defendant and are not intended to compensate an injured person, will only be available in situations where punishment really is called for because of the egregious conduct of the defendant.

The bill also protects volunteers from excessive liability that they might face through joint and several liability.

Under the doctrine of joint and several liability, a plaintiff can obtain full damages from a defendant who is only slightly at fault. I have spoken many times before about the unfairness that may result from the application of this legal doctrine. The injustice that results to volunteers and nonprofits is often even more acute, because they lack the resources to bear unfair judgments.

This bill strikes a balance by providing that, in cases based on the actions of a volunteer, any defendant that is a volunteer, nonprofit organization, or Government entity will be jointly and severally responsible for the full share of economic damages but

will only be responsible for non-economic damages in proportion to the harm that that defendant caused.

Finally, I would like to speak for a moment about how this legislation preserves important principles of federalism and respects the role of the States.

First, the bill does not preempt State legislation that provides greater protections to volunteers. In this way, it sets up outer protections from which all volunteers will benefit and permits States to do even more.

But second, the bill includes an opt-out provision that permits States, in cases involving only parties from that State, to affirmatively elect to opt out of the protections provided in the Volunteer Protection Act. A State can do so by enacting a statute specifically providing for that. I suspect that no States will elect to do so, but I feel that, as a matter of principle, it is important to include that provision in order to maintain the proper balance of federalism in this legislation.

Madam President, in short, these reforms can help create a system in which plaintiffs sue only when they have good reason—and only those who are responsible for their damages—and in which only those who are responsible must pay.

Such reforms will create an atmosphere in which our fear of one another will be lessened, and our ability to join associations in which we learn to care for one another will be significantly greater. And that, Madam President, will make for a better America. I urge my colleagues on both sides of the aisle to support this important piece of legislation.

We talk often in this Chamber about how to foster a sense of community in America. It is something which many people have a varied perspective on. But it strikes me, Madam President, that nothing can do more to help generate the sense of community than to create an atmosphere in which people stop looking at their neighbors as possible plaintiffs and defendants and start looking at them as friends and neighbors again.

I think we have moved in the wrong direction because of the litigation explosion generated by frivolous lawsuits. I think legislation such as the Volunteer Protection Act will help to redress that balance and put us back on the right course so that the ideals that are being talked about these days in the summit in Philadelphia can truly be realized and effectuated to their maximum possible degree.

For that reason, I am glad to be a cosponsor of this legislation. I look forward to speaking again on it here as the debate continues. I do hope our colleagues will join us in supporting this very important piece of legislation which we might, with some help, get through the Congress in the very near future.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ABRAHAM. Madam President, as I noted in my past remarks a moment or so ago, today in Philadelphia, PA, some of the leaders of our country, former Presidents as well as President Clinton and numerous other elected officials and volunteer leaders from around the Nation, are meeting to try to provide incentives to all of us to take a greater and more active role in volunteering in our communities to help our fellow citizens.

In light of that happening, I cannot help but think about a friend of mine who passed away a couple of years ago, former Gov. George Romney of Michigan.

Governor Romney was elected Governor of our State in 1962 and held that job for 6 years, at which time he was asked to join the Cabinet of President Nixon and became Secretary of Housing and Urban Development. Prior to his Government service, he had been the president of American Motors Corp. So he had a distinguished career in both business as well as in the public sector.

When he left Government officially, he then made sort of his principal focus in life the spirit of voluntarism and worked in a variety of ways throughout his remaining 20 years or so of life to try to generate nationwide interest and support for voluntarism. In fact, he started as head of the national organization called Volunteer, I believe, whose job it was to try to provide stimulus for greater volunteer participation.

I recall very vividly in 1991 when Gov. John Engler was elected to his first term in our State. Governor Romney reinvented himself in the voluntarism activity level in Michigan and helped put together a bipartisan voluntarism commitment in our State that has done many good deeds as a consequence.

He also was active in the Points of Light organization nationally. He was on the board of the nonprofit entity, Points of Light, I believe it is called, and certainly served as an inspiration in both the launching of that as well as its successful development.

I mention him today not just because of the connection to voluntarism that the summit provides but also because it turns out he was perhaps, more than anyone, the inspiration for this summit, having thought of the idea and recommended it, I believe, to Mr. Wofford and others who then moved it forward.

So he was an inspiration both to his Nation and certainly to this U.S. Senator in many ways. But also he should be remembered today on the floor of

the Senate, as so many Americans will spend the next day or so focusing on what they can do to help others in their communities. It is people like George Romney who have called our attention to the enormous challenges ahead of us.

So I wish to mention him today to recall his many achievements, his many contributions, and how much I am confident that, were he still alive, he would be involved even today, in Philadelphia, if he could have been, in helping to further the cause for which he had such a great commitment.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COVERDELL. Mr. President, it is my understanding that the Senate is considering S. 543.

The PRESIDING OFFICER. The Senate is on a motion to proceed to that bill, S. 543.

Mr. COVERDELL. Mr. President, I yield myself whatever time is necessary to make my statement.

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

Mr. COVERDELL. Mr. President, today the Senate begins debate on the motion to proceed to S. 543, the Volunteer Protection Act of 1997.

This bill would grant immunity from personal civil liability under certain circumstances to volunteers working for nonprofit organizations in governmental entities. This legislation is intended to encourage more people to step forward and serve their communities as volunteers by removing the fear of unwarranted lawsuits against volunteers.

It is appropriate that we consider this issue today. Yesterday in Philadelphia a remarkable gathering got underway. The President's Summit for America's Future brought together President Clinton, President Bush, President Ford, President Carter, Gen. Colin Powell, and other national leaders in an effort to focus the Nation's attention on the importance of and the need for volunteer service.

The assembled leaders there issued a call to action, asking every American to do more, asking all of us to volunteer our time and efforts in community service.

This is in the best tradition of America. Since before our Nation's founding, charities have helped the poor, counseled the troubled, and by their example taught us to care for our neighbors. They are the key to our survival as a nation. Americans have a proud history of supporting volunteers.

Yet, many who would heed the call of the Philadelphia summit will not do so—not because they lack the desire or

the ability to help, but because they, quite frankly and rightly, fear risk of liability in a society that seems too often to resemble a lawsuit lottery.

In a recent Gallup survey of nonprofit volunteers, one in six volunteers reported withholding their services for fear of being sued. About 1 in 10 nonprofit groups report the resignation of a volunteer over the threat of liability. Eighteen percent of those surveyed had withheld their leadership services due to fear of liability.

These numbers reflect a chilling effect that causes potential volunteers to suppress their good intentions and their desire to get involved. Nonprofit organizations rely heavily on volunteers. Moreover, the very act of participating in charitable work helps bind Americans together as a people. At a time when there is so much good work that needs to be done, we cannot afford to have good people turn away for fear of a devastating lawsuit.

That is why I introduced the Volunteer Protection Act, along with Senator MCCONNELL, who has dedicated long service to this effort and who has been an outstanding leader on the issue, and Senator ABRAHAM, Senator SANTORUM, and Senator ASHCROFT. We have since been joined by a number of our colleagues.

Briefly, Mr. President, our bill provides that no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by a volunteer's negligent acts or omissions on behalf of the organization. To enjoy this protection, the volunteer must be acting within the scope of his or her responsibilities in the organization and must not cause harm by willful or criminal misconduct, gross negligence, or reckless misconduct.

It is also important to note that the protection from liability does not extend to misconduct involving violent crimes, hate crimes, sex crimes, or civil rights violations. It does not apply where the defendant was under the influence of drugs or alcohol. This ensures that where volunteers truly exceed the bounds of appropriate conduct, they are liable.

The bill is intended to protect volunteers who make simple, honest mistakes. Where behavior is more egregious, no protection is warranted. But in the many ridiculous cases where no such wrongdoing occurs, the volunteer will not face a lawsuit or financial ruin. We want to encourage people to get involved without the fear of losing their home and all the family assets in a lawsuit if an act happens.

Persons injured by a volunteer's simple negligence will still be able to bring suit against the organization itself to compensate for their injuries. As a result, nonprofit organizations will continue to have the duty to properly screen, train, and supervise their volunteers. Nothing in this bill encourages carelessness on anyone's part.

The bill requires clear and convincing evidence of gross negligence before

punitive damages may be awarded against a volunteer, nonprofit organization, or governmental entity because of a volunteer's actions. Because punitive damages are intended to punish and deter misconduct, a higher standard is required to trigger those damages. Punitive damages will only be available where the defendant's conduct merits punishment.

This bill also establishes a rule of proportionate liability rather than joint and several liability in suits based on the action of a volunteer. For noneconomic losses, the volunteer, the organization, and others who may be at fault in a given action will be responsible for paying only for their portion of the harm. Any defendant will continue to be jointly and severally liable for economic loss.

We have seen a problem with joint and several liability in which one defendant is made to pay for all damages even though responsible for only a small portion. Such results are a severe burden on the United Way, the national organization sponsoring numerous local nonprofits. Although it cannot control local operations, the United Way often must defend itself in suits arising from injuries caused by the local entity.

These holdings result from juries' desires to find someone with funds to pay for an innocent party's injury but the search for deep pockets produces what a Red Cross spokesperson calls "a chilling effect" on Red Cross relations with other nonprofits. The Red Cross is now less willing to cooperate with smaller more innovative local agencies that might make it more effective.

So, on the issue of joint and several liability, the bill promotes a balance between ensuring full compensation for economic losses, including medical expenses, lost earnings, placement services, and out-of-pocket expenses, among others, and ensuring fairness in not holding volunteers, nonprofit organizations, and government entities responsible for noneconomic harm they do not cause.

Mr. President, in putting this bill together, we were mindful of the concerns about federalism. While the bill will generally preempt State law to the extent that it is inconsistent with the bill, the bill will not preempt any State laws that provide additional protections from liability relating to volunteers, nonprofit organizations, and government entities. This sets an outer limit of volunteer liability while permitting States to provide even greater protections.

We give States flexibility to impose conditions and make exceptions to the granting of liability protection. And we allow States to affirmatively opt out of this law for those cases where both the plaintiff and the defendant are citizens of that State.

Mr. President, the independent sector reports that the percentage of American volunteering dropped from 54 percent in 1989 to 48 percent in 1993. That, I might add, represents thousands upon thousands of volunteers. Obviously,

there are a number of relevant factors explaining this decline. But one major reason is America's litigation explosion.

Nonprofits must spend an increasing amount of time and resources preparing for, avoiding, and/or fighting lawsuits. Litigation renders them less effective at helping people, and it scares off the volunteers which they rely on.

Mr. President, in closing, let me just once again remind my colleagues of the historic summit that occurred in Philadelphia yesterday. That summit was designed to remind Americans of something that is so very much unique to our Nation. The world has long studied and wondered and marveled at the American volunteer.

I was fortunate to be the Director of the United States Peace Corps, which has sent about 150,000 volunteers into over 100 countries over the last 35-plus years. So I have had a chance to look right in the eye at this unique quality of the American spirit and can attest to it, and admire it.

Your work is not finished when you leave the country that you have served. When you return to the United States the third goal begins—helping to make America understand the world. To do that we call on the volunteers to step forward again, again, and again.

The United States should do everything within its power to nurture this unique treasure and to make it grow. It is infectious, and it is wonderfully healing.

On my trip from the airport to the Senate Chamber, I was advised that this legislation has been caught in a leveraging dispute, and it is a dispute in which I participated—the Executive order proposed by the administration to very much narrow those eligible for Federal contract work. That dispute will go on for some time, but I cannot think of a worse piece of legislation to be dragged into the dispute. It should not be ensnared. It should become another demonstration of what Republican and Democrat Presidents said to the Nation in Philadelphia yesterday. I hope the other side would think very carefully about drawing the Volunteer Protection Act, which is an extension of efforts to strengthen the American volunteer, into that dispute.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I now send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry E. Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, R. F. Bennett, and Mike DeWine.

Mr. COVERDELL. Mr. President, for the information of all Senators, this cloture vote would occur on Wednesday of this week if cloture is not invoked tomorrow at 2:15. As always, all Senators will be notified as to when they can anticipate this vote on Wednesday, if it is necessary.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CHEMICAL WEAPONS CONVENTION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 30

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on April 25, 1997, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Senate of the United States:

I am gratified that the United States Senate has given its advice and consent to the ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the "Convention").