

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").

During the past several months, the Senate and the Administration, working together, have prepared a resolution of advice and consent to ratification of unusual breadth and scope. The resolution that has now been approved by the Senate by a strong, bipartisan vote of 74-26 contains 28 different Conditions covering virtually every issue of interest and concern. I will implement these provisions. I will, of course, do so without prejudice to my Constitutional authorities, including for the conduct of diplomatic exchanges and the implementation of treaties. A Condition in a resolution of ratification cannot alter the allocation of authority and responsibility under the Constitution.

I note that Condition (2) on Financial Contributions states that no funds may be drawn from the Treasury for payments or assistance under the Convention without statutory authorization and appropriation. I will interpret this Condition in light of the past practice of the Congress as not precluding the utilization of such alternatives as appropriations provisions that serve as a statutory authorization.

I am grateful to Majority Leader Lott, Minority Leader Daschle, and Senators Helms, Biden, Lugar, Levin, McCain and the many others who have devoted so much time and effort to this important ratification effort. It is clear that the practical result of our work together on the Convention will well serve the common interest of advancing the national security of the United States. In this spirit, I look forward to the entry into force of the treaty and express my hope that it will lead to even more important advances in the United States, allied, and international security.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 25, 1997.

REPORT RELATIVE TO THE CHEMICAL WEAPONS CONVENTION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 31

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 CONGRESS OF THE UNITED STATES:

In accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify that:

—In connection with Condition (1), Effect of Article XXII, the United States has informed all other States Parties to the Convention that the Senate reserves the right,

pursuant to the Constitution of the United States, to give its advice and consent to ratification of the Convention subject to reservations, notwithstanding Article XXII of the Convention.

—In connection with Condition (7), Continuing Vitality of the Australia Group and National Export Controls: (i) nothing in the Convention obligates the United States to accept any modification, change in scope, or weakening of its national export controls; (ii) the United States understands that the maintenance of national restrictions on trade in chemicals and chemical production technology is fully compatible with the provisions of the Convention, including Article XI(2), and solely within the sovereign jurisdiction of the United States; (iii) the convention preserves the right of State Parties, unilaterally or collectively, to maintain or impose export controls on chemicals and related chemical production technology for foreign policy or national security reasons, notwithstanding Article XI(2); and (iv) each Australia Group member, at the highest diplomatic levels, has officially communicated to the United States Government its understanding and agreement that export control and nonproliferation measures which the Australia Group has undertaken are fully compatible with the provisions of the Convention, including Article XI(2), and its commitment to maintain in the future such export controls and nonproliferation measures against non-Australia Group members.

—In connection with Condition (9), Protection of Advanced Biotechnology, the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on chemicals.

—In connection with Condition (15), Assistance Under Article X, the United States shall not provide assistance under paragraph 7(a) of Article X, and, for any State Party the government of which is not eligible for assistance under chapter 2 of part II (relating to military assistance) or chapter 4 of part II (relating to economic support assistance) of the Foreign Assistance Act of 1961: (i) no assistance under paragraph 7(b) of Article X will be provided to the State Party; and (ii) no assistance under paragraph 7(c) of Article X other than medical antidotes and treatment will be provided to the State Party.

—In connection with Condition (18), Laboratory Sample Analysis, no sample collected in the United States pursuant to the Convention

will be transferred for analysis to any laboratory outside the territory of the United States.

—In connection with Condition (26), Riot Control Agents, the United States is not restricted by the Convention in its use of riot control agents, including the use against combatants who are parties to a conflict, in any of the following cases: (i) the conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict (such as recent use of the United States Armed Forces in Somalia, Bosnia, and Rwanda); (ii) consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter; and (iii) peacekeeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

—In connection with Condition (27), Chemical Weapons Destruction, all the following conditions are satisfied: (A) I have agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the convention for the destruction of chemical weapons; (B) the requirement in section 1412 of Public Law 99-145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007; (C) the requirement in Article III(1)(a)(v) of the Convention for a declaration by each State Party not later than 30 days after the date the Convention enters into force with respect to that Party, on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article; and (D) I will consult with the Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under Part IV(A) of the Annex on Implementation and Verification to the Convention, if, as a result of the program of alternative