

coached. I know how hard those individuals work to sell hamburgers and hot dogs and peanuts to make money to buy ball caps and uniforms. These kinds of insurance rates are really detrimental to the public spirit in America—and the rate increases are driven by lawsuits.

I believe that this bill will strengthen the role of both volunteers and non-profit organizations. It restores common sense to the way our courts treat volunteers by protecting them from tort liability for simple acts of negligence. It also retains penalties for egregious activities such as sexual abuse and hate crimes and civil rights violations. Individuals who commit these kinds of acts will still be subject to lawsuits.

It will not protect people who have done acts under the influence of drugs or alcohol, so that volunteers who commit illegal acts or improper acts under the influence of alcohol will still be liable. And, although the individual volunteer may not be liable for compensatory damages, the organizations who are utilizing the volunteer's services would remain liable to compensate injured parties who have been wronged.

I support this bill's limitation on punitive damages. Under this bill punitive damages may not be awarded unless a claimant demonstrates through clear and convincing evidence—it is not impossible evidence; just clear and convincing evidence—that the harm arising from the actions of a volunteer was the result of conduct that was either willful or criminal in nature or that showed a genuine indifference to the safety of others.

By raising the legal bar for the award of punitive damages, we will accomplish two goals. We will help ensure that only the conduct that truly deserves such a penalty will be punished and we will reduce the amount of punitive damages awarded, thereby freeing up resources to be used for more productive purposes.

The bill's elimination of joint and several liability for noneconomic losses, such as pain and suffering, will advance these goals as well.

Let me say this, Mr. President. There has been a suggestion that the Ku Klux Klan would be covered under this bill. I do not believe that is correct. I do not believe the Klan would be covered by the definition of a charitable organization under this bill. I certainly would not want it to be covered. But in any case, in any circumstance, actions that are willful and unlawful would remain, under this bill, subject to lawsuits and punitive damages.

I had the opportunity, as U.S. attorney, to be involved in prosecuting a number of Klan members for an illegal action. It resulted in the death of a young black man for no other reason than because of his race. One of those individuals is serving life without parole and another one is on death row today. As U.S. attorney, just last year, that death sentence was upheld by the

Eleventh Circuit Court of Appeals. I expect, as months go by, that he will be brought forward to execution, as he should be.

Arising out of that case, under the leadership of one of America's most capable lawyers, Morris Dees, a civil lawsuit was filed against the Klan. It resulted in the winning of that lawsuit because of the Klan's policies that encouraged violence. That organization itself was held responsible for the criminal actions of its members. As a result of that action, the Klan headquarters was forfeited and sold for the benefit of the family that suffered death in that case.

I will just say this, Mr. President. That lawsuit would not be prohibited by this bill, because it was illegal and a part of a hate crime. The activities that gave rise to that lawsuit are exempted from the protections offered by this bill. Those kinds of lawsuits would continue. It is disturbing to me to see individuals take this floor and suggest that a bill designed to protect people's charitable impulses, to allow them to participate freely in helping other people without fear of being sued, that that would somehow be a bill designed to protect that despicable organization, the Ku Klux Klan. I think that it is unfortunate that that suggestion has been made. It is not true and is not a legitimate basis to object to this bill.

Finally, I support the bill's respect for federalism. The inclusion of the State opt-out provision in this bill recognizes the role of individual States in setting the statutory boundaries of their own tort laws when citizens of the same State are the only parties to an action. States can opt out of this if they choose. It does not mandate that they concur in these activities.

So again, I would like to encourage my colleagues to support this bill. It is good legislation which will serve to reinvigorate the volunteer spirit that has been a traditional component of the American character.

There have been a number of shows and studies and reports done on Alexis de Tocqueville and his travels throughout America. One of the things he was most struck by was the volunteer community spirit of America. That is a good spirit. The President, former President Bush, Gen. Colin Powell, and others recognized that just this weekend. We need to make sure that the laws of this country are supportive and conducive to the volunteer spirit. I think we have lost some of that protection. It needs to be restored.

I congratulate Senators COVERDELL, ABRAHAM, and MCCONNELL for their efforts. I look forward to having the opportunity to vote for this bill's final passage.

Thank you, Mr. President.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I want to thank the Senator from Alabama for his out-

standing remarks, and I appreciate his support of the measure, particularly in light of his experience. I commend him for his involvement in this important concept to help promote volunteering and to help foster and encourage the better impulses we have to help each other. That is what this bill is about.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from North Dakota.

Mr. DORGAN. My understanding is there are 36 minutes left on the time controlled by Senator LEAHY.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that the time be allocated as follows: That I be allowed to speak for 14 minutes; the Senator from the State of Washington, Senator MURRAY, for 14 minutes; the Senator from Massachusetts, Senator KENNEDY, for 8 minutes.

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

THE DISASTER IN THE NORTHERN GREAT PLAINS

Mr. DORGAN. Mr. President, I come to the floor today once again to talk about the disaster that has occurred in the northern Great Plains, specifically South Dakota, Minnesota, and North Dakota, and to talk just a bit about the need for us to proceed with a disaster appropriations bill.

Mr. President, this poster is of a North Dakota farmer standing in front of a 20-foot snowbank. This happens to be level ground. You could not tell that much by what the poster looks like. Three years of snow falling in 3 months in North Dakota, capped by the worst blizzard in 50 years, which in many parts of the State added 2 more feet of snow. That created a set of conditions that resulted in the disastrous flooding that now occurs.

This is a farmer standing in his yard, backgrounded by a 20-foot snowbank. Unless you are there and have seen it, have seen the 40- and 50-mile-an-hour winds with 60 and 80 below windchills that have created this kind of situation, you really do not understand how it results in this. This is the Wahpeton-Breckenridge area, right on the border of the Red River. You will see the downtown area, and you will see that the downtown is completely under water.

This is a picture just north of Fargo, ND, which gives a sense that in an area as flat as a table top, the Red River Valley, the flood waters expanded to cover virtually everything. This little city of Harwood built a ring dike, and you will see that this tiny town of Harwood is not inundated, but you will see the rest of the Red River Valley is flooded. As the rivers course through Fargo, first Wahpeton, then Fargo, and on up to Grand Forks, you see now a picture of downtown Grand Forks, ND,

with a fireman up to his waist in water. This is a downtown street. He is fighting a fire that consumed an entire city block. Firefighters, experiencing hypothermia, in ice-cold sewage-infested water—because the sewers backed up throughout the city, and the system collapsed—were trying to fight a fire without equipment. A fireman named Randy said, "Normally, when we fight a fire, water is our ally. In this case, we did not have water to pump." They tried to fight fires in multistory buildings, standing up to their waist in water in some cases, with fire extinguishers. What a valiant and heroic effort they made. But of course this city was inundated.

I and some others have been in the downtown area of this city in a boat. One boat I was in, operated by the Coast Guard, ran into a car—ran over the hood of the car. The only thing you could see of the car was 2 inches of the radio antenna sticking above the water. That is how we knew the boat hit a car on a downtown street so deep with the water.

The reason I come to the floor to show you these pictures and to tell you about the people of my region is that it is important, as we have done in every other disaster—earthquakes, floods, fire, and tornadoes—to extend a helping hand by the American people to this region to say we know what is happening to you and we want to help you. You are not alone. The rest of the country extends a helping hand to try to help you through this crisis.

It is not about buildings and snowbanks. It is about little boys, about grandpas and grandmas, about wage earners, working couples. A little boy, 7 years old, sitting in front of an airplane hangar at the Grand Forks Air Force Base, lost his home, and was looking at the ground dejected when I came to him and visited the shelter where thousands of people had been evacuated. The little boy knew his home was under water and he had nowhere to go. Not much hope. Eyes filled with tears. An older woman named Vi, a wonderful woman, a wonderful woman, on the phone when I met her, calling FEMA for help. Her eyes were filled with tears talking about what she had lost. So many others who have lost so much. Everything they have built, everything they have invested in, everything they have saved, inundated and devastated by a flood that came and stayed.

This region is just now finally beginning to start thinking about rebuilding. I was on the phone half an hour ago with a fellow who just got into his home and is pumping out his basement and trying to assess the damage.

Now, we have an opportunity in this Congress to pass a bill called a disaster supplemental appropriations bill. We have done that in the past. I, from North Dakota, have been pleased to vote for and support disaster supplemental appropriations for people who have been victims of earthquakes,

floods, fires and tornadoes across this country because I think we need to say to them, "We offer hope, we want to help."

Let me say, as the Appropriations Committee begins this process, I am enormously grateful for the chairman and the ranking member of that committee, Senator STEVENS and Senator BYRD, and so many other members of the committee who have worked diligently on this issue and worked with us and cooperated in a manner that one can only hope for. Thanks to them, thanks for the wonderful work they have done in order to put together a supplemental appropriations bill. We need to do much more because we do not know the entire extent of the damages. In the coming days, we will continue to work to do much more, to add money for the community development block grants, EDA and others, so we continue to appreciate very much the cooperation of the chairman and the ranking members and others on a bipartisan basis.

Mr. President, I am worried now because we were told this morning that there are some who want to add four very controversial amendments having nothing at all to do with floods, fires, winter storms, and disaster. They want to add four very controversial amendments to this disaster supplemental bill. When President Clinton came to North Dakota last week, one of the things he said is, "Let us pass a disaster supplemental bill, let the Federal Government extend a helping hand, and let us make sure that no one in Congress is tempted to add extraneous or unrelated amendments that would hold it up." Well, I worry now, because what we were told this morning is that there are those who want to add four amendments, all very controversial, all of them or any of which could trip up this bill. Those people, with tears in their eyes but hope in their hearts because they feel that we are going to extend a helping hand, do not, do not, do not deserve to have anyone meddle with this kind of legislation.

Let us, all of us, decide when disaster strikes, when tragedy visits any region of this country, any group of Americans, that we must rise as one to say, "Let us help. You are not alone. Let us be there with you." That is what this bill is.

Again, I started by saying I so much appreciate the cooperation of the chairman of the Appropriations Committee, Senator STEVENS, the ranking member, Senator BYRD, and so many others, especially the staff and others, who worked so hard on this kind of legislation. Our job now is to get it up, out, and moving and get it to the President and get it signed and get the help moving to these folks in this region of the country to say to them, "We want to help you rebuild. We want to help in your recovery. We want to help you rebuild your dreams, your hopes. We want to help your family recover." That is our responsibility. That

is our requirement. Let us not, any of us, let us not be tempted to decide that this is an opportunity to meddle with some kind of amendment that has nothing to do, at all, with disaster and tragedy.

I, today, call on all of my colleagues, each and every one of my colleagues, to decide this disaster supplemental bill ought to be passed, we ought to pass it soon, and we ought to get it signed into law to offer help and hope to those people who have suffered so much. If there are those who have other agendas, there is time, plenty of time, to address those agendas—the next day, next week, the next month. There is plenty of opportunity to bring any idea, any amendment, any agenda they have, to the floor of the Senate. But do not load this supplemental appropriations bill with extraneous and unrelated controversial amendments that will either stop or slow down the help that we intend to send on the way to the victims of this disaster.

I hope in these coming hours, as we talk through the issues that were discussed this morning, proposed amendments to the supplemental appropriations bill, I hope that all of us in this Chamber will come to the same result: Passing a disaster appropriations bill, a supplemental bill, to respond to this disaster is critically important. It ought to be done and done now, without anyone in this Chamber using it as an opportunity to advance an agenda that has nothing to do with the disaster supplemental bill. I call on my colleagues for that level of cooperation. I thank all of them for their help. The people I represent in this region of the country will be enormously grateful for what this Congress will do in extending a helping hand to people who have suffered so much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

WASHINGTON STATE AND CHINA

Mrs. MURRAY. Mr. President, I rise to discuss an issue of tremendous importance to Washington State and the Nation. The issue is China and specifically, my trip to both Hong Kong and Beijing over the recent Easter recess.

My trip to Hong Kong and China was an opportunity for me to discuss candidly the issues to be confronted by the United States Senate; most-favored-nation trade status for China, the World Trade Organization, Hong Kong's reversion to Chinese sovereignty, the trade imbalance between the United States and China, my personal concerns on human rights, and numerous other issues.

Additionally, I took this trip intent on raising the profile of Washington State in both Hong Kong and China. In the early 1950's, Senator Warren Magnuson of the State of Washington whose seat I now occupy was the first United States Senator to promote closer ties between the United States and China.