

weight room, who might not be providing sufficient supervision and as a result some young person who is lifting weights, drops the weights on his leg, breaks his leg, and sues.

The professional employee at the boys club probably does not have deep pockets. The boys club of Bryan-College Station, where I am from, is not a rich organization. But the volunteer, working in the front, who by definition of being a volunteer is able to give their time voluntarily might have substantial assets. Under Texas law, they could be held liable. In this situation, you might end up having a volunteer, who never went into the weight room and who simply was there helping check people in, be the only one with deep pockets. Some knowledgeable and aggressive lawyer could end up suing the volunteer for something they had nothing to do with.

Here is what the Coverdell bill does, and it does it very simply. No. 1, it recognizes the contributions that volunteers make and defines the reason we want to encourage voluntarism. Then it sets out some very simple principles about liability. That is, it relieves volunteers from liability for harm caused if: No. 1, the volunteer was acting within the scope of their responsibility; No. 2, if a license or training was required for the job the volunteer was doing and the volunteer indeed had the license or the required training; and, No. 3, if the harm was not caused by willful or criminal misconduct or gross negligence.

So, it sets out some simple common-sense criteria which requires that volunteers meet the training requirements and to be carrying out their function for which they volunteered in a responsible manner. The bill also bars the awarding of punitive damages against a volunteer and, in a very important provision of the law, it sets out proportional liability for noneconomic damages. Under this bill, if you have a volunteer who has deep pockets and who is simply checking people in at the front of the building, and has nothing to do with what is going on in other parts of the building, then if a lawsuit should be filed, they could be liable only for an amount proportionate to their involvement in causing the harm.

In addition, there are many safeguards in this bill which have been discussed at some length in this debate. States have the ability to opt out of this if they choose to do so. I do not believe they will choose to do this because basically what we are trying to do in this bill is to encourage voluntarism by limiting liability, by assuring people that if they are willing to put up their time and their talent and their money to help other people, and if they are willing to volunteer to try to help their community, as long as they do their job in a reasonable and responsible manner, then they are not going to end up being dragged into a courtroom.

I want to address one part of the opposition to this bill. This is a very tiny

step, in my opinion, in the right direction toward legal liability reform. This is a tiny step in the direction of beginning to do something about runaway litigation in America. I believe that the opposition to this bill really springs from those who do not want any limits on legal liability. I would just simply ask my colleagues to look at the limited nature of this bill, to look at the fact that America is a great beneficiary from volunteer activity by our citizens, and that one thing that has tended to happen as Government has done more and more is that volunteers have been crowded out into doing less and less in our communities. I believe that we are all losers for that decline in voluntarism.

People who, 25 years ago, routinely volunteered to do things, now, in some cases, fear to do them because of legal liability. Two weeks ago I visited a school, a charter school in Texas, called the Dallas CAN Academy. This was the first charter school in my State. It is run almost exclusively by volunteers.

It has a very small professional staff which runs a mentoring program where business and professional people come in and serve as mentors to kids who have dropped out of school because they have had some sort of problem. These kids have come back to this special charter school and, with the mentoring program, in about 80 percent of the cases are able to graduate from high school—and a not insignificant number of them end up going on to college. The secret of this program is voluntarism.

This little program in Dallas, TX, pays \$15,000 a year in liability insurance to protect its volunteers. That is \$15,000 a year that could go to helping kids. That is \$15,000 a year that might make it possible for 15, 20, 30, or 50 more kids to graduate from high school and to have an opportunity to get on the playing field of life.

What the Coverdell bill will do is, by setting standards of reason and responsibility, it will dramatically reduce the liability cost of this charter school. It will make it easier to get people to coach youth soccer and little league. It will get more people involved, and I can say as a person who was very actively involved in volunteering in youth sports when I was a college professor, that the volunteer gets more out of it than the people who are the beneficiaries of voluntarism.

We are trying to make it possible for millions of Americans to help tens of millions of Americans, but the benefits do not just go to the people who are the targets of this voluntarism, the benefits go to the people who volunteer as well. The Coverdell bill tries to limit a real impediment to voluntarism. The legal costs of people being liable for things they did not cause is driving away hundreds of thousands of volunteers.

I want to congratulate Senator COVERDELL. This is a very important

bill, and I hope our colleagues will not let this whole political issue of legal liability and the interests of lawyers versus people who are sued interfere with what is a straightforward, reasonable, and limited bill. I strongly urge that this bill be adopted.

Mr. COVERDELL. Mr. President, I thank the Senator from Texas once again for making a very cogent statement on this piece of important legislation. I thank him for coming to the floor.

How much time is remaining?

The PRESIDING OFFICER. One minute.

Mr. COVERDELL. I yield the balance of my time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas has 1 minute.

Mrs. HUTCHISON. I ask unanimous consent to have 5 minutes in morning business rather than taking from Senator COVERDELL's time. So if the Senator wants to finish on his bill for a minute, then I would like to ask unanimous consent for 5 minutes.

Mr. COVERDELL. I yield back my time.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have 5 minutes in morning business.

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

Mrs. HUTCHISON. Thank you, Mr. President.

#### WELFARE REFORM AND WAIVER REQUEST FOR TEXAS

Mrs. HUTCHISON. Mr. President, I want to talk today about welfare reform. Now you may say, "My goodness, why are you talking about welfare reform? We passed that last year."

It is true, Congress passed welfare reform last year. We said to the States, "We want you to run your own programs. We're going to send you less money so that you will have the ability to be more efficient and make up for the dollars that we are not sending you from the Federal Government by efficiencies in your State programs."

We said to the States, "We're going to cut the strings. You're not going to have to come to Washington every time you turn around. And that will give you the ability to enact the programs that your States need to operate in a more efficient way."

Mr. President, you would have thought that everyone would have said, "Hallelujah, we are going full steam ahead." Well, Mr. President, the States said, "Hallelujah, we're going full steam ahead." The problem is, this administration is thwarting the attempts of State after State to do the job we asked them to do.

Mr. President, today the State of Texas has been waiting for 170 days, 5 months, for a clearance to run its welfare program in a more efficient way. The Governor of Texas has said it is costing our State \$10 million a month because they are waiting for Federal approval so that they can go out and

get bids. Public sector, private sector, whoever gives the best bid for the taxpayers of Texas and America, would be able to bid on consolidating the administrative offices for welfare services so that a welfare recipient would be able to go in to one place and get whatever they needed for their particular needs at that particular time. They may be able to get food stamps, AFDC, Medicaid, disaster assistance, community care, in-home and family support. All of these things would be in one place.

The State of Texas is looking for public-private partnerships. They are looking to the public sector and the private sector to say, come in and bid on these programs. The State of Texas believes they can save 10 to 40 percent of the \$550 million they now spend to administer these programs. That is \$200 million a year for the taxpayers of Texas and the taxpayers of America.

Mr. President, I talked to the Secretary of HHS. I said, "What more can Texas do?" She was very forthright. She said, "Texas has done everything it was supposed to do. Everything is set. It is on the President's desk."

Mr. President, why is the President making this decision in the first place? I am afraid it is because a political aspect to this has emerged. And that is, some of the unions do not want the ability for our State to go out and get bids on public-private partnerships.

Mr. President, I am all for unions being able to have free market access and free ability to go out and get jobs. But when a union says, "We don't want you to be able to do things more efficiently because we might not be able to compete," I am saying that is wrong. It is time for the President of the United States to do what Congress said was the law of the land and which he signed into law, which he agreed to do, and that is let the States run the welfare programs. Part of the way welfare reform is going to work is for the States to be able to do the job more efficiently without strings from Washington. It saves taxpayer dollars for all Americans and for the States that are trying to do their job better.

Mr. President, we have a dilemma here. Congress has acted, and the President has signed the bill. He has agreed with Congress that it is in everyone's best interest for the States to run their own programs. The proposal of the State of Texas is along the lines of what many other States are looking at. Wisconsin, Arizona, and other States are looking at these kinds of efficiencies.

Mr. President, I hope they will be able to do this. I hope so, because Congress has spoken and the President has spoken, and we have said the same thing: "Be more efficient. Use taxpayer dollars more wisely." What is the holdup?

I ask President Clinton, what is the holdup? We have a reasonable proposal. It is innovative. It meets the needs of Texans. Why not approve it? Five months and Texas has lost \$10 million

for every month this has not been able to go forward.

Mr. President, this is an emergency for my State. Our legislature has 1 more month of its session. We must act if the President is not willing to do the job. So I am announcing that I am going to try to do this congressionally if the President does not act or if the President turns down the reasonable request by the State of Texas. Because, Mr. President, the President of the United States cannot thwart the will of Congress when he has signed a bill. When it is the law of the land, he cannot go around it with regulations, with Executive orders, thumbing his nose at what the law is. He was a Governor. The President of the United States understands how important it is for States to be able to have the ability to run their own programs.

I am going to ask today the President of the United States to approve the waiver request for the State of Texas which has been sitting on his desk for 5 months. If he is unwilling to do that, I am serving notice that I will do everything in my power to congressionally require this approval.

The second choice is not the best. I would rather work with the President to do what is right here. But we are beginning to see a pattern: Wisconsin coming in, asking for legislative relief; Oregon coming in, asking for legislative relief. That is not the way to do it. But the buck stops here. Congress passed the law. If the administration is going to thwart the law of the land, Congress must act.

We must take these waivers one at a time and make these decisions. I would prefer that the President and the administration do what is right and do what is their responsibility to do and grant these waivers. If they do not, however, it is the responsibility of Congress to step in and say, this was our intent and it is the law of the land.

Mr. President, Texas is losing \$10 million a month; \$50 million to date. It is not right. We are doing in Texas what Congress told us to do. There should be no barrier to doing that. I ask the President today, grant the waiver. That is the proper way to work with Congress and with the States and it is in everyone's best interest.

Thank you, Mr. President.

I yield the floor.

#### RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule

XXII, the hour of 2:15 having arrived, the clerk will report the motion to invoke cloture.

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, 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 Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, Robert Bennett, Mike DeWine.

#### CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

#### VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on the motion to proceed to S. 543, the Volunteer Protection Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 52 Leg.]

#### YEAS—53

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Campbell	Hagel	Santorum
Chafee	Hatch	Sessions
Coats	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

#### NAYS—46

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Shelby
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	
Feingold	Levin	

#### NOT VOTING—1

Bond

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. COVERDELL addressed the Chair.