

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

The PRESIDING OFFICER (Mr. AL-LARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

The PRESIDING OFFICER. Under the previous order, the hour of 11:15 a.m. having arrived, the clerk will report the motion to invoke cloture.

The assistant legislative 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 protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Senators 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.

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 assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] is necessarily absent.

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—55

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

NAYS—44

Akaka	Bingaman	Bryan
Baucus	Boxer	Bumpers
Biden	Breaux	Byrd

Cleland	Hollings	Moynihan
Conrad	Johnson	Murray
Daschle	Kennedy	Reed
Dodd	Kerrey	Reid
Dorgan	Kerry	Robb
Durbin	Kohl	Rockefeller
Feingold	Landrieu	Sarbanes
Feinstein	Lautenberg	Shelby
Ford	Leahy	Torricelli
Glenn	Levin	Wellstone
Graham	Mikulski	Wyden
Harkin	Moseley-Braun	

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. FORD. Mr. President, I 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. GRAMS. 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. GRAMS. Mr. President, I also ask that I may be allowed to speak in morning business for up to 5 minutes.

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

MEMBERS OF THE MINNESOTA NATIONAL GUARD DESERVE OUR THANKS

Mr. GRAMS. Mr. President, as we discuss the topic of voluntarism, I rise today to acknowledge a group of individuals who are making a very big difference, a tremendous difference as the people of Minnesota are fighting the floodwaters that have paralyzed so much of our State.

The men and women of the Minnesota National Guard have stepped up these last several weeks and served with distinction under what have been very deplorable conditions. Battling a rising river is back-breaking work in itself. It is nearly impossible when combined with the ice and the extreme cold produced by a blizzard. Yet those are the conditions that the Guard endured as they worked side by side with the residents of Minnesota's flood devastated communities.

Well over 2,000 National Guard troops have been called up to assist in both preventing flood damage and cleaning up when the waters finally begin to recede. These are men and women who have full-time jobs and lives outside the Guard and take time away from their other responsibilities to fulfill an obligation they feel to Minnesota and its communities. Many of the mayors and elected officials within the declared disaster area told me that the Guard has been such an integral part of their flood response efforts that they cannot imagine being without their assistance. The National Guard have always been instrumental in so many ways, in so many communities, that it

is nearly impossible to list every activity in which they have been involved.

Now, as the flood waters began to rise, they helped with the sandbagging that saved so many homes and buildings. They went door to door, urging residents to leave before the waters forced them to go. They put their engineering expertise to work, finding ways to ward off the flooding. And when it came time to evacuate, the National Guard played a key role moving Minnesotans to safety, whether by helicopter or truck, and helped evacuate nursing homes and hospitals. When all the residents were gone, they were there to guard the deserted towns and kept away sightseers and potential looters. The Guard's water purification units and electrical generators have been invaluable during the flooding.

The members of the Minnesota National Guard have served with little sleep and under the worst of conditions, but they have continually exceeded our expectations and they deserve a great deal of the credit for leading us through this time of crisis. Without the Guard, I think it is safe to say that a great many more lives would have been lost and a great deal more property would have been damaged. They have earned the respect and the deep gratitude of all Minnesotans and I salute them for standing with us and I thank them for their service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, just before the vote, the minority leader was speaking. Of course he addressed many matters not related to the legislation before us, but he did allude to it. I appreciate the kind remarks that he made and that perhaps there could be work done to arrive at an agreement which both sides—at least he could agree with. But he specifically alluded to the situation where you would not want to have a volunteer involved with a sexual harassment or sexual crime.

I really do hope—this is not a long piece of legislation. It is 12 pages. I wish the staffs and Members would read it. I want to read this brief section, to respond to his comment:

EXCEPTIONS TO LIMITATIONS ON LIABILITY.—The limitations on the liability of a volunteer, nonprofit organization, or governmental entity under this section shall not apply [Note. No protection. There is no protection to the volunteer] to any misconduct that—

- (1) constitutes a crime of violence . . . (2) constitutes a hate crime . . . (3) involves a sexual offense. . . .

So the very point to which the minority leader felt that he could not

agree is not a difference between us. There may be others, but this is not, because a volunteer, involved in that type of activity, is not protected.

Mr. President, I might point out, too, the announcement that this legislation would be before the Senate was published in the calendar issued by the majority leader to everybody, including the minority leader, some time back. It specifically said that on Monday, April 28, this is the legislation that would be before us. We are now up to 55 votes to break this filibuster. I guess I could be somewhat relieved. At the rate we are going we will only need five more cloture votes and we will actually be able to proceed to the congressional response to the President's summit on voluntarism. We have heard a lot about gridlock, about not being able to do anything, and this is a very visible example right here on the Senate floor of the obstacle and hurdle, the gridlock that is preventing us from proceeding to a very good piece of legislation. It has broad support all across the country. It would help volunteers step forward and participate and respond to the President's request. But we are being blocked by a Democrat filibuster to prevent our proceeding to S. 543, the Volunteer Protection Act.

I would like to take a moment or two, here, to talk about the responses to the limited debate from the other side about the bill. Most of the debate has been about other subjects.

Mr. DORGAN. Mr. President, I wonder if the Senator will yield?

Mr. COVERDELL. I will be glad to yield.

Mr. DORGAN. I appreciate the courtesy of the Senator for yielding. One of the reasons for the discussion about the other subjects is especially the gravity of the disaster that has occurred in the States of Minnesota, South Dakota, and North Dakota. A number of us wanted to address the issue. We face a markup this afternoon, and hope very much that can occur without extraneous amendments and we wanted to discuss that a bit. I appreciate very much the courtesy.

I wonder if the Senator might indicate to me when we might be able to get some time?

Mr. COVERDELL. Of course we are on S. 543, as you know.

Mr. DORGAN. I understand.

Mr. COVERDELL. I would say I would need maybe another 10 or 15 minutes on this matter before yielding to the other side.

Let me also say, in deference, having experienced this sort of natural disaster in my own State, I can appreciate the deep concern of the Senator about it. It is my understanding that the supplemental is being marked up this afternoon. To have listened to the debate yesterday, you would have thought it was already out of committee, though. That is a proposal that is still in committee. This is a matter that is before the Senate.

We have heard that voluntarism is healthier than ever, we have millions

of volunteers, and we do not need a bill to encourage voluntarism. That is simply not the case, clearly not the case. 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. So, from 1989, the number of Americans willing to volunteer has dropped 54, to 51, to 48. There may be any number of factors involved. I commend the President and ex-Presidents for trying to step forward and call on Americans to reverse the trend.

If they want to reverse the trend, they are going to have to deal with this subject. They are going to have to make it not a threat to be a volunteer. They are going to have to create a condition that the volunteer, in addition to being asked to come forward and provide the public service, is not at the same time saying, "And I am going to take my family's home and bank account and put them on a Russian roulette lottery wheel to see if they are going to be at risk."

The Gallup organization studied voluntarism and found, in a study titled, "Liability Crisis and the Use of Volunteers of Nonprofit Associations," that approximately 1 in 10 nonprofit organizations has experienced the resignation of a volunteer due to liability concerns. The only way we are going to turn that around is to pass S. 543, and to do it quickly. All the work of General Powell and the Presidents and the 30 Governors and 100 mayors in Philadelphia—that is a beautiful visual, and inspirational, but, unless we do something pragmatic like protecting these volunteers, you are not going to get the response that you are looking for.

The Gallup organization also found that one in six volunteers reported withholding services due to a fear of exposure to liability suits. That is the point I made about, you step forward to volunteer but you are also putting at risk your home, your assets, your savings accounts. That is a little bit more to ask of a volunteer than I think they will find to be acceptable.

One in seven nonprofit agencies have eliminated one or more of their valuable programs because of exposure to lawsuits. So, there are a number of conditions at play here. Not only do the organizations have to invest more of their dollars into insurance costs to try to protect the volunteers—and of course when it goes to insurance it is not buying swimming lessons, it is not feeding the hungry, it does not pay for medicine or assistance that goes to an elderly person. It goes to an insurance company to protect the volunteer, as best they can, from a lawyer in a lawsuit.

So, it is diverting resources away from the purposes of the charity. It says, "We have heard that there is no evidence of a national crisis involving a flood of lawsuits and huge damage awards against volunteers of nonprofit organizations."

First, volunteers and organizations sued are not interested in publicizing

the fact. They would just as soon it not be heard. So you really don't have a true sense of the magnitude of these lawsuits. Second, many cases are settled out of court. So there is no judgment entered. Again, insurance companies are not interested in publicizing or providing data on their settlements.

Mr. President, I am told we have several Senators who are seeking time on various matters. I am going to ask unanimous consent, see if I can get this right, that we would next turn to Senator DORGAN for 10 minutes, go to Senator McCAIN for 10 minutes, Senator CONRAD for 10 minutes and Senator HUTCHISON for 10 minutes.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The Senator from North Dakota.

#### THE DISASTER SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DORGAN. Mr. President, I know there is discussion this morning, again, about a meeting of the Senate Appropriations Committee this afternoon, now scheduled for 2 o'clock, to deal with the disaster supplemental appropriations bill. I come to the floor only to urge, as I did yesterday, that the committee consider the disaster appropriations bill and the issues in that bill without adding additional extraneous amendments or matters that are unrelated to the bill.

I do not want to or intend to debate other issues. There are people who have amendments, I am sure, that they feel strongly about—amendments on various bills. But I encourage them very strongly to find other places to offer amendments if they feel they need to offer amendments.

We have several amendments that I understand have been noticed that have nothing at all to do with the disaster supplemental bill. They are extraneous, unrelated issues that people want to put on this piece of legislation because, I suppose, they believe this kind of legislation will ultimately be signed by the President. But, to add extraneous or unrelated matters to this supplemental appropriations bill that is to be passed to respond to a disaster, only will increase the amount of time it takes to enact this bill. It will jeopardize the passage, I suspect, if they are very controversial amendments. And, in my judgment, that is not what we should do on this disaster bill.

So, I encourage my colleagues today, as we go to a markup, to join all of us in working to pass a bill that is free of extraneous or unrelated amendments that would cause problems for the bill.

I want, as I did yesterday, to commend Senator STEVENS and Senator BYRD and all of the others on the committee who, in a bipartisan way, have worked very hard with us to respond to a disaster that occurred in our part of the country.

In many ways, facing the kind of disaster that was faced in North and