

will not be subject to prosecution under the nation's environmental statutes. I would ask to have printed in the RECORD a letter from Dr. D. James Baker, Under Secretary for Oceans and Atmospheres, which addresses this issue.

I am pleased that the administration was able to provide this assurance so that fishermen acting as Good Samaritans will not be treated unfairly by our laws. With this commitment from the administration, whale disentanglement efforts will be able to expand, improving the welfare and survival of these marine mammal populations.

The letter follows:

U.S. DEPARTMENT OF COMMERCE,
THE UNDER SECRETARY FOR OCEANS AND
ATMOSPHERE,
Washington, DC, May 20, 1997.

Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: I am aware of the recent proposals to amend the Marine Mammal Protection Act (MMPA) with a so-called "Good Samaritan" exemption, to allow the taking of a marine mammal if the taking is necessary to avoid injury or death to an animal entangled in fishing gear or debris.

I am also aware that such a taking could be a violation of the Endangered Species Act (ESA), if the animal is listed as endangered or threatened under that statute. The National Oceanic and Atmospheric Administration (NOAA) believes that Section 10(a)(1)(A) of the Endangered Species Act authorizes the Secretary to permit the taking of an endangered marine mammal in accordance with the conditions contained in the Snowe-Kerry "Good Samaritan" amendment. I am writing to you to express the commitment of NOAA to take the most appropriate administrative action under Section 10(a)(1)(A) of the ESA, to allow a "Good Samaritan" taking of an entangled marine mammal in the circumstances specified in the proposed MMPA amendment, specifically with regard to large whales.

Thank you for your efforts to rationalize interactions between the fishing industry and marine mammals.

Sincerely,

D. JAMES BAKER.●

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent I be recognized to present the normal wrapup. Following that time, I have 5 minutes, then Senator CONRAD will present his speech, and following his speech, the Senate will stand in adjournment pursuant to the requests outlined.

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

MAKING MAJORITY PARTY ASSIGNMENTS TO COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Senate Resolution 89 submitted earlier by Senator LOTT which would make majority party committee appointments, and further the resolution be adopted and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 89) was agreed to.

The resolution is as follows:

Resolved, That notwithstanding the restrictions contained in Rule 25, the following shall be the majority party's membership on the Governmental Affairs Committee for the 105th Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Thompson (Chair), Ms. Collins, Mr. Brownback, Mr. Domenici, Mr. Cochran, Mr. Nickles, Mr. Specter, Mr. Smith (N.H.) and Mr. Bennett.

MEASURE REFERRED TO COMMITTEE

Mr. STEVENS. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of S. 156 and the bill be referred to the Committee on Indian Affairs.

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

MEASURE READ THE FIRST TIME—H.R. 1306

Mr. STEVENS. Mr. President, I understand that H.R. 1306 has arrived from the House and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

Mr. STEVENS. I now ask that the bill be given its second reading, and I object on behalf of a Member on the other side of the aisle.

The PRESIDING OFFICER. There is an objection. This bill will be read for the second time on the next legislative day.

VOLUNTEER PROTECTION ACT OF 1997

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 543) a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 543) entitled "An Act to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers", do pass with the following amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Protection Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers, will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and

(ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) **LIABILITY PROTECTION FOR VOLUNTEERS.**—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or
(B) maintain insurance.

(b) **CONCERNING RESPONSIBILITY OF VOLUNTEERS TO ORGANIZATIONS AND ENTITIES.**—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) **NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.**—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) **EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.**—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) **LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF VOLUNTEERS.**—

(1) **GENERAL RULE.**—Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant in-

difference to the rights or safety of the individual harmed.

(2) **CONSTRUCTION.**—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) **EXCEPTIONS TO LIMITATIONS ON LIABILITY.**—

(1) **IN GENERAL.**—The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(C) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(D) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(E) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) **GENERAL RULE.**—In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) **AMOUNT OF LIABILITY.**—

(1) **IN GENERAL.**—Each defendant who is a volunteer, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) **PERCENTAGE OF RESPONSIBILITY.**—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) **ECONOMIC LOSS.**—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) **HARM.**—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) **NONECONOMIC LOSSES.**—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) **NONPROFIT ORGANIZATION.**—The term "nonprofit organization" means—

(A) any organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which does not practice any ac-

tion which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note); or

(B) any not-for-profit organization which is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(5) **STATE.**—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) **VOLUNTEER.**—The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of \$500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) **IN GENERAL.**—This Act shall take effect 90 days after the date of enactment of this Act.

(b) **APPLICATION.**—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act but only if the harm that is the subject of the claim or the conduct that caused such harm occurred after such effective date.

Mr. LEAHY. Mr. President, I commend the House Judiciary Committee and the House of Representatives for their consideration and passage of H.R. 911, the Volunteer Protection Act of 1997.

At the beginning of this month, the senior Senator from Georgia and I worked out a compromise version of the Volunteer Protection Act, S. 543. Our bipartisan legislation extended reasonable liability protection to individual volunteers for honest mistakes with no effect on liability of nonprofit organizations and governmental entities. The Coverdell-Leahy substitute offered liability protection for individuals who are volunteering to help others and acting in good faith and passed the Senate by a 99-1 vote.

I am pleased that the House Judiciary Committee adopted the Coverdell-Leahy substitute version of the Volunteer Protection Act at its mark-up of H.R. 911. During its consideration of H.R. 911, the House Judiciary Committee adopted two amendments that improve our legislation.

First, the House Judiciary Committee adopted an amendment by Representative SCOTT that applies the act's protection to conduct after the act's effective date. Prospective application makes sense since the act's passage will give notice to all parties of their new legal rights.

Second, House Judiciary Committee adopted an amendment by Representative JACKSON-LEE that exempts members of hate groups from the liability protections in the bill. Although I am

not completely comfortable with the language of this amendment, its purpose is clear—to make sure that this legislation provides no protection whatsoever to anyone who is involved in a hate crime. I know that every one of my colleagues opposes hate groups and would not support liability protection for them and this amendment makes that explicitly clear.

I recommend that my colleagues review the House Judiciary Committee report on H.R. 911, House Report 105-101, for a section-by-section analysis and summary of the bill.

Although I support the Volunteer Protection Act, I realize that it is not perfect. I am troubled by its possible preemption of existing state law. While the bill's preemption provision has been significantly narrowed from the original version of S. 543, this legislation still preempts state laws that do not provide more protection for volunteers. If preemption occurs, State legislatures may pass legislation to opt out of the bill's coverage.

Rather than preempting some State laws, I would prefer that Congress offer Federal incentives to States to enact model language for limiting volunteer liability. Many States have already acted on this issue with at least 44 States having passed some protection for volunteers. If we can achieve the shared objective of protecting individual volunteers without preempting State tort law, I think we should be pursuing that route. That approach, however, was not acceptable to the majority.

I am also troubled by the manner that the Senate considered the Volunteer Protection Act. S. 543 was brought to the Senate floor without notice, without hearings and without a committee report. Although Senator COVERDELL and I were able to work together to fashion a bipartisan bill, I believe that process would have been much easier had we gone through the normal process of considering the Volunteer Protection Act through the Senate Judiciary Committee.

Mr. President, I share a profound sense of gratitude and appreciation for the thousands of Vermonters and millions of volunteers nationwide whose selfless acts make the world a better place for us all. The people who spend their weekends preparing dinners for the homeless and poor, the parents who organize a carwash to raise money for the local PTA, the neighbors who donate to those displaced by flood, fire and other disasters—these generous acts of voluntarism and countless others are an essential element of the American social fabric.

The Presidents' Summit on America's Future last month in Philadelphia was a tribute to the spirit of American voluntarism and a magnifying glass that will help spark intensified efforts by all Americans to be better citizens and better neighbors; citizens who will be more willing to give of ourselves to make life better in our communities

and nation. The events in Philadelphia were nonpartisan and inclusive of the interests of all. I am pleased that we in the Senate and House of Representatives were able to work in that spirit to craft bipartisan legislation that promotes the worthy goals of voluntarism in America.

I believe we are building on the success of the Presidents' Summit on America's Future by working together to pass a good bill that provides volunteers involved in the delivery of needed services with reasonable liability protection. I urge my colleagues to support S. 543, the Volunteer Protection Act.

Mr. COVERDELL. Mr. President, we have today taken an important step to encourage more people to step forward and serve their communities as volunteers by removing the fear of unwarranted lawsuits against volunteers. Our adoption of S. 543, the Volunteer Protection Act of 1997, will grant immunity from personal civil liability, under certain circumstances, to volunteers working for nonprofit organizations and governmental entities.

This legislation has enjoyed overwhelming bipartisan support in both bodies. I want to thank all of those members who supported this bill to help our volunteers all across America. In particular, I would like to recognize the leadership of Senator MCCONNELL, who has been a strong advocate of reform in this area, and the other cosponsors of the bill: Senator ABRAHAM, Senator ASHCROFT, Senator ENZI, Senator GRAMM, Senator GREGG, Senator HUTCHINSON of Arkansas, Senator KYL, Senator SANTORUM, and Senator SESSIONS. All of them were extremely helpful during the original Senate debate and in many other ways as we moved this legislation forward.

I thank also Senator LEAHY for his cooperation and leadership in striking a compromise that both sides of the aisle, and indeed both Chambers, could support.

From the other body, I thank Congressman JOHN PORTER of Illinois, who has been promoting the issue of volunteer protection since 1986 and truly laid the foundation for today's success. HENRY HYDE, Chairman of the House Judiciary Committee, was instrumental in holding hearings on volunteer protection legislation. I should also thank Congressman BOB INGLIS for his leadership on this issue. And Speaker GINGRICH lent his strong support to our effort. We worked in close coordination with our colleagues in the other body and I appreciate their cooperation and hard work to make this victory possible for volunteers.

We now send the Volunteer Protection Act to the White House with the expectation that the President will enthusiastically sign it. This legislation bears directly on the mission of the Philadelphia Summit held last month at which President Clinton, and former Presidents Bush, Carter, and Ford joined with Gen. Colin Powell and

other leaders to ask Americans to make a commitment to volunteerism.

Congress has now said to would-be volunteers that you don't have to be afraid of being named in a frivolous lawsuit based on your volunteer service. If you make a simple, honest mistake, we are not going to put all your assets on the block in a lawsuit lottery. Don't be afraid to step forward, get involved, and take an active part in the affairs of your community.

We hope the President will join with the overwhelming majorities in both houses of Congress and sign the Volunteer Protection Act into law.

Mr. ABRAHAM. Mr. President, I am very pleased that the House passed volunteer protection legislation this week and that the Senate is now voting on final passage of the Volunteer Protection Act. I look forward to our sending this important legislation to the President for his signature.

Thanks to the tireless efforts of my distinguished colleagues, particularly Senators COVERDELL and MCCONNELL, but also Senators SANTORUM, ASHCROFT and others, including Representatives PORTER and INGLIS in the House, we were able to pass this legislation, which will grant meaningful relief from unwarranted litigation to volunteers.

I have heard from my constituents in Michigan and others time and again about baseless lawsuits that have plagued volunteers and about how some have declined to volunteer or have limited their voluntary activities out of concern for being sued. Volunteers with the Boy Scouts, Little League, the Red Cross, and many other fine organizations have been subject to frivolous and baseless litigation. They have had to spend considerable time and money defending lawsuits. That time and money could be going to charitable activities, instead of going to increased legal fees and liability insurance costs.

We heard many examples of frivolous lawsuits and their costs during floor debate on this legislation, and I am pleased that Congress is taking action to address these significant problems that have hindered charitable activities. While many other sectors of our society and our economy continue to face equally harmful lawsuit abuses and while we need broader litigation reforms to address those abuses, this legislation represents a significant step forward in reintroducing some measure of fairness and justice in our civil justice system. In the coming weeks, I plan to introduce a bill that would provide relief from abusive lawsuits to small businesses, and I also plan to join Senator MCCONNELL in introducing a broad civil justice reform bill similar to the bill on which he and I collaborated last Congress. Those efforts are no less needed, but voluntary activity does provide some very special benefits that justify kicking off legal reform efforts this Congress by focussing on volunteers.

Charitable activity in particular provides a unique link between us as members of the same community. Through volunteer work and efforts, each of us think of our neighbors, and even strangers, as our brothers and sisters, deserving of our care and help. All too often, abusive litigation has broken down that community spirit and made us look at each other as potential plaintiffs and defendants, rather than as neighbors and friends.

The Volunteer Protection Act will help rebuild that spirit by reducing litigation excesses. The bill provides relief from punitive damages for volunteers by providing that punitive damages may only be awarded against a volunteer in cases in which the claimant proves by clear and convincing evidence that the harm was caused by the defendant through criminal or willful misconduct or through a conscious, flagrant indifference to the rights and safety of the claimant.

The act also reintroduces some fairness into the system by reforming joint and several liability rules so that, where a volunteer is a defendant in an action, the volunteer will be liable for noneconomic damages only in proportion to the volunteer's responsibility for causing the harm. That is only fair. In addition, where a volunteer is not acting with gross negligence, recklessness, or in a more egregious fashion, that volunteer will not be liable for harm caused in the scope of the voluntary activity.

This legislation also includes a State opt-out provision, under which a State may opt out of the bill's provisions for cases in State court in which all parties are citizens of the State. No State is expected to elect out of the coverage of this bill's worthy provisions, but it was important to include such a provision out of respect for principles of federalism.

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.

I thank my colleagues on both sides of the aisle for supporting this legislation. I look forward to continuing to work to achieve broader legal reforms, and I hope that the President will demonstrate his support for voluntarism by signing the Volunteer Protection Act into law.

Mr. McCONNELL. Mr. President, I am proud tonight to see that we are one small step away from providing protections for one of our most cherished resources—that is, the men and women who serve as volunteers throughout our communities. The Senate is prepared to pass this bill tonight, and we anxiously await the President's signature.

This country's long line of volunteerism is built upon the principle of loving your neighbor as yourself—of being a "Good Samaritan" and stopping along side the road to lend a helping hand. People from my home state of Kentucky understand and live this simple, yet powerful principle.

Unfortunately, this volunteer spirit has become another victim to our national epidemic of litigation. William Cople, former pro bono General Counsel for the National Capital Area Council of the Boy Scouts of America has written that, "volunteer service is under assault from an unlikely quarter—the civil justice system. Like so many others, volunteers and their service organizations have been swept into the courts to face potential liability in civil suits."

Moreover, even the Little League faces major league liabilities. As Dr. Creighton Hale, former CEO of Little League Baseball, has noted, the Little League has become the "Litigation League." For example, one woman won a cash settlement when she was struck by a ball that a player failed to catch. Incidentally, the player was her daughter.

The chilling effect of even one settlement or judgment is astounding. Again, I quote the Boy Scouts' former General Counsel who has explained: "a legal judgment entered in a single case can have a multitude of consequences extending far beyond that case itself. This surely is a reason for concern in the case of volunteers to service organizations."

It is precisely this type of reasoning and this type of horror stories-come-to-life that prompted me to introduce legislation to protect volunteers. I have introduced such legislation in 1990, 1993, and 1995. In this Congress, I have been proud to work with Senator COVERDELL to bring this bill to final passage, and I greatly appreciate his leadership.

Specifically, our bill protects volunteers: First, who act within the scope of their responsibilities, second, who are properly licensed or certified, where necessary, and third, who do not act in a willful, criminal or grossly negligent fashion.

The organizations whose volunteers will receive protection are both broad and worthy. Our bill not only covers 501(c)(3) organizations, but it also covers volunteers of the organizations which do good work, but do not have a tax exemption under 501(c)(3). For example, our bill covers volunteers of local charities, volunteer fire departments, little leagues, veterans groups, trade associations, chambers of commerce, and other nonprofit entities that exist for charitable, religious, educational, and civic purposes.

Finally, this bill is significant because it provides a national solution for a national problem. Bob Goodwin, president and CEO of The Points of Light Foundation, testified recently that a national solution is necessary

because "there is no consistency among our states with regard to volunteer liability statutes." Moreover, Mr. Goodwin explained that "the lack of consistency has led to confusion in the volunteer community." The Volunteer Protection Act responds to this need and provides a uniform minimum standard to protect our volunteers.

In closing, let me say a deep word of thanks to all the volunteers and leaders who have helped me push for this legislation over the past 7 years. In particular, I want to offer a special and heartfelt thank you to my wife, Elaine Chao, who has kept me focused on this issue, and been such a steady and constant voice for the men and women who serve in our communities.

I also thank the President for his efforts in joining with Gen. Colin Powell and with President Bush to promote volunteerism throughout our country. I encourage President Clinton to sign this legislation and provide much-needed protection for our volunteers.

Mr. STEVENS. I ask unanimous consent the Senate concur in the amendment of the House.

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

AUTHORIZING AWARDING A CONGRESSIONAL GOLD MEDAL TO MOTHER TERESA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H.R. 1650 which has been received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1650) to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities.

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, I rise in order to urge the Senate to pass and send to the President, H.R. 1650, a bill to award Mother Teresa a Congressional Gold Medal.

I would like to take this opportunity to commend our colleague, the honorable Senator from Kansas, SAM BROWNBACK, for his tireless efforts to pass this legislation. Senator BROWNBACK first introduced a Senate version of this legislation, S. 689, earlier this month with overwhelming bipartisan support and cosponsorship.

That this legislation has moved quickly and easily through both Houses of Congress is a testament not only to Mother Teresa's humanitarian and charitable activities over a lifetime, but also to Senator BROWNBACK's hard work and commitment to honoring this outstanding human being.

The Congressional Gold Medal is the highest honor Congress can bestow on someone for acts and dedication to a cause that exceeds even the highest