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Senate

The Senate met at 10:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, on this National Day of Prayer, we join with millions across our land in intercession and supplication to You, the Sovereign Lord of the United States of America. As we sound that sacred word Sovereign, we echo Washington, Jefferson, Madison, and Lincoln along with other leaders through the years, in declaring that You are our ultimate ruler. We make a new commitment to be one nation under You, God, and we place our trust in You.

You have promised that if Your people will humble themselves, seek Your face, and pray, You will answer and heal our land. Lord, as believers in You, we are Your people. You have called us to be salt in any bland neglect of our spiritual heritage and light in the darkness of what contradicts Your vision for our Nation. Give us courage to be accountable to You and Your Commandments. We repent for the pride, selfishness, and prejustice that often contradict your justice and righteousness in our society.

Lord of new beginnings, our Nation needs a great spiritual awakening. May this day of prayer be the beginning of that awakening with each of us in this Senate. We urgently ask that our honesty about the needs of our Nation and our humble confession of our spiritual hunger for You may sweep across this Nation. Hear the prayers of Your people and continue to bless America. In Your holy name, Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator COVERDELL of Georgia, is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, for the information of all Senators, this morning the Senate will begin consideration of S. 543, the Volunteer Protection Act. As a reminder, the previously ordered cloture votes for today are vitiated, and the Senate is now able to begin consideration of this important legislation. It is my understanding that amendments are expected to be offered to this bill. Therefore, Senators can anticipate votes throughout today's session of the Senate. It is the majority leader's hope that the Senate will be able to complete action on the Volunteer Protection Act today.

Also, there is the possibility that the Senate could consider items on the Executive Calendar. Therefore, additional votes could occur other than votes on the Volunteer Protection Act during today's session. In addition, the Appropriations Committee has completed action on the supplemental appropriations bill and it is the majority leader's expectation to begin consideration of that bill next week.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, the leadership time is reserved.

VOLUNTEER PROTECTION ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of S. 543, which the clerk will report.

The bill clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on activities of volunteers.

The Senate proceeded to consideration of the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, as the Presiding Officer knows, we have been at this for the better part of the week. I am pleased that the two sides have decided to proceed to the actual legislation and to consider its merits straightforwardly. I was also pleased to be notified this morning that during the summit—and I had not realized this—that occurred, Governors Branstad of Iowa, Whitman of New Jersey, and Wilson of California, issued a public statement in support of the Volunteer Protection Act while in Philadelphia, and called on the President to sign it. I am deeply grateful to these Governors, who have longstanding careers in public service, for stepping forward and calling on the passage of the Volunteer Protection Act.

Mr. President, I thought it would be useful, given the fact that we are now beginning the actual debate, to revisit the general parameters of the Volunteer Protection Act of 1997, which is a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

First, Mr. President, I will frame the problem. Prior to 1980, there was virtually no issue for us to consider here. Millions upon millions of Americans over the history of our country have continued to step forward, help their neighbors, help in disasters, help that is grandiose, like fighting off the waters in a flood to something as simple as crossing the street with a spare meal or a good wish for a neighbor.

But something happened in 1980. Suddenly there were several very celebrated lawsuit cases that targeted the volunteer. It changed the whole nature of the environment for voluntarism in America. As we moved on through the 1980's we found a situation where, with increasing frequency, for a variety of reasons, it was the volunteer that was singled out by a plaintiff or a claimant. It could have been that the organization that the individual was contributing to did not have any resources, that

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the volunteer had accumulated some assets—a home, a checking account, whatever—and so the lawyers for the claimant went to the volunteer.

What has resulted from this? Well, as best we can tell, and you really cannot get the exact data, there have not been a rash of findings against the volunteers. They have been able to defend themselves, by and large. Many of the cases have been thrown out. But there is a chilling pall that has been cast over voluntarism across the land. In other words, we have put a question mark in the mind of an American volunteer. ''Well, I want to help this family, I want to travel to North Dakota and help in that flood, but could I be putting my home or my business, or whatever we have accumulated in our family, at risk for having made this decision?'' The answer, unfortunately, is yes. So the result is that voluntarism over the last several years since 1989 has been dropping—54 percent to 51 percent to 48 percent, the last number we have seen.

Second, we have had thousands of volunteers who served on boards of colleges and universities and charities and charitable organizations resign because they became fearful they would be the target of these lawsuits. So you not only have people with a question in their mind about coming forward, you actually have caused volunteers to step backward and resign. Some estimates are as many as 50,000 of these kinds of occurrences have taken place.

Now comes the summit, the volunteer summit, in the Presiding Officer's home State, Pennsylvania, in the city of Philadelphia, where the President and three former Presidents and First Ladies for six administrations have come forward, 100 mayors, 30 Governors, and called on America to step forward, to relight the fire, to reinvigorate volunteer activity in America. I believe that is a very wholesome thing, a very inspirational thing.

But if you study the remarks, Mr. President, this was more than a call for voluntarism. It is very interesting as you review it. This is fairly well targeted. Children are evoked over and over and were the centerpoint of this call to voluntarism. Furthermore, the call was for voluntarism to occur in difficult environments. We have heard language like the poisonous streets. We are talking about difficult, rough, abnormal environment that you are asking these volunteers to go to. So the specter of the problem is elevating. You are asking them to go into a more troubled center, a more volatile arena, where communication and differences and diversity are great and, therefore, the probability of accident or misstep is higher.

I have been arguing all week that the Congress should respond in a very forceful way by passing the Volunteer Protection Act of 1997 which will make it easier for a volunteer to respond, in the first place; and second, to a troubled place. The Volunteer Protection Act takes the volunteer and provides some shield against being a target of a lawsuit.

I told the story earlier in the week of a charity that ran a gym and a youngster broke a leg by dropping weights. A volunteer, a woman, was the receptionist—not in the gym. She is out answering the phone. She became the legal target. She had virtually nothing to do with the incident other than having been on the premises on the phone. The Volunteer Protection Act would have protected that woman because she had no relation to the incident. If she had been engaged in willful misconduct, if she had been reckless, wanton, if she had been involved in a hate crime or a sex crime or a civil rights crime, this legislation would not protect her, nor should it, and no one wants it to. It deals with simple acts of omission—an accident—that would protect the volunteer.

I want to point out, because in all the chaotic conditions that go on on Capitol Hill, I am not sure everybody has had a chance to read it and understand that no one is protected from willful misconduct or reckless behavior or drunk driving. Mr. President, even if the volunteer is protected, the organization itself, the institution, the nonprofit, is still liable. This is directed, principally for acts of omission, at the volunteer. There are some other protections in the bill for nonprofits that would help the charitable organization, but primarily this legislation would protect the volunteer from simple acts of omission or an accident of that kind.

The second thing it would do, Mr. President, is that it would create proportional responsibility. There is a legal term for that, but I think it is easier to understand when we say proportional responsibility. The case I just cited is a great example. This woman had no responsibility, so she would not be eligible to be a target. What it does here is, it says that you can't go after an individual, a volunteer, who has minimal responsibility or only a small proportion, or none, and cause them to be the target for compensation for the entire event, that there has to be proportional responsibility. That, too, would protect the volunteer.

Mr. President, we have concluded—those of us who have cosponsored the legislation—that the issue is one of national concern and scope. I go back to the summit. They were not there creating volunteers for Philadelphia; they were there calling on the whole Nation to step forward. Volunteer organizations, many of them, are national in scope. You don't have to spend much time thinking about it. They are organizations like the American Red Cross, the United Way, and Little League Baseball. The call for voluntarism is a national call, not a local community call. Many of the volunteers cross State jurisdictions in their activities. There is absolutely no way that many of these charitable organizations—600,000 of them—could in any way understand the myriad of laws that relate to this across the several States. Certainly, a volunteer would have no capacity to do this.

So this law, the Volunteer Protection Act, sets a national standard of protection. But if a State chose to create more protections, that would be their right. Or if the State took an affirmative act to opt out from under this in those cases where all the parties involved are citizens of that State, they could do that as well. So we believe this is an appropriate balance with regard to the interaction between the States and the Federal Government.

Mr. President, I have gone back to this summit time and time again in the discussion, but there is something I noted here this morning that I think is very interesting. There was an article about the summit, and it says:

> Perhaps no one put the challenge more simply or compellingly than former First Lady Nancy Reagan, known during her White House years for her antidrug slogan, ''Just say no'' . . .

For which, I might add, many of us are greatly indebted.

> Speaking for herself and her husband, ailing former President Ronald Reagan, she implored, ''From this day forward, when someone asks you to help a child, just say yes.''

Just say yes. How right she is. My plea to the Senate and to the House and to the President is, just make it easier to say yes. Let's try to remove this question mark that is holding volunteers back. Let's try to not call on them to step forward and then leave a system in place that trips them if they do. Let's remove this cloud that causes high-profile public policymakers to not agree to serve on a board. I venture to say, Mr. President, that every Member of Congress has had the question mark I am talking about in their minds at one time or another when they had to make a decision about whether to respond to an organization seeking their support.

Let's try to create an environment where volunteers don't resign from boards but are willing to serve on them. Let's try to create an environment where a volunteer immediately would rush to an accident scene and not put a question in their mind about whether they are putting their assets into a legal lottery. Let's do it in a way that is thoughtful—and I believe we have—and which does not protect somebody from ill doing, which I believe we have. The minority leader and I had a brief discussion with regard to this yesterday evening. I was enumerating the fact that this would not protect reckless conduct. We want to be conscious of a victim of an accident. But we have to do something here to free up America so that it can do what it has always done.

Mr. President, just before I conclude here, I want to reiterate that I believe American voluntarism is as much a part of our culture and life and a treasure of American life as our national monuments, our parks, and this very

Capitol itself, because it is unique. There are very few places in the world where voluntarism takes on the components and proportions that it has in America. I was reading this morning that, last year alone, the equivalent value of American voluntarism, which was about 4½ hours a week, was around $200 billion-plus that had been given freely. But that is declining, and that trend should be reversed. We should nurture this American treasure and we should protect it, just as if it were one of the crown jewels of this Nation, like our Capitol.

Mr. President, I wanted to begin the debate by at least framing the reason for the law, a brief description of the law, and a call for the Congress to come forward and reinforce what took place in the historic days of the summit in Philadelphia, PA.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SANTORUM. Mr. President, I rise to congratulate the Presiding Officer, who just spoke, for his stick-to-itiveness in continuing to force this issue here in the U.S. Senate and, finally, accomplishing what we had hoped to accomplish and probably should have accomplished a couple of days ago, which is at least to move to this bill and begin the debate on whether we can, here in the U.S. Senate, do some positive things to the volunteer spirit of America, to see if we can remove some of the barriers that are in place right now that limit the amount of volunteer participation in our society.

I think the present Presiding Officer's remarks about the Philadelphia summit, the spirit created there, the momentum that was created there can only be enhanced. The big concern in Philadelphia, as I talked to so many people, was, ''Isn't this wonderful? Don't you feel this great spirit? Don't you feel like we are focused on the right thing and we are pulling the country together, Republican and Democrat alike, liberal or conservative, focusing on a value that we all share?'' It is an understanding that is sort of core as an American to understand the significance of participating as a volunteer in your community and the benefit that it gives not only the people you volunteer for but the benefit it gives you. But the big concern I heard over and over again, even from the most enthusiastic supporters of the summit, was, ''Can we keep this going? Can this momentum continue? Will much happen after this week? How can we keep this spirit alive and keep this momentum that we have built, the commitments that were made? How can we continue to keep this ball rolling?''

I point right here to the U.S. Senate. This is the best way that I know of to keep the ball rolling, to keep the momentum going. If we follow up this week and maybe early next week with the passage of this legislation, with a strong message to the American public and to the prospective volunteers in America that not only do we think it is a good thing—and everybody says nice things about voluntarism and we talk about the benefits of it and about all of the wonderful things that it accomplishes for your community and for you as an individual—but we can lay down something solid, something tangible for them to say that things are different. It is not just that people are talking about it now, or not that it is an in-vogue thing, but there is a different set of ground rules now to participate and, to me, they are much more favorable. I don't have to look over my shoulder as a Little League coach as to whether I gave the catcher the right mask. I know that was one of the examples that was used over in the House. But I am doing this because I love my community, I love my neighbors, and I want to do something positive to contribute to their lives. I want to do so in a way that I feel that I can really express myself without having to be concerned about the whole troop of lawyers hanging in the wings for somebody who may have some accident in the process of volunteering.

So I think what we are doing here is taking that first step after the summit. This is the first step. People who have given all the great speeches about how important voluntarism is—if they don't follow through with doing something to move this agenda forward then I think we have every right to question the sincerity of the remarks. We have every right to question whether this was in fact a political stunt, and nothing more; that this was an attempt to revive individuals involved in their own public reception and nothing more than that; that it wasn't really real.

This is an opportunity to make the summit in Philadelphia more real in the eyes of the American public, to do something tangibly good for the volunteer in America, and thereby for the needy among us who have such a need and such a desire to deal with their fellow men and neighbors in solving the problems that confront them and their communities.

So I again congratulate the Senator from Georgia for his tremendous drive and enthusiasm and stick-to-itiveness to stand up here—for 3 days now—and fight this battle and refuse to relent.

I know some have said we are holding things hostage. I would suggest that this bill releases hostages all over America who are hostage to litigation fears—who now can go out and participate in their communities, and do the kind of things that will liberate so many other people who are in the need of volunteers, and the organizations with whom they work.

So I again congratulate the Senator from Georgia. I commend him for this.

It sounds like we have accomplished something tremendous. We have. All we have accomplished is that we can now talk about the bill, and we can now debate the bill. We are going to have, I am sure, amendments that will dramatically weaken this and that will take the teeth out of this legislation. Unfortunately, those will be offered on the floor. We have a tough battle ahead of us to be able to stand up to those kinds of weakening amendments, stay the course, and follow through with this responsibly.

I believe it is a very valid piece of legislation that preserves the right of those who are injured and at the same time liberates the volunteer in America to go out and pursue what they know in their hearts is the right thing to do which is to serve their fellow man to a greater good.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, thank you very much.

I certainly join my colleague, the Senator from Pennsylvania, in his expression of concern and hope for the outcome of the volunteer summit that has just occurred in Philadelphia. I, too, hope that we can keep the dynamics of that going.

There is no question, though, that one of the blights against voluntarism and giving freely of one's time to the benefit of human kind is what has transpired in this country over the last several decades when we have, in fact, denied the doctrine of charitable immunity; in other words, the ability to go out and give of your time and then by chance you make an accident—or by chance somewhere in the process someone might claim some question of injury—that, all of a sudden, you are liable, the courts take it up, the trial lawyers drag you through the courts, and they put a phenomenal blight on the giving concept that voluntarism is all about.

That is what S. 543 is about—to clearly prescribe what the limits are so that we don't put a legal damper on the kind of energies that are spilling forth from Philadelphia that Colin Powell is trying to once again fire up in this country. It is here. It is already here. It is part of the Judeo-Christian ethic that has made up the great growth of this country over the years.

I want to relate to you a comment that the director of March of Dimes Easter Seals told me right after the Berlin wall came down and Eastern Europe was freeing itself from the shackles of communism that some of it had been under for 70-plus years; most of it for about 45 years. I was with this gentleman one night at a banquet. We were visiting, and we were both seated at the head table.

I said, ''What are you doing nowadays besides the work of Easter Seals and March of Dimes?''

He said, ''You would be fascinated.'' He said, ''I am spending a lot of time in Eastern Europe with the countries of Eastern Europe.''

I said, ''Doing what?''

He said, ''Teaching them voluntarism.''

I said, ''Tell me more. What do you mean teaching voluntarism?''

You and I, Mr. President, would have considered that part of our family heritage, part of going to church, part of the extension of the person of the American citizen—voluntarism. What had happened in Eastern Europe and throughout the greater Soviet empire was that government had taken over. Government had become the operative of people. No longer could you give of yourself. It was government that told you what to do, how to do it, what to say, what to think, and all of those kinds of things. Up until that time, I had forgotten, or I guess I had never really concentrated on the root of voluntarism, and what has transpired in our country over the years from the very early days of the barn raising in your State and mine—of neighbors sharing amongst themselves, because there was never enough work force to go around. So I would come over to your farm and help out, and you would come over to my farm and help out. And together, in a sense of community, we would help each other. That was before the days of lots of laws and lots of trial lawyers, and somebody looking around, and, saying ''Gee. You have to be liable for that. It is your fault that something happened. And, therefore, we are going to take you to task on that.''

Voluntarism has always been a phenomenal force in our country. And it did start from a Judeo-Christian ethic of helping one fellow person. That has been and remains the strength of our country.

I was so pleased when I heard Colin Powell through a series of interviews leading up to the summit in Philadelphia. In fact, I was pleased but a little disappointed one day when Katie Couric in a rather—at least my interpretation—cynical way said, ''Well, but, but, but, surely you have to have Government doing some of these things, and, surely, you have to have a Government program. I mean, you have cut welfare, or Congress cut welfare.'' And, very consistently, Colin Powell said there is a role for Government. Yes. But there is a very clear role for people. Government doesn't nurture the child in the community. We can put food to the child. But we cannot nurture the soul. That is a personal relationship. That is a giving kind of relationship that is only put forth through the volunteer effort of the caring individual.

It was the sense of the Soviet States, if they were truly to become free states again and knowing that government could never provide everything to everybody, that they would have to reignite voluntarism in the voluntary spirit of nearly half a century past. So they were asking large contributive voluntary charitable groups from this country to come across, to extend to them how we did it, and to work with them to rekindle the human spirit in an effort of voluntarism.

That is what Philadelphia is trying to do—not to rekindle because it is clearly here in this country, and it always has been, but to extend it into other areas, urge people to give more of their time, to urge companies to provide time for their employees to go out and participate in the community in a free and giving way, and to knock down some of the barriers that exist in normal life that limit people's ability to contribute to give and to volunteer.

That is what S. 543 is all about—knocking down the percolation of legal barriers that have built up over the years of somebody trying to make somebody liable for something. We know that when you give of your time it is going to put you at risk. You are willing to give less. You back away, and say, ''I can't be a part of contributive or voluntary effort if I might be sued.'' I mean that isn't in the spirit of Americanism. That isn't in the spirit of the raising of the barn in Kansas a century ago. Sure, the wall might have fallen down, and you had to pick it back up and somebody might have been hurt. There was always that risk. But it was always understood that nobody was liable under those circumstances—that you weren't trying to profit from it personally, that you weren't trying to gain from it. You were giving.

That is what this legislation is all about—to recreate at least an understanding that people can give of their time freely without a loss of the immunity they have always had with charitable voluntary efforts.

So I am truly complimentary of the Senator from Georgia for the tremendous effort that he has put behind this. It has come at a very important time. I must say to my colleagues across the aisle. You are filibustering. Get with it. Don't do that. There may be other reasons. But, if it is for this, it is a bad reason. If the trial lawyers of this country are wanting to play games with this, it is the wrong reason. They ought to go somewhere else instead of trying to go at the voluntary spirit of this country, the energy that built our country that made us what we are. It was not Government. It was people giving freely of themselves to other people.

That is what this legislation is about. That is what the nations of the former Soviet Union have had to actually seek from us. Yes. They want our institutions of government because they figure that ours is the best form of government. But they want our people institution. They know that they cannot have government alone, that it will not serve the needs of citizens of Poland, or Czechoslovakia, or one of those nations that was barricaded and imprisoned behind the Iron Curtain.

So they reached out to our great charitable voluntary contributive organizations immediately after the fall of the wall, and said, ''Come. Teach us again how you make it work because what we see in America, what we see as the great energy and the spirit of your country, is the blend of government with the blend of the free citizen, both working together for the betterment of humanity and for the betterment of your country.''

That is what S. 543 is all about. It isn't about trial lawyers taking people to court. There is plenty of that to go on in the private sector, and in the private economy, but not in the private giving should that be allowed. I am thankful that S. 543 speaks so clearly of that.

I again say to my colleagues on the other side: Get with it. Come on. Stop this filibuster. This is a time to stand together, as former Republican Presidents and former Democratic Presidents and a Democrat President stood together in Philadelphia and said this is Americanism at its best. We should not use Government to tear down voluntarism. We should not use laws to restrict it. Let us use our energies to multiply it for the betterment of our citizens and for mankind.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Mr. President. I am particularly grateful for the statement of the Senator from Idaho, and for the measure of the Senator from Georgia.

When you try to define America, you can't define America by looking at people and from outward appearance. We are not all of one race or one ethnic origin. We represent every possible assemblage from around the world. We have come here. What we have, together, is not ethnicity nor religious background. It is not racial. What we have is a common commitment to community, a common commitment to what it is America is. It goes beyond politics. It goes beyond where we go to church. It goes beyond where the ancestors on our family tree came from. It simply goes to the heart of how we feel about each other.

No other nation on the face of the Earth has been so characterized by the idea of caring. Look at the great service organizations around the world, such as the Lions Club, which has a specific interest in protecting vision and making sure that people can see. The idea has been exported to the world from the United States of America. Look at the Rotary Club. Rotary clubs literally go around the globe. They have come from the United States of America where we look at the four-way test of rotary, which talks about the betterment of all concerned, which looks at the other side of the coin, which always asks about someone else.

Look at the Kiwanis Club, the slogan of which is ''We Build.'' It has been exported to nation after nation. It has been embraced by cultures all around the globe, but it is something that started in the United States of America. It is something that is so universal and so important to the fabric, to the very tapestry that defines what this Nation is that it crosses party lines just like that.

You have four Presidents of the United States joining together, Republicans and Democrats, in the Presidents' summit on voluntarism, and you have a person who in most societies would be considered to be an individual who knows how to deploy military resources and how to fight and how to hate and how to kill but an American whose heart really is in how to help, Gen. Colin Powell. He is heading up the entire focus again on voluntarism. It is something that is the character of this country. It is what makes us community. Frankly, it is richer than cultures that rely on Government and entitlement for all the things that are done. It is not universal in the world. In lots of places people think that charitable things are wrong, that it should be done by Government, so no one ever owes anyone else.

Well, in America we do not owe each other. We love each other. And the idea of voluntarism is a way that we can extend to each other and build the chords of community that bind us together. The poets from overseas have said it well: Never send to know for whom the bell tolls; it tolls for you.

That is why I have been involved in all kinds of charitable endeavors. I remember even when I was Governor of my home State, when a child was lost close to the State capital 20 or 30 miles away, I walked through the woods during the night with hundreds of other individuals to find the child. We were all kinds of people from all kinds of political persuasion, from all kinds of backgrounds, yet there we were walking through the woods at night. I remember in the great floods that afflicted Missouri, I filled sandbags next to people I did not know but people whom I loved because I cared for the communities, and I knew that if there were ever a flood at my place, they would be there with a shovel and their children with them, as mine were with me, filling sandbags.

That is what America is about. We would not want to do anything to destroy the capacity of Americans to help each other, to love one another, to participate in community activities, charitable activities where we reach out to one another. How many times did dads, when I was a boy, haul me to the ball game? My father traveled a lot. My father was an itinerant, in some respects, minister at some times during his life and then traveled extensively when he was involved in education, raising money for the college. But you know, there was always some dad from the area who took me to the game.

I will never forget Charles Wilcox. One time after a dusty, hot baseball practice, he took the whole team to the root beer stand, and he walked up to the window and said the most generous thing I have ever heard in my entire life. It almost knocked me over as a boy. He said to the fellow inside the root beer stand, ''This is my team. Fill em up.'' It had never happened to me before and perhaps has not happened to me since. I think soda pop is pretty commonplace these days, but back in the 1950's, when someone walked up to the root beer stand and said, ''Fill em up,'' it was a big thing.

I do not want the Charlie Wilcoxes of this world not to be able to do that anymore. I do not want them so afraid that when they coach the Little League team, they are going to have to put on their family the risk of financial ruin. We have seen the cases, the shear lunacy of cases where the coach is sued because the youngster was moved from shortstop to left field and got hurt when a fly ball hit him in left field. His mom had said he was a born shortstop. Who is going to be the coach if you can get sued when you move someone to left field?

We have seen the ridiculous cases where the youngster insists on sliding in headfirst and then injures himself and the coach is sued because the youngster slides headfirst instead of feet first, in spite of the fact that the youngster has seen all the big leaguers doing it time after time after time. But if that coach is going to lose his home, if his children cannot go to college because he is generous enough to care for someone else, we will certainly have cheated a lot of young people out of a lot of helping hands.

When I was at the summit this last weekend in Philadelphia, each of these Presidents called upon me personally. No, they did not come up to talk to me, but they spoke to me, they spoke to my heart. They said America needs again to have a revival of individuals who are willing to care for each other. I thought to myself, we need to make sure as Members of the Congress that we do what is necessary to make that possible. I think of the Scout volunteers on the west coast who allowed the boys to play touch football. When I was a Scout, we would never settle for touch football, but these must have been very good leaders, interested in the safety of the youngsters. But one got injured and he ended up with a $7 million judgment against two of the volunteers. The appellate courts reduced it to $4 million. I cannot imagine that was much of a consolation to those Scout volunteers.

Most people do not want to have to choose between helping the community and protecting their family. No one really will ever say I will help someone else if I have to sacrifice my family, because we have a very strong commitment to our families in America. It is a cornerstone of what we are. But a similar cornerstone of this house we call the United States of America is helping each other, and we should not put these cornerstones at odds. We should not say to people, in order to help someone else, you have to put your family at risk. That is what we have done with a tort system that has awarded judgments like $4 million against Scout leaders, that has awarded judgments against a Little League coach who moved someone from shortstop to left field.

Let us get serious. The Presidents, past and present, know what America is about. It is in the hearts of Americans across this country. We want to make it possible for people again to extend themselves in a voluntary way without putting their families at risk. That is the long and the short of what we want to do.

I think it is entirely inappropriate for some in this Chamber to stand against us, for those whose President has called us to a summit on voluntarism to say no, we are not going to allow any discussion of that in the Senate, we are not even going to proceed to the bill; we do not want you to have a chance to vote on it. That is what this filibuster by the Democratic Members of this body is achieving right now. It is keeping us from voting on this bill. This is not the bill itself we are talking about. We are talking about the motion to proceed. This is technical gobbledygook of the Senate. But in order to consider a bill, you have to succeed in passing a motion to proceed to the bill, and we are being filibustered on the motion. It is time for all Americans to again enlist in this great enterprise of community which we call America and help each other, and it is time for the Senate, Members of the Congress, to build a framework where we do not ask people to choose between protecting their family and helping other people. We have to say we will make sure your family is protected if you are kind enough and loving enough and caring enough to extend a helping hand, a hand of care, compassion, and love to those in your community.

I have been told we are on the bill now. I am glad to know that we are on the bill. Yesterday we were on a filibuster to the motion to proceed, and I appreciate the correction. I apologize to Members of this body on the other side of the aisle. I would not impair or impugn their motive here. I am glad to be on the bill. I think with that in mind we ought to make sure we all vote in favor of this. This is an outstanding piece of legislation which will stop the irrationality of asking people to choose between protecting their family and helping their neighbor. The history of this country is that we have not only protected our family; we have enriched our families by helping our neighbors because we have been taught one of the most important values of life, that is, that we are not alone, that we live together in community.

I thank the Chair.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I commend both the Senator from Idaho and the Senator from Missouri for their statements. Senator ASHCROFT is a cosponsor, as is Senator CRAIG, and they both have devoted extensive activity and time and energy to the promotion of this legislation.

Mr. President, I am going to talk a little bit more about the bill and then move to a quorum call. It is my understanding there are several Senators who wish to speak as if they were in morning business. It would be appropriate with us. We have now had a full hour framing S. 543, but I want to just go back to the summit a minute and quote three prominent figures in American life. As First Lady Hillary Rodham Clinton put it in her column last week in the Washington Times:

> Whether through tutoring children, picking up litter on a highway, or providing free legal counsel to a needy client, we all have a chance to help address problems in our communities and enjoy the satisfaction that comes from being good neighbors. What we may not realize is that in the process we are also strengthening our democracy. Democracy depends on citizenship and citizenship depends on people voluntarily contributing their time and performing services that their country needs.

She is absolutely correct. I have always believed, Mr. President, the genesis of the American spirit is that we are a free people, and if you really want to know the roots of voluntarism, because it is uniquely American, it is because we have been free and we have unleashed spirits and thinking and activity which the world has never seen nor compared. What we are talking about here in this legislation is there has evolved in the last decade and a half a constriction, a choke, on that kind of freedom. We have chilled it. What we are seeing is the same kind of thing that happens anytime a government or practice becomes engaged in constriction of freedom and the natural activity of human beings.

We have, unwittingly I believe, had evolve a situation where the volunteer has become a target, and they have become fearful of it, which is a step back from freedom. Fear is one of the first things that happens when people, for whatever reason, begin to lose their freedom. They become fearful and their behavior changes. The explosion of voluntarism in America was born in freedom, and the constriction of it is occurring because they do not feel as free to do it. They fear harm. They fear retribution. They fear consequences. They fear for their families. So they alter their activity, and the Nation and the neighbor suffer. This legislation is designed to remove the fear and come back to the genesis of freedom to make choices, freedom to help the person cross the street or the person suffering from the flood that was described yesterday.

I do not believe our policymakers have really quite understood how serious this is. Everybody is busy with all their activities and their agenda, whether you are the President of the United States or you are running a store or you are the mayor of a local town. No one realized the field changed in the 1980's; the volunteer was not as free to step forward. It happened in the 1980's. So, this legislation is necessary to try to recreate the environment that has so enriched our Nation and our country.

Mr. President, I will take a minute. I have mentioned several times I am the former Director of the U.S. Peace Corps, which is one of America's preeminent institutions of voluntarism. There have been about 150,000, since 1961, who have gone all over the world, and their voluntarism does not stop there. In fact, the original charter of the Peace Corps has a third mission: Go where you are asked to go, be of assistance to the people there—and bring the knowledge of the world back home. So we continue to ask these volunteers to serve when they return, and thousands of them do. Many of their activities are addressed at the very core of the summit call—children.

As you might expect in an institution like that, there is a lot of discussion about voluntarism. There would be discussion, from time to time, about: Should they receive greater compensation? Would that create more volunteers? And you always came up with the same answer, that what we wanted was the volunteer who willingly stepped forward and wanted to do it and there was not another incentive. They were not doing it for a check. They were doing it to serve. Because, when you alter that chemistry, the whole interaction between the volunteer and the beneficiary changes, and you create a completely different kind of interaction.

I mentioned the story yesterday of the fellow who was helping train in the Civil Air Patrol. He even had to spend his own money to do it. But as he got out of the car he turned to me and he said, ''But the payback is when I look in their faces, when I see their pride and sense of accomplishment.'' That is a volunteer.

This issue of legal threat changes the chemistry of the volunteer. It changes the component of the interaction between the volunteer and beneficiary and alters their behavior, sometimes to the point of causing it to cease. This is a very important piece of legislation, and it is about America. It is not very complicated—12 pages. But it is right near and sitting up beside the heart and soul of who we are as a people. We need to get this done.

Mr. President, I yield the floor. I see we have been joined by the distinguished Senator from—Alaska.

The PRESIDING OFFICER. Who seeks time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I appreciate my colleague from Georgia recognizing the North Pole.

First, let me say a few words about the effort of my good friend from Georgia in bringing to the attention of this body, as well as to the Nation, the importance of the Volunteer Protection Act. The issue before us is vital; it is a matter defending the noble act of personal sacrifice and contribution for the benefit and good of others. So I commend the Senator for his diligence, the time he spent on the floor, and the effort that has been made. And I look forward to supporting the effort for the Volunteer Protection Act which has been introduced by Senator COVERDELL of Georgia.

Let me just ask my colleagues to bear with me for a moment. As we know, this past week President Clinton and other prominent Americans appeared in Philadelphia. Philadelphia is the city where our American heritage is rooted. What better place to come to for the recognition of voluntarism and what it means to this country, because those who founded our Constitution—our early efforts to formulate the principles of this country—were all volunteers. They were volunteers coming forward and contributing their knowledge, their expertise, their willingness to formulate a nation. So it was certainly appropriate that a summit on voluntarism was held in the city of Philadelphia during the past week. But what did this summit really accomplish?

I am told there were balloons, streamers, speeches, and a lot of good photo ops. But, unfortunately, we have to look at the bottom line and ask what was accomplished? How much was accomplished? It brought the issue to the American people. But, specifically, what did we get out of it? Because I think the summit ignored the fact that, in order for the spirit of voluntarism to flourish, you must, first of all, have real reform in our American judicial system.

What the Senate is basically doing today, and what we have been trying to do for the past 4 days—for the past 4 days—is not put on a highly publicized summit about voluntarism. We are trying to reform a justice system that deters voluntarism.

I am pleased, after several days of procedural delay, we have finally begun debate on this important legislation.

Mr. President, recent congressional findings reveal that our legal liability system deters voluntarism. In fact, according to the testimony given before a congressional committee last year, one in six volunteers withholds his or her services due to the fear of exposure to a lawsuit. That is the system that we have unfortunately devised. If that figure is applied to the number of volunteers in nonprofit organizations alone, we might see as many as 100,000 have had to decline to serve because of the fear of being sued.

America's litigation explosion forces nonprofit organizations to spend an ever-increasing amount of time and resources preparing for and avoiding lawsuits. The American Society of Association Executives testified before Congress last year that the association's liability insurance premiums increased an average of 155 percent; one in eight nonprofit organizations reported an increase of insurance premiums of 300 percent alone. This has put some of our most revered nonprofit organizations at risk.

For example, Dr. Creighton Hale of Little League Baseball reports that the liability rate for a league increased from $75 to $795, in the last 5 years. Because most leagues cannot afford such an expense, many operate without insurance. Some have, unfortunately, been disbanded altogether. The bill before us protects volunteers from liability unless they cause harm through reckless or criminal conduct.

This common-sense approach legislation would put an end to tragic liability cases such a 1990 negligence case in which a Chicago jury awarded $12 million to a boy who was injured in a car crash. Who was the negligent party? According to the jury, it was the estate of the volunteer—the estate of the volunteer, who gave his life attempting to save that boy.

Here are just a few other examples of recent outrageous litigation which threatens voluntarism.

In Oregon, a boy on a Boy Scout outing suffered a serious injury while playing tag football. The court dismissed the original lawsuit filed against the Boy Scouts, due to an insufficient nexus between the Boy Scouts and the youth's injury. The injured boy then decided to sue the volunteers who supervised the game. In one of the largest monetary verdicts in Oregon history, the jury found the two volunteers liable for $7 million.

When a 10-year-old boy in New Jersey lost a fly ball in the Sun during Little League practice, the ball dropped and hit the boy in the eye. The boy's coaches were sued for negligence.

In Oklahoma City, a member of an amateur softball league was so angered when he was ejected from a game that he drove away in a fit of rage and crashed his car. So what does the ejected player do? He files a suit against the umpire.

According to William J. Cople, a Washington lawyer who is pro bono counsel for the Boy Scouts of America, ''Volunteers have simply been swept away in the hysteria of litigation. . . . Suits are brought for almost anything, under any circumstances.'' What good comes from these suits? Well, about all you can say is that they keep a lot lawyers in business.

Mr. President, the bill we are debating will help put an end to such unwarranted litigation. This bill creates a system in which plaintiffs sue only for good reason and sue only those who are responsible for the damage. Such common-sense reforms will create an atmosphere which will nurture voluntarism. This legislation will foster the spirit of voluntarism, not just speak about it at a photo op.

For centuries, volunteers in America have fed our hungry, sheltered our homeless, instilled values in our youth. Volunteers are vital, as we know, to our survival as a moral nation. It is time we gave volunteers something in return, and that something is this legislation that will protect them from frivolous and outrageous legal attacks that are the result of a judicial system in desperate need of reform.

Finally, there is something else I believe we should do to encourage the volunteer spirit in America. This is to allow volunteers to get a more realistic tax deduction for their travel costs associated with charitable activities. Later today, I, along with Senator COCHRAN, will be introducing the Charitable Equity Mileage Act of 1997. This bill will increase the standard mileage rate of deduction for charitable use of an automobile from 12 cents a mile to 18 cents a mile. I think this bill should be unanimously supported by my colleagues on both sides of the aisle.

Further, many of our citizens who volunteer for charitable activities do incur expenses for which they are not reimbursed. For example, when an individual uses his or her automobile to deliver a meal to a home-bound elderly individual or to transport children to Scouting activities, the volunteer usually pays the transportation costs out of his or her own pocket with no expectations of reimbursement. I believe the costs associated with charitable transportation services ought to be deductible at a rate which fairly represents the individual's actual costs. This is especially important for volunteers living in rural communities who have to travel long distances to provide community services.

Congress, in 1984, set the standard mileage exemption deduction rate of 12 cents per mile for individuals who use their automobiles in connection with charitable activities. At the time the standard mileage rate for business use of an automobile was 20.5 cents per mile. In the intervening 13 years, the business mileage rate has increased to 30.5 cents per mile, but the charitable rate has remained unchanged at 12 cents per mile because the Treasury Department does not have the authority to adjust the rate. By raising the charitable rate to 18 cents a mile, my legislation, I think, restores the relationship that existed in 1984 between the charitable mileage rate and the business mileage rate. In addition, the legislation authorizes the Secretary of Treasury to increase the charitable mileage rate in the same manner as is currently allowed for business mileage expenses.

All of us agree that, with the changing role of the Federal Government, we need to do more to encourage voluntarism in our country. The Volunteer Protection Act will do that, and so will the legislation that I am introducing. Volunteers who provide transport services should be allowed to deduct such costs at a rate which fairly reflects their true out-of-pocket costs, and this is precisely what the bill does.

I urge my colleagues to join with me in sponsoring this important legislation.

Mr. President, I have a letter of support for my bill from the American Legion. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, DC, April 24, 1997.

Hon. FRANK MURKOWSKI,
Member, U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: The American Legion fully supports the ''Charitable Travel Equity Act of 1997,'' to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles.

Not only does The American Legion applaud the increase in the mileage rate deduction, but more importantly this measure fixes the problem that has not allowed for incremental increases without an act of Congress action. The standard mileage rate deduction for business use of passenger automobiles has increased significantly while no adjustments were made in the charitable use rate. Granting the Secretary the authority to make prescribed adjustments will provide fairness and promote additional volunteerism.

Thank you for your continuous leadership on behalf of America's veterans and their dependents.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent to be recognized as in morning business.

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

BUDGET NEGOTIATIONS

Mr. GRAMM. Mr. President, we have been in the midst of a filibuster where our President and many of our notable leaders around the country have gone to Philadelphia and called for an expansion in voluntarism, something that we all believe in, something that America was built on.

We have a bill on the floor of the Senate now to try to protect volunteers from frivolous lawsuits which threaten the whole process, and we are in the midst, basically, of a stall and a filibuster by our Democratic colleagues in opposition to this bill.

In this lull, I wanted to take the opportunity to come to the floor of the Senate and, for the first time, publicly make a comment on the emerging budget agreement.

Mr. President, I believe that the budget agreement that is now emerging is a good political deal, but it is a