E. DONNALL THOMAS MEDAL OF ACHIEVEMENT

Mr. GORTON. Mr. President, I rise to pay special tribute to George and Jane Russell, two individuals who have made remarkable contributions within their business and local communities. The Russells will be presented with the E. Donnall Thomas Medal of Achievement Award at a special celebration to be held on June 14 in Seattle.

The E. Donnall Thomas Award is named after Dr. E. Donnall Thomas, Director Emeritus of the Fred Hutchinson Cancer Research Center's Clinical Division and recipient of the 1990 Nobel Prize in Medicine, who pioneered bone marrow transplantation as a form of treatment for cancer. The guidance of Dr. Thomas and the work of his colleagues enables the Fred Hutchinson Cancer Research Center to save thousands of lives each year.

George and Jane Russell truly represent the spirit of the E. Donnall Thomas Medal of Achievement: inspirational leadership in their company and community; a force for positive change; and dedication to service that puts their highest humanitarian principles into action. Together, the Russells have inspired a corporate culture of integrity, earning their company, the Frank Russell Co., the distinction of ''Best Large Company to Work for in Washington State'' by ''Washington CEO'' in 1994 and the Better Workplace award from the Association of Washington Business in 1995.

George Russell is a dynamic industry pioneer who has made an indelible mark on the investment world. As the founder of both the pension consulting business and Russell 20–20, a group providing investment opportunities for countries making the transition from command to market economies, George Russell has truly revolutionized the investment world. Jane Russell is credited as the visionary behind the Frank Russell Company's award winning success. As the director of corporate and community relations, Jane promotes a business environment based on mutual trust and respect.

The Russells' community involvement and dedication to humanitarian efforts is unmatched. Jane has been the recipient of the Tacoma/Pierce County's Community Service Award and serves on the boards of the National Center for Nonprofit Boards, Washington, DC, the American Leadership Forum and the campaign cabinet of the Washington State History Museum. George is a founding member of the Executive Council for Greater Tacoma, a group of corporate and community leaders dedicated to the revitalization of Tacoma. Together, they cochair the effort to build the $38.8 million International Museum of Modern Glass on Tacoma's waterfront.

I commend the efforts and the inspiration provided by George and Jane Russell. By awarding the Russells with the E. Donnall Thomas Medal of Achievement, the Hutchinson Center guarantees that their exemplary efforts are not overlooked and reaffirm our commitment to provide the Fred Hutchinson Cancer Research Center the vital support it needs to continue its battle against cancer.●

RELIEF OF CHRISTOPH MEILI

● Mr. ABRAHAM. Mr. President, I rise to explain my reasons for being an original cosponsor of this legislation.

Christoph Meili was until recently a security guard at the Union Bank of Switzerland. At about 6 p.m. on January 8 of this year Mr. Meili was making his nightly rounds, when he stumbled upon a number of crates containing bank documents. Surprised, Mr. Meili examined the documents and found them to be ledgers, letters, and statements of account dating back to the 1930's and 1940's, and pertaining mostly to Jewish clients.

Mr. Meili knew that historical documents relating to the relationship between Swiss banks and Jews during the Holocaust were an issue of international importance. For some time now my colleague from New York, Senator D'AMATO, has been investigating the role of Swiss banks in laundering money for the Nazis during World War II, and in particular the possibility that those banks reaped huge profits from property and gold confiscated from Jewish victims of the Holocaust.

In answer to the firestorm of protest over these allegations, the Swiss Parliament only 3 weeks before had passed, with great fanfare, a law specifically prohibiting the destruction of documents that might assist in the search for assets properly belonging to victims of Hitler's concentration camps. Yet here were exactly the kind of documents the Swiss Parliament presumably wanted to protect.

At this point, Christoph Meili could have looked the other way. Instead he remembered his responsibility as a civilized human being. He spent 20 minutes going through the documents, put what seemed the most important in his jacket, and took them out to his car.

We owe Mr. Meili a debt of immense gratitude for this act of conscience. But not everyone is thankful to him. He has lost his job. He has received death threats. He is uncertain of his own future and the future of his wife and two young children. His future does not look bright in Switzerland.

Yet here in America he is welcomed with open arms everywhere he goes, as he should be. In early May he was flown to New York under the auspices of the World Jewish Congress. He has been warmly received at receptions in both New York and Washington. And Mr. Edgar Bronfman, the chairman of the World Jewish Congress and president of the Seagram Co., has offered him a fulltime job.

Which brings us to this bill. Mr. Meili and his family seek permanent residency in this country. This is an unusual case, in that he requires action on the part of Congress to achieve this status. But this is necessary because Mr. Meili does not meet the necessary criteria for permanent residency under any of the existing categories.

Mr. Meili has done a great service to the Jewish people, to this country and to the civilized world. Without thought for his own future or well-being he did what his conscience demanded, and saved valuable evidence concerning the relationship between Swiss banks and the victims of Hitler's death camps.

It seems equally clear to me that Mr. Meili has two possible futures ahead of him. In the first, we abandon him. The United States turns its back on this man of conscience and sends him back to Switzerland. There he faces unemployment, a dark blotch on his record for informing on his employer, and possibly worse. While the vast majority of the Swiss people are decent and law-abiding, some of them already have made threats against him. He would be literally a man without a country.

Alternatively, we could welcome Mr. Meili into our Nation, as so many of our people already have welcomed him into their hearts. We have the choice. We could open our doors to this man of conscience, giving him the chance to make for himself and his family a brighter future in a land that treasures the kind of bravery he has displayed.

His circumstances do not fit any of our set categories for immigration. But I am convinced that they present us with the opportunity to demonstrate our ability and willingness to recognize when noble acts render the particulars of bureaucratic regulation less important than the will to do what is right.

Mr. Meili is the kind of man I want for a neighbor. His is a family I feel would benefit any community. Our country can only be made better by his permanent residence here.●

GOOD SAMARITAN EXEMPTION

● Ms. SNOWE. Mr. President, I am pleased to report that we have made progress in our efforts to protect Atlantic large whales. As you may recall, on May 8th of this year, several of my colleagues joined with me in introducing the ''Good Samaritan Exemption'' to the Marine Mammal Protection Act. The Good Samaritan Exemption provides that the disentanglement of a marine mammal from fishing gear does not violate the ''take'' provisions of the MMPA. We were able to have the exemption accepted as an amendment to S. 672, and, due to the broad support for this noncontroversial amendment, I am hopeful that it will be included in the conference report.

However, during the drafting of the amendment a concern emerged that this exemption alone would not provide full protection for citizens involved in whale disentanglement efforts. On May 20th, I was notified by the administration that the necessary steps will be taken to ensure that fishermen and others who act as Good Samaritans

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 NONAPPLICABILITY.—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