of non-profit organizations and governmental entities; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 1436. A bill to amend the Federal Water Pollution Control Act to allow certain privately owned public treatment works to be treated as publicly owned treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 1437. A bill to provide for an increase in funding for the conduct and support of diabetes-related research by the National Institutes of Health; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 196. A resolution relative to the death of the Reverend Richard Halverson, late the Chaplain of the U.S. Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 1433. A bill to direct the Secretary of Energy to establish a system for defining the scope of energy research and development projects, and for other purposes; to the Committee on Energy and Natural Resources.

DEFINING THE SCOPE OF ENERGY RESEARCH AND DEVELOPMENT PROJECTS LEGISLATION

● Mr. MCCAIN. Mr. President, at a time in which we are trying to reduce the deficit and improve the efficiency of government, we should not be funding research and development projects that are ill defined and poorly managed because of a lack of direction and purpose. We should not be providing Federal dollars to any program in which it is not clear how the American public will benefit from its investment. It only stands to reason that if the private sector will not fund efforts in which there is not some return on its investment, the Federal Government should not either.

Furthermore, we should not be funding efforts that the private sector should be funding because of its huge payoff to the private sector and minimal payoff to the American public. If there is shared benefits to be realized by both, then the effort should be cost shared between the two.

The Department of Energy spends approximately $7 billion a year on research and development activities. They cover a wide range of science and engineering issues in the energy field. Any savings due to an improvement in the efficiency and the effectiveness of the management system will amount to several millions of dollars.

Mr. President, I am introducing a bill that will begin to address this issue. The bill will require the Secretary of Energy to establish a project definition system for research and development projects in which projects costs are expected to exceed $1 million.

It is expected that by requiring this project definition system prior to funding any project, costly revisions in project plans and directions may be avoided. The project definition document, the product of the project definition system, will provide the foundation by which more detailed project plans can be developed. It is expected that this system will also further ensure that the Department is not funding projects that are not addressing a known problem.

The bill identifies a number of issues or questions to be resolved prior to the funding of a project. Included are such things as project cost, duration, future users or beneficiaries, cost sharing, and expected outcome.

However, also included in this list is the criteria to be used to determine the end of the project or the end of Government funding. For many years, Government-sponsored projects have gone on for years without any clear end in sight. They have consumed years of funding with little or no benefit for continuation. By having this criteria established at the beginning of the project, this practice will be stopped. With this stoppage of Government support, any cost-sharing partners may continue with the project if they decide to do so.

Mr. President, I feel this bill takes a step in the right direction of ensuring that our public resources are invested wisely and responsibly. I feel that if the Department can invest a little more time, more money, at the beginning of these expensive research and development projects, it can avoid some of the costly type of mistakes that it has made in the past—mistakes due to ill-defined projects and lack of proper planning.

I look forward to further discussions with my colleagues on how to further improve this bill. I hope my colleagues will join me in supporting this bill as we debate the future of the Department of Energy and work to eliminate projects that can and should be undertaken by the private sector, we should at the very least seek ways to ensure a direction and efficiency in the projects we do undertake.●

By Mr. THOMAS (for himself, Mr. DOLE, Mr. DOMENICI, Mr. SIMPSON, Mrs. KASSEBAUM, Mr. FAIRCLOTH, Mr. THOMPSON, and Mr. COCHRAN):

S. 1434. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year—biennial—budgeting cycle, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days to report or be discharged.

THE BIENNIAL BUDGETING ACT OF 1995

Mr. THOMAS. Mr. President, I rise today to introduce a bill that creates a biennial budgeting cycle. It seems to me it is particularly appropriate to do that now. We have spent almost this entire year dealing with the budget. Surely it has been an unusual budget year in that we are attempting to make some changes, fundamental changes, in direction. But it is not otherwise unusual. As a matter of fact, since 1977, there have been 55 continuing resolutions, which would indicate we need to change the budgeting process. I am joined in this effort by a number of Senators originally and hope to have more: Senator DOLE, Senator DOMENICI, Senator SIMPSON, Senator KASSEBAUM, Senator FAIRCLOTH, Senator THOMPSON and Senator COCHRAN.

There are a lot of things we ought to be doing. We ought to be dealing with health care. We have not finished that problem. We ought to be dealing with regulatory reform. Most everyone agrees with that. Telecommunications, where we can deregulate and move forward with the things that will create jobs and move us forward. Personally, I believe we ought to be doing something with rangeland reform. Some of us live in States where 50 to 80 percent of the surface belongs to the Federal Government and is managed by the Federal Government. We need to change some of those things. Foreign policy—we need to be involved more in foreign policy. I think we find ourselves drifting into situations where we need to make policy in certain places and the administration says, gosh, we do not want to do that until we get an agreement, and then, after we have an agreement, it is too late to talk about it. So, essentially, the Congress is outside of foreign policy. That is wrong. We ought to be talking about endangered species, and a number of things that need to be done.

Instead, Mr. President, as you know, we spend almost all our time deciding on how we are going to fund the Government. Most States—the Presiding Officer, I think, in his State of Missouri, served as Governor—have biennial budgets. There are a couple of advantages to that, certainly. One of them is that it gives a little longer time for agencies to plan. Rather than every year, they have more tenure in their budgeting. They can plan longer. More important, I think, it allows the Congress, then, to have some time to do the other things, one of which is oversight of the budget.

I suspect that the budget debate will not be over in this session of Congress until next year. I suspect in less than 2 months we will be moving into another budget debate which consumes all of our time. I already mentioned that since 1977 we have had 55 continuing resolutions. We have had too many repetitive votes. We are back on the same thing over and over and over again without any new issue.

So there has not been, and continues not to be, enough time for vigorous oversight. I suspect one of the principal functions of the legislative body ought to be oversight of the budgets that they have approved to ensure that they are, indeed, being spent as they were designed to be spent and to discover how they can be spent more efficiently and more effectively. That is one of the things we have had very little time to do.

The provisions of this bill are rather simple. By the way, this is not a new idea. This has been introduced a number of times, been considered and supported by many Members of this body. It creates a 2-year authorization of appropriation and budget resolutions so that you set it out in a block and say here we are. It is not much more difficult to do it for 2 years than 1. You simply have a block of 2 years in which to do a budget. It is not difficult at all. All budgetary activities would take place during the first session of Congress. So in the second session you would have a chance to go back and provide some oversight to what is being done with the money that has been appropriated. Oversight in nonbudgetary matters would be taken up in the second session of Congress. There would be an opportunity to do the kinds of policy things that the Congress is designed to do in addition to spending all of our time funding the Government. Benefits, of course, would promote timely action on the budget, and would eliminate some of the redundancy. We need to do that. It would provide more time for effective oversight in the off years, and it would help so that we can reduce the size of Government.

It would also reduce the number of times where there is potential for the kinds of congressional-Presidential conflicts that arise so often as in the process now that arises. If would allow the budget to be adopted in the first year of the President's term, and in the first year of the sessions of Congress so that new Congresses can implement their budget, and then have a year for oversight. It would encourage longer-term planning in the agencies.

I think that is one of the keys to reducing the cost of Government. There have been very many programs, of course, that need to be analyzed, and that have to have applied to them priorities. Things need to be done much better—things that could be transferred to local governments, and closer to the people. Those things all are often a result of oversight.

There is a good deal of support for this proposition, as there has been in the past—Citizens Against Government Waste, the Hudson Institute, Concord Coalition, Cato Institute, Committee for Responsible Federal Budgeting—a 20-year history of legislative bipartisan support in this Congress supported by Presidents Bush and Reagan over the years.

Mr. President, this is obviously not a cure-all. Budgets are difficult. The allocation of money to activities is not easy, and it is terribly important. But I submit to you that it can be done as well in 2-year blocks, and the results will be much better. The results will be much better for the operations of Congress. The results will be much better for the operations of Government.

By Mr. MCCONNELL (for himself and Mr. WARNER):

S. 1435. A bill to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; to the Committee on the Judiciary.

THE VOLUNTEER PROTECTION ACT

Mr. MCCONNELL. Mr. President, volunteer service has become a high-risk venture. Our ''sue happy'' legal culture has ensnared those selfless individuals who help worthy organizations and institutions through volunteer service. And, these lawsuits are proof that no good deed goes unpunished.

In order to relieve volunteers from these million dollar liability judgments, I am pleased to introduce the Volunteer Protection Act.

The litigation craze is hurting the spirit of voluntarism that is an integral part of American society. From school chaperones to Girl Scout and Boy Scout troop leaders to good samaritan doctors and nursing home aides, volunteers perform valuable services. And, these volunteers are being dragged into court and needlessly and unfairly sued. The end result? Too many people pointing fingers and too few offering a helping hand.

So, this bill creates immunity from lawsuits for those volunteers who act within the scope of their responsibilities, who are properly licensed or certified where necessary, and who do not cause harm willfully and wantonly.

In addition to creating a Federal standard for volunteer protection, the bill allows the States to add further refinements to the Federal standard. This will give the States a degree of flexibility and it strikes a balance between the federalism interest and the need to protect volunteers from these lawsuits. If a State enacts one or more of these additional criteria, the State law will be consistent with the Federal standard:

A requirement that the organization or entity adhere to risk management procedures, including the training of volunteers.

A requirement that the organization or entity be accountable for the actions of its volunteers in the same way that an employer is liable for the acts of its employees.

An exemption from the liability protection in the event the volunteer is using a motor vehicle or similar instrument.

An exemption from the liability protection if the lawsuit is brought by a State or local official in accordance with State or local law.

A requirement that the liability protection applies only if the nonprofit organization or government entity provides a financially secure source of recovery, such as an insurance policy, for those who suffer harm.

I ask unanimous consent that a copy of the bill be printed in the RECORD and Legal Backgrounder entitled, ''Unfair Lawsuits Threaten Volunteers'' as well as the American Tort Reform Association's ''A Few Facts About Volunteer Liability'' also be printed in the RECORD.

Mr. President, this bill is widely supported by those organizations who rely on volunteers to provide important services to our communities. Some 150 organizations have endorsed this bill and I ask that a list of the Coalition for Volunteer Protection be printed in the RECORD.

I look forward to the Senate's consideration of this bill and to prompt passage. We cannot afford not to enact this legislation. Our communities are depending upon us.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Volunteer Protection Act of 1995''.

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 potential for liability actions against them and the organizations they serve;

(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; and

(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.

(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 protection from personal financial liability to volunteers serving nonprofit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 3. 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 incentives or protections to volunteers, or category of volunteers.

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 his or her 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 undertaken within the scope of his or her responsibilities in the nonprofit organization or governmental entity; and

(3) the harm was not caused by willful and wanton misconduct by the volunteer.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—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.—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 Act:

(1) A State law that requires the organization or 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 the limitation of liability does not apply if the volunteer was operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or vehicle owner to possess an operator's license or to maintain insurance.

(4) A State law that the limitation of liability does not apply if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(5) A State law that the limitation of liability shall apply 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 entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 5. DEFINITIONS.

For purposes of this Act—

(1) the term ''economic losses'' means objectively verifiable monetary losses, including past and future medical expenses, loss of past and future earnings, cost of obtaining replacement services in the home (including child care, transportation, food preparation, and household care), cost of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities;

(2) the term ''harm'' includes physical, nonphysical, economic, and noneconomic losses;

(3) 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) the term ''nonprofit organization'' means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(5) 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; and

(6) the term ''volunteer'' means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

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

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

in excess of $300 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 6. EFFECTIVE DATE.

This Act applies to any claim for harm caused by an act or omission of a volunteer filed on or after the date of enactment of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such date of enactment.

AMERICAN TORT REFORM ASSOCIATION,
Washington, DC.

VOLUNTEER LIABILITY

In October 1983, Craig Fredborg celebrated his birthday by climbing Box Springs Mountain, overlooking Riverside, California. To his companions' horror, Fredborg slipped on a boulder and plummeted some 90 feet, sustaining severe spinal injuries.

Alerted that Fredborg lay helpless on the slope, Walter Walker, now 54, and his son Kevin, 31, and teammates from the volunteer Riverside Mountain Rescue Unit scrambled to aid a physician and a paramedic in mounting a ticklish nighttime helicopter evacuation. Over the last 30 years, the unit's volunteers have saved hundreds of lives. But for their troubles, the Walkers and the others involved in the emergency mission were sued two years later by the victim, who asked $12 million in damages, claiming that 'reckless and negligent' rescue techniques had caused him to become a quadriplegic.

The lawsuit eventually was dropped. But not before the Walkers lost a lot of hours from their family printing business giving depositions and meeting with defense attorneys provided them by the county sheriff's department. Perhaps the most significant consequence of the suit, says Walker, is that meticulous documentation and planning procedures have been instituted in its wake to forestall future liability claims. 'Probably we were a little weak in that,' he concedes. Nevertheless, he adds, 'It definitely has slowed us down in getting the team into the field . . . Concern about liability exposure has complicated how we look at every mission.' ''—David O. Weber, ''A Thousand Points of Fright?'', Insurance Review, February 1991.

A man who was high on LSD was rescued by a student, after he had jumped from a 30 foot dockside bar into a seven foot pool of water. The man suffered a broken neck and was left paralyzed for life. However, he subsequently sued both the school and the student. The judge eventually threw the case out, but unfortunately, this is just another prime example of a waste of tax payers money.—Mississippi Press, May 2, 1993.

''Amateur referees at softball diamonds, high school stadiums and college field houses are finding that their decisions can trigger major-league lawsuits.'' An Iowa souvenir company faced with a suddenly devalued inventory challenged the last-second foul call of a part-time Big Ten basketball official with a $175,000 negligence suit. The official eventually won his court battle, but only after a costly two-year fight that went all the way to the Iowa Supreme Court.

''Some of our people got to the point where they were just afraid to work because of the threat of lawsuits,'' says Dottie Lewis of the Southwest Officials Association in Dallas. The Association provides officials for scholastic games.

A New Jersey umpire was sued by a catcher who was hit in the eye by a softball while playing without a mask; he complained that the umpire should have lent him his. The catcher walked away with a $24,000 settlement.—The Wall Street Journal, Friday, August 11, 1989.

58% of the principals responding to a survey sponsored by the National Association of Secondary School Principals said that they had noticed a difference in the kinds of school programs being offered in schools because of liability concerns, and the use of non-faculty volunteers was affected. Typically, parent volunteers assist schools with tutoring, science programs, class trips and social activities.—1989 Survey Members of the National Association of Secondary School Principals.

NATIONAL COALITION FOR VOLUNTEER PROTECTION

Academy of Medicine of Columbus and Franklin County, Air Force Association, Alabama Forestry Association, Alabama Oilmens Association, Alabama Textile Manufacturers Association, Alliance for Fire and Emergency Management, American Association of Blood Banks, American Association

of Equine Practitioners, American Association of Museums, American Association of Nurserymen, American Association of Occupational Health Nurses, American Chamber of Commerce Executives, American College of Emergency Physicians—National Office.

American College of Healthcare Executives, American Diabetes Association Kentucky Affiliate, American Hardware Manufacturers Association, American Horse Council Incorporated, American Horticultural Therapy Association, American Industrial Hygiene Association, American Institute of Architects North Carolina Chapter, American Physical Therapy Association California Chapter, American Physical Therapy Association Louisiana Chapter, American Production and Inventory Control Society, American Red Cross, American Society of Anesthesiologists, American Society of Association Executives, American Society of Mechanical Engineers Washington Office, American Society of Safety Engineers.

American Tort Reform Association, Anchorage Convention and Visitors Bureau, Arizona Academy of Family Physicians, Arizona Cable Television Association, Arizona Contractors Association, Arizona Motor Transport Association, Arkansas Hospital Association, Arkansas Hospitality Association, Arkansas Pharmacists Association, Arthritis Foundation National Office, Associated Builders and Contractors of Wisconsin Incorporated.

Associated California Loggers, Associated Industries of Massachusetts, Association Management Services, Association of Graphic Communications, Baton Rouge Apartment Association, Beacon Consulting Group, Building Industry Association of Tulare/Kings Counties Incorporated, California Association of Employers, California Association of Marriage and Family Therapists, California Chamber of Commerce, California Dental Association, California Independent Petroleum Association, California Society of Enrolled Agents, Catholic Health Association, Chicagoland Chamber of Commerce.

Childrens Alliance, Colorado Society of Association Executives, Community and Economic Development Association of Cook County Incorporated, Community Associations Institute, Connecticut Association of Not for Profit Providers for the Aging, Council of Community Blood Centers, Eastern Building Material Dealers Association, Fazio International Ltd, Financial Managers Society Incorporated, Florida Nurserymen and Growers Association Incorporated, Florida Optometric Association, General Federation of Womens Clubs, Greater Washington Society of Association Executives, Home Builders Association Holland Area, Home Builders Association of Kentucky.

Howe and Hutton Limited, Illinois Lumber and Material Dealers Association Incorporated, Independent Insurance Agents of Arkansas, Independent Insurance Agents of Virginia, Independent Sector, International Association for Financial Planning, Iowa and Nebraska Equipment Dealers Association, Iowa Bankers Association, Iowa Society of Certified Public Accountants, Kansas City Area Hospital Association, Kentucky Automobile Dealers Association Incorporated, Kentucky Derby Festival Incorporated, Kentucky Grocers Association, Kentucky Medical Association, Literacy Volunteers of America.

Long Island Convention and Visitors Bureau, MACU Association Group, Maine Association of Broadcasters, Maryland State Dental Association, Massachusetts Association of Rehabiitation Facilities, Mechanical Contractors Association of America Incorporated St. Louis Chapter, Metropolitan Detroit Plumbing and Mechanical Contractors Association, Michigan Chamber of Commerce, Michigan Dental Association, Michigan Pork Producers Association, Midwest Equipment Dealers Association Incorporated, Minnesota Automobile Dealers Association, Minnesota Electrical Association, Mississippi Malt Beverage Association.

Mississippi Optometric Association, Missouri Association of Homes for the Aging, Missouri Automobile Dealers Association, Modular Building Institute, National Association for Campus Activities, National Association of Hosiery Manufacturers, National Electrical Contractors Association St. Louis Chapter, National Electronic Distributors Association, National Federation of Nonprofits, National Glass Association, National Parent Teachers Association, National Small Business United, National Society of Professional Engineers, National Student Nurses Association, Nevada Association of Realtors.

Nevada Society of Certified Public Accountants, North American Equipment Dealers Association, Ohio Lumberman's Association, Ohio Osteopathic Association, Ohio Society of Association Executives, Ohio Society of Certified Public Accountants, Oklahoma Public Employees Association, Professional Meetings and Association Services, Public Risk Management Association, Recreation and Welfare Association, Relationship Management Incorporated, Religious Conference Management Association, Smith Bucklin and Associates Incorporated Washington Office, Soroptimist International of the Americas.

South Dakota Dental Association and Foundation, Texas Association of Nurserymen Incorporated, Texas Land Title Association, Texas Oil Marketers Association, Towing and Recovery Association of America, United States Hang Gliding Association, United States Pony Clubs, United Way of America, Utah Mechanical Contractors Association, Virginia Society of Association Executives, Water Environment Federation, Western Retail Implement and Hardware Association, Wisconsin Home Organization, Wisconsin League of Financial Institutions Ltd, Wisconsin Ready Mixed Concrete Association, Wisconsin Restaurant Association, Wisconsin Wholesale Beer Distributors Association, YMCA of the USA.

150 Members as of November 27, 1995.

WASHINGTON LEGAL FOUNDATION,
Washington, DC, December 16, 1994.

UNFAIR LAWSUITS THREATEN VOLUNTEERS

(By William J. Cople III)[1]

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. Under the rule of law, our actions are judged by common standards of conduct. This provides the basis for the courts to recognize rights and afford remedies to those who claim to be aggrieved. But civil justice should not be used recklessly to inhibit beneficial conduct that may involve some amount of risk. In order for volunteer service to survive and prosper, the civil justice system must find an equilibrium under which it recognizes and protects personal and property rights without stifling the volunteer spirit so necessary to a vital and self-reliant community.

Efforts to achieve this balance have been hindered by the civil justice system itself. Both federal and state courts seem to be trapped in a disturbing pattern of recognizing novel rights and enlarging the scope of existing rights in an effort to redress a multitude of real and perceived wrongs and injuries. The courts have regrettably found rights, and corresponding remedies, to exist in cases involving grievances that are trivial or mundane and in cases where acts or omissions were not previously understood to be a legal wrong. In other cases, judges and juries have found serious injuries and other matters of grave concern to deserve recompense, even though the legal duty was uncertain or the causal connection to the harm was attenuated.

As a result, the value of rights that historically have been recognized in the courts as a proper subject of redress has been debased by according them respect no greater than the most tenuous rights now being recognized. Moreover, the expansion of potential liability may diminish desirable and beneficial conduct, such as the willingness to serve as a volunteer. In the past, the courts seem to have understood that some circumstances, even ones of tragic proportion, are simply caused by accident or misfortune, and not necessarily by culpable conduct on the part of any other person. Yet, this now has become an unacceptable conclusion. Every conceivable circumstance in which we deal and interact with each other seems to create a victim. This has spawned the civil litigation clogging the courts, as every victim of circumstances seeks compensation by shifting the blame for those circumstances to someone else.

An unfortunate effect of this civil litigation is to heighten the risks of volunteer service. In thousands of service organizations, volunteers give freely of their time and effort to support activities that they believe to be worthwhile for a host of personal reasons. This is done without expectation of compensation or other remuneration of any kind. Nonetheless, many volunteer organizations have been forced by the growing threat of civil litigation to purchase and maintain liability insurance or other forms of legal indemnity covering volunteers for their services.

Even with insurance coverage, the increasing risk of litigation no doubt has a chilling effect on the willingness and enthusiasm of volunteers to donate their time and effort. Many volunteers may think twice before becoming involved, while others may continue to participate, but curtail their services to those activities that seem relatively risk-free. Still others may cease to be a volunteer, out of an abundance of caution and justifiable aversion to being caught up in civil litigation. Quantifying the effects of increased risk of civil liability on volunteer service will have to await empirical evidence. It is fair to say, however, that volunteers themselves have become victims of the civil justice system. The increasing propensity to enlarge the universe of rights and award compensation, often in stunning amounts, may be to the detriment of volunteer service.

This danger was illustrated recently in a personal injury lawsuit brought against volunteers serving a local council of the Boy Scouts of America. In a case brought in Oregon state court, Powell v. Boy Scouts of America, et al., a youth seriously injured in an activity sponsored by Scouting sued the Boy Scouts and its adult volunteers for negligence.

The Boy Scouts of America is a national volunteer service organization, chartered by the U.S. Congress in 1916, pursuant to 36 U.S.C. §§21–29. Acting primarily through its volunteers, the Boy Scouts is dedicated to the training of youth in accordance with long-established Scouting ideals and principles. Id. §23. The Boy Scouts operates

[1] William J. Cople III is a partner with the Washington, D.C. law firm of Spriggs & Hollingsworth and serves pro bono as the General Counsel of the National Capital Area Council of the Boy Scouts of America.

through several hundred local Scout councils. Community organizations within each Council, including churches, schools, and civic groups, among others, conduct Scouting programs and activities. The availability of these programs and activities depends upon individual volunteers willing to devote considerable time and effort in providing adult supervision for participating Scouts. These volunteers provide their time and resources to support the Council and the local organizations. They not only develop and plan the Scouting activities, but also raise the funds in the community necessary to support them. Without these volunteers, the Boy Scouts would be deprived of its principal resource for carrying out its national charter as a youth service organization.

In the Powell case, several adults in Portland, Oregon volunteered to supervise an outing of the Sea Explorers, a Scouting unit in the Boy Scouts' Cascade Pacific Council. In a tragic accident, one of the young men participating in the Sea Explorer outing suffered a paralyzing injury in a rough game of touch football. The injured youth, who was 16 years of age at the time of the accident, broke his neck during the football game and is now quadriplegic. At least one of the adult volunteers apparently knew that the boys were throwing a football around, but neither observed the game in which the boy was injured.

Based on this incident, the injured youth filed a personal injury lawsuit against the Boy Scouts and the Columbia Pacific Council (predecessor to Cascade Pacific Council) in Multnomah County Circuit Court, Oregon. The suit alleged that the youth's injury was foreseeable and preventable, and that the Boy Scouts and its volunteers negligently failed to supervise him adequately during the Sea Explorer outing.

The Court dismissed the original lawsuit, evidently based on an insufficient nexus between the Boy scouts and the youth's injury. Subsequently, the injured young man filed his personal injury lawsuit directly against two of the adult volunteers who participated in the Sea Explorer outing. Following trial, an Oregon jury entered a verdict against the two adult volunteers, finding them liable for some $7 million. In one of the largest monetary verdicts in Oregon, the jury awarded $4.89 million dollars for future care and lost earnings plus $2.14 million dollars for pain and suffering. In accordance with Oregon state law, the amount of the verdict will be reduced by the proportionate negligence, approximately one-third, that the jury assigned to the injured youth for his own negligent conduct. The Oregon Circuit Judge presiding at trial also reduced the amount awarded by the jury for pain and suffering to $500,000, reflecting a statutory limit on noneconomic damages that may be awarded in personal injury suits in Oregon.

The Oregon jury's verdict in this case against the Sea Explorer adult volunteers brings the civil justice dilemma into striking focus. The case was born of a tragic accident in which a young man's life and future were forever changed by a debilitating permanent injury. But this tragedy may have been compounded, not alleviated, by finding culpability and imposing liability on the adult volunteers under circumstances suggesting an enlargement of the volunteers' legal duty. The jury seemingly held the volunteers to a standard of care requiring them constantly to supervise the youth entrusted to their charge, even for activities which under other circumstances may routinely be permitted without such meticulous oversight.

Any parent entrusting their children to the care and supervision of another should expect and demand that all reasonable and prudent care be taken in discharging that responsibility. However, this does not mean that this duty of care must be carried out in such an extraordinary manner that only constant supervision of the youth in their care, regardless of age and other factors, will suffice for volunteers to satisfy their legal responsibility. Certainly, the circumstances surrounding tragic incidents should be carefully examined. All relevant facts and circumstances should be given due weight and consideration in judging whether an adult volunteer has adequately met the responsibility to supervise a child entrusted to his care. But circumstances will nonetheless occur where senseless tragedies happen without anyone being legally to blame. As in the case of other legal duties, adequate supervision should mean reasonable and prudent conduct as required under the circumstances as they existed at the time. Organizations serving the youth in our community, as well as those fulfilling other beneficent purposes, should not be forced into the role of guaranteeing a safe harbor free of all risk. Likewise, neither should volunteers be held a standard that may be infeasible, or even unattainable.

To choose otherwise would mean that the civil justice system needs to resolve every mishap and inexplicable tragedy by identifying someone to bear legal responsibility for a victim of those circumstances. This may, or may not, have happened in the case of the Multnomah County Circuit Court jury's verdict against the Scout volunteers. But the circumstances of the case, and the available evidence that has been reported, seem to suggest that the jury overreached in an effort to assign blame.

As is the case of the Oregon verdict against the Sea Explorer volunteers, there are a great many cases involving injury to person, property, or other rights, which are anything but trivial. In fact, their dimensions may be so tragic that such cases motivate judges or juries to find fault and assign blame where it might otherwise hesitate and decline to do so. The judgments entered in such cases, however, have other serious consequences. They obscure the standards of conduct under which we should expect to comport ourselves. This expectation of being able to determine, before we act, whether we are engaging in conduct that is right or wrong is a critical component to civil justice. Moreover, when civil litigation affords redress to every injury, regardless of whether the circumstances justify it under the rule of law, those rights that are long established and highly prized are commensurately demeaned. If virtually every injury is entitled to compensation, then the most important rights become lost in the sea of compensable grievances that the courts recognize. Finally, we need to underscore that 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.

The Boy Scouts afford their volunteers certain insurance liability coverage or other indemnity for their acts or omissions that may occur in the course of providing services as a Scouting volunteer. This coverage is far from unlimited. Similarly, other youth service and charitable organizations may also be able to provide such insurance coverage for their volunteers, but still others may not. Even with insurance coverage available, many of the most talented and energetic volunteers may eschew volunteer service, fearing that their good intentions will buy themselves a lawsuit. This is a particularly invidious effect, which is difficult to measure and even harder to correct. Existing and prospective volunteers may refuse to participate in many organizations out of a genuine concern with accepting an unreasonable risk of potential liability. Volunteers who might otherwise be motivated to serve may be deterred from doing so based solely on this concern for liability.

The Supreme Court of the United States aptly characterized the problem in *Parratt* v. *Taylor* 451 U.S. 527, 101 S. Ct. 1908 (1981). In Parratt, a prisoner, who lost his mail order hobby materials when normal procedures for receipt of mail packages were not followed, brought a federal civil rights case for the alleged deprivation of a Constitutional right. In its decision in that case, the Court seemed to forewarn the civil justice system that not every wrong is entitled to redress as a violation of Constitutional rights because ''[i]t is hard to perceive any logical stopping place for such a line of reasoning.'' *Id.* at 544. The Court's observation, though made in the context of a civil rights suit more than ten years ago, is equally salient today. The civil justice system should not recognize a legal right for every victim of circumstances. The rule of law should be used to define our standards of conduct and promote consistency and reasonable expectations in their application. The case involving the Sea Explorer volunteers in Oregon serves to reveal a truth. Despite the best of intentions, when misused or used in unpredictable ways, the civil justice system ends up serving no one, least of all those who volunteer.●

By Mr. LAUTENBERG:

S. 1436. A bill to amend the Federal Water Pollution Control Act to allow certain privately owned public treatment works to be treated as publicly owned treatment works, and for other purposes; to the Committee on the Environment and Public Works.

THE MUNICIPAL WASTEWATER TREATMENT FACILITY PRIVATE INVESTMENT ACT OF 1995

Mr. LAUTENBERG. Mr. President, I rise to introduce the Municipal Wastewater Treatment Private Investment Act. This bill will remove an impediment to private investment in municipal wastewater treatment facilities and in doing so, will improve water quality, provide increased fiscal flexibility to local governments, and create jobs.

Mr. President, our Nation's waters are a priceless resource. They provide recreational opportunities, habitat for fish and wildlife, and drinking water among other uses. But we cannot assure our citizens that our waterways will be clean unless we have adequate wastewater treatment facilities.

And our wastewater treatment needs are staggering. According to the 1992 EPA National Needs Survey, it will cost the United States $112 billion to build necessary wastewater treatment facilities. My State of New Jersey's wastewater treatment needs alone are $4.759 billion. This includes close to $2 billion for wastewater treatment plants necessary for compliance with the Clean Water Act and an estimated $1.29 billion to reduce discharges of bacteria, garbage and other floatable debris, and other untreated waste from combined sewer overflows. The remaining needs are to construct new sewers and repair existing sewers.

Federal dollars are necessary but insufficient to build these facilities. The

Senate VA/HUD appropriations bill includes $1.5 billion for State revolving loan funds. This funding level alone is insufficient to pay the costs local communities will have to bear to comply with the Clean Water Act. In addition, State revolving loan assistance will have to address other water quality needs such as storm water and nonpoint source pollution.

Local communities are looking increasingly to privatization of local governmental programs as a way to pay for these programs. This is an obvious way for them to minimize the costs associated with Federal requirements, which are eating into their budgets. And the Federal Government should do everything possible to assist these efforts.

In 1992, President Bush issued Executive Order 12803, which made it easier for local governments to privatize facilities that have received Federal financing—including wastewater treatment facilities. EPA Administrator Carol Browner has expressed her support to continue these efforts. In a letter she wrote to Mr. Edward Limbach, vice president of the American Water Works Co. in Voorhees, NJ, Ms. Browner said:

> [W]e need to provide communities the opportunity to work more closely with the private sector in financing environmental infrastructure. Local officials are in the best position to develop capital financing structures that meet their particular needs. We find that communities throughout the Nation are taking the lead in ''reinventing government'' and acknowledging the ability of private capital to enhance public investment. The EPA is committed to supporting these communities and allowing them flexibility in financing the infrastructure systems needed to achieve the environmental protection our citizens demand.

EPA has an initiative underway to encourage private investment in wastewater treatment facilities.

I urge the Congress to join with the administration in providing flexibility to local officials struggling to address the wastewater needs of this country. One problem identified by EPA which requires legislation concerns the phrase ''publicly owned treatment works'' or [POTWs]. This is the phrase used in the Clean Water act to identify what we all know to be municipal sewage facilities. Under the act, POTWs, treating municipal waste, are required to provide a level of treatment known as secondary treatment. However, if a private company offered to provide the same municipal waste services to the same community, it would have to meet a different treatment standard only because it is not a publicly owned treatment work.

Mr. President, the level of wastewater treatment should be based on the quality of the receiving water, or a national technology standard—it should not turn on the tax status of the owner of the sewer pipe.

My bill would define publicly owned treatment works to include wastewater facilities which are privatized or jointly owned by public and private partners. The legislation would remove the uncertainty regarding the environmental standards governing privately owned wastewater treatment facilities providing municipal wastewater services. It would require the same environmental standards for municipal wastewater treatment facilities owned in whole or in part by private investors as would apply to publicly owned treatment works. Communities and their citizens should not face an additional burden imposed by the Federal Government simply because they are developing innovative means to pay for a clean environment.

This bill would have numerous positive benefits. Perhaps most importantly, it would lead to more construction of wastewater treatment facilities. According to a report done by NatWest Washington Analysis, potential private investment in municipal wastewater treatment facilities could reach $2 billion a year. This would double the Federal investment in wastewater facilities.

To the extent that this investment is in new facilities, there will be more treatment facilities and cleaner water. The legislation also would help private capital flow into wastewater systems facing upgrades, expansions and new requirements.

Under the legislation, private and public/private facilities would have to comply with all of the same requirements that publicly owned facilities must comply with. Industrial facilities discharging into sewers and treatment plants, whether public or private, would continue to be subject to the pretreatment requirements of the Clean Water Act.

The legislation also will lead to additional jobs. According to a study prepared by Apogee Research, every $1 billion spent on wastewater facility investment generates 34,200 to 57,400 jobs.

The bill also would mean more capital investment to protect and prolong the extensive Federal investment in existing structures.

Privatization gives local governments which must comply with the Clean Water Act an additional fiscal tool for construction and maintenance of these facilities. It provides equitable treatment of communities that choose to pursue alternative financing on their own rather than depending on limited Federal funds.

Mr. President, this bill will help the private sector provide the infrastructure financing which is essential for economic growth. It will give local governments with limited financial resources another tool to address their budgetary problems. It will generate jobs. And it will improve the quality of the Nation's waters.

This proposal is endorsed by the National Association of Water Companies, the National Council for Public-Private Partnership, the Utility and Transportation Contractors Association of New Jersey, the National Utility Contractors Association, and the Water and Wastewater Equipment Manufacturers Association.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 1436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Municipal Wastewater Treatment Facility Private Investment Act of 1995''.

SEC. 2. FINDINGS.

Congress finds that—

(1) municipal wastewater treatment construction needs exceed $100,000,000,000;

(2) Federal assistance for State revolving loan programs will provide funding for only a portion of the municipal wastewater treatment facilities;

(3) increasing the amount of funds invested by the private sector in municipal wastewater treatment facilities would—

(A) help address the funding shortfall referred to in paragraph (2);

(B) stimulate economic growth;

(C) lead to an increase in the construction of wastewater treatment facilities and jobs;

(D) result in a cleaner environment; and

(E) provide a greater degree of fiscal flexibility for local governments in meeting Federal mandates; and

(4) the most effective way to encourage an increase in the level of involvement of the private sector in the provision of municipal wastewater services is to provide for the uniform regulation of municipal wastewater treatment plants without regard to whether the wastewater treatment plants are publicly or privately owned or under the control of a public and private partnership.

SEC. 3. PUBLICLY OWNED TREATMENT WORKS DEFINED.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

''(21) As used in titles I, III, and IV, and this title, the term 'publicly owned treatment works' means a device or system used in the collection, storage, treatment, recycling, or reclamation of municipal wastewater (or a mixture of municipal wastewater and industrial wastes of a liquid nature) with respect to which all or part of the device or system—

''(A) was constructed and is owned or operated by a State or municipality;

''(B) was constructed, owned, or operated by a State or municipality and the ownership has been transferred (in whole or in part) to a private entity that is a regulated utility or that has in effect a contract with a State or municipality to receive municipal wastewater (or a mixture of municipal wastewater and industrial wastes of a liquid nature) from sewers, pipes, or other conveyances, if the facility is used in a manner prescribed in the matter preceding subparagraph (A) by the private entity; or

''(C) is owned or operated by a private entity that is a regulated utility or that has in effect a contract with a State or municipality to receive municipal wastewater (or a mixture of municipal wastewater and industrial wastes of a liquid nature) from sewers, pipes, or other conveyances within a service area that would otherwise be served by the

State or municipality, if the facility is used in a manner prescribed in the matter preceding subparagraph (A).

''(22) The term 'regulated utility' means a person, firm, or corporation with respect to which—

''(A) a State water pollution control agency grants a license to own or operate (or both) a wastewater treatment facility; and

''(B) a State regulates the fees or other charges of the utility.''.

By Mr. THURMOND:

S. 1437. A bill to provide for an increase in funding for the conduct and support of diabetes-related research by the National Institutes of Health; to the Committee on Labor and Human Resources.

THE DIABETES RESEARCH ACT

Mr. THURMOND. Mr. President, I am pleased to rise today, along with my able colleague Senator SIMON, to introduce the Diabetes Research Act. Diabetes is a chronic, and often fatal, disease affecting more than 14 million Americans. Billions of dollars are spent annually to care for those afflicted by this disease. It is the fourth leading cause of death in the United States and a major cause of kidney disease, heart disease, amputation, and adult blindness. Scientists tell us that medical research holds a cure for diabetes, yet the problem persists.

In February of this year, I attended the Capitol Summit on Diabetes Research where leading scientists from around the Nation presented a comprehensive plan to direct diabetes research to a cure by the turn of the century. Recent evidence indicates that we are on the verge of uncovering new prevention, screening, and treatment procedures that will dramatically improve diabetes therapy and lead to a cure in the very near future.

The bill I am introducing today will substantially increase the funds available to the National Institutes of Health for diabetes research. I believe that at this critical juncture in the fight to end diabetes, it is imperative that we provide additional funding to our scientists who are on the verge of finding a cure. Every year, over $100 billion is spent caring for the 14 million citizens suffering with the complications of this devastating disease. This bill increases the authorization by $315 million for diabetes research. In light of the emotional and financial burden that diabetes brings to our country, I believe that this bill represents a prudent, invaluable investment in our Nation's future. I urge my colleagues to join me in cosponsoring this critical legislation so that we can end diabetes, and end the pain that this disease brings to its sufferers and their loved ones.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Diabetes Research Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Diabetes is a serious health problem in America.

(2) More than 14,000,000 Americans suffer from diabetes.

(3) Diabetes is the fourth leading cause of death in America, taking the lives of 162,000 people annually.

(4) Diabetes disproportionately affects minority populations, especially African-Americans, Hispanics, and Native Americans.

(5) Diabetes is the leading cause of new blindness, affecting up to 39,000 Americans each year.

(6) Diabetes is the leading cause of kidney failure requiring dialysis or transplantation, affecting up to 13,000 Americans each year.

(7) Diabetes is the leading cause of nontraumatic amputations, affecting 54,000 Americans each year.

(8) The cost of treating diabetes and its complications are staggering for our Nation.

(9) Diabetes accounted for health expenditures of $105,000,000,000 in 1992.

(10) Diabetes accounts for over 14 percent of our Nation's health care costs.

(11) Federal funds invested in diabetes research over the last two decades has led to significant advances and, according to leading scientists and endocrinologists, has brought the United States to the threshold of revolutionary discoveries which hold the potential to dramatically reduce the economic and social burden of this disease.

(12) The National Institute of Diabetes and Digestive and Kidney Diseases supports, in addition to many other areas of research, genetic research, islet cell transportation research, and prevention and treatment clinical trials focusing on diabetes. Other research institutes within the National Institutes of Health conduct diabetes-related research focusing on its numerous complications, such as heart disease, eye and kidney problems, amputations, and diabetic neuropathy.

SEC. 3. NATIONAL INSTITUTES OF HEALTH; INCREASED FUNDING REGARDING DIABETES.

With respect to the conduct and support of diabetes-related research by the National Institutes of Health—

(1) in addition to any other authorization of appropriations that is available for such purpose for the fiscal year involved, there are authorized to be appropriated for such purpose such sums as may be necessary for each of the fiscal years 1996 through 2000; and

(2) of the amounts appropriated under paragraph (1) for such purpose for a fiscal year, the Director of the National Institutes of Health shall reserve—

(A) not less than $155,000,000 for such purpose for the National Institute of Diabetes and Digestive and Kidney Diseases; and

(B) not less than $160,000,000 for such purpose for the other national research institutes.

Mr. SIMON. Mr. President, during this National Diabetes Awareness Month, I am pleased to join my colleague Senator STROM THURMOND in introducing the Diabetes Research Act of 1995, a bill to authorize increased funding for diabetes research. It is identical to legislation introduced in the House earlier this year by Representative ELIZABETH FURSE and Representative GEORGE R. NETHERCUTT, Jr.

Information from the National Institute of Diabetes and Digestive and Kidney Diseases shows there has been a dramatic increase recently in the number of Americans with diabetes—almost a 50 percent increase since 1983. About 15 million Americans now have diabetes, and an estimated half of them do not know they have the disease.

Diabetes is one of the leading causes of death by illness in the United States. It can lead to blindness, kidney failure, heart disease, stroke, and nerve damage. And it affects minority groups two to three times more frequently than others.

The rapid increase is taking place primarily in type II diabetes—adult-onset diabetes—which makes up 95 percent of cases. This type of diabetes is usually diagnosed at age 51, and with increasing numbers of Americans in this age range, we can expect an even higher incidence of diabetes in the future.

The diabetes-related costs to the Nation each year are estimated at over $100 million. And each day, thousands of Americans are facing blindness, amputation of extremities, and heart disease as a result of the disease.

We need to make research in this area a priority, and that is the purpose of the $315 million increase in NIH funding in this bill. The good news is, diabetes research is making great strides, and additional effort has an excellent chance of providing breakthrough results, saving thousands of lives, improving the lives of millions more and saving billions of health care dollars.

I invite my colleagues' support for this legislation.

ADDITIONAL COSPONSORS

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 978

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri [Mr. BOND], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Utah [Mr. BENNETT], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Wyoming [Mr. THOMAS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Missouri [Mr. ASHCROFT], the Senator from Minnesota [Mr. GRAMS], the Senator from