

“(1) one-half of the aggregate minimum basic educational assistance allowance calculated under sections 3013(d)(1) and 3015(b)(1) of title 38, United States Code (as in effect on July 28, 1993), for a member of the Armed Forces who is entitled to such an allowance under section 3011 of such title and whose initial obligated period of active duty is two years; less

“(2) one-half of the aggregate basic contribution required to be made by the member under section 3011(b) of such title (as in effect on July 28, 1993).

The SPEAKER pro tempore, Mr. McNULTY, announced that the yeas had hit.

Mr. WALKER demanded a recorded vote on agreeing to the amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 419 Nays 6

190.13 [Roll No. 376] AYES—419

- Ackerman Collins (GA) Gallo
Allard Collins (IL) Gejdenson
Andrews (ME) Collins (MI) Gekas
Andrews (NJ) Combest Gephardt
Andrews (TX) Condit Geren
Applegate Conyers Gibbons
Archer Cooper Gilchrist
Army Coppersmith Gillmor
Bacchus (FL) Costello Gilman
Bachus (AL) Cox Gingrich
Baesler Coyne Glickman
Baker (CA) Cramer Gonzalez
Baker (LA) Crane Goodlatte
Ballenger Crapo Goodling
Barca Cunningham Gordon
Barcia Danner Goss
Barlow Darden Grams
Barrett (NE) Deal Grandy
Barrett (WI) DeFazio Green
Bartlett DeLauro Greenwood
Barton Gunderson
Bateman Dellums
Becerra Derrick Hall (OH)
Beilenson Deutsch Hall (TX)
Bentley Diaz-Balart Hamburg
Bereuter Dickey Hamilton
Berman Dicks Hancock
Bevill Dingell Hansen
Billbray Dixon Hastert
Bilirakis Dooley Hastings
Bishop Doolittle Hayes
Blackwell Dornan Hefley
Bliley Dreier Hefner
Blute Duncan Herger
Boehlert Dunn Hilliard
Boehner Durbin Hinchey
Bonilla Edwards (CA) Hoagland
Bonior Edwards (TX) Hobson
Borski Emerson Hochbrueckner
Boucher Engel Hoekstra
Brewster English (AZ) Hoke
Brooks English (OK) Holden
Browder Eshoo Horn
Brown (FL) Evans Houghton
Brown (OH) Everett Hoyer
Bryant Ewing Huffington
Bunning Farr Hughes
Burton Fawell Hunter
Buyer Fazio Hutchinson
Byrne Fields (LA) Hutto
Callahan Fields (TX) Hyde
Calvert Filner Inglis
Camp Fingerhut Inhofe
Canady Fish Inslee
Cantwell Flake Istook
Cardin Foglietta Jacobs
Castle Ford (MI) Jefferson
Chapman Ford (TN) Johnson (CT)
Clay Fowler Johnson (GA)
Clayton Frank (MA) Johnson (SD)
Clement Franks (CT) Johnson, E. B.
Clinger Franks (NJ) Johnston
Clyburn Frost Johnson, Sam
Coble Furse Johnson
Coleman Gallegly Kaptur

- Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klecicka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowe
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCoskey
McCollum
McCreery
McCurdy
McDermott
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeean
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snow
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torrice
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmmer
Vucanovich
Walker
Walsh
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—6

- Abercrombie
Brown (CA)
Carr
de la Garza
Harman
McHale
Mink
Henry
McDade
Mfume
Sanders
Waters
Moakley
Packard
Washington

NOT VOTING—9

So the amendment was agreed to. The question being put, viva voce, Will the House agree to the following amendment [the SOLOMON amendment] on which a separate vote had been demanded?

Page 247, after line 3, strike the close quotation marks and the final period.

Page 247, after line 3, insert the following new subsection:

“(d) Specification of Budget Function.—The authorizations of appropriations contained in this section shall be considered to

be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services, and, as such, shall be considered as related to the programs of the Departments of Labor, Health Services, and Education for budgetary purposes.”.

Page 284, after line 4, insert the following new paragraph:

“(5) Specification of Budget Function.—The authorizations of appropriations contained in this subsection shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment and social services, and, as such, shall be considered as related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.”.

The SPEAKER pro tempore, Mr. McNULTY, announced that the yeas had hit.

Mr. WALKER demanded a recorded vote on agreeing to the amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 385 Nays 38

190.14 [Roll No. 377] AYES—385

- Abercrombie Clinger Fowler
Ackerman Clyburn Franks (CT)
Allard Coble Franks (NJ)
Andrews (ME) Coleman Frost
Andrews (NJ) Collins (GA) Gallegly
Andrews (TX) Collins (MI) Gallo
Applegate Combest Gejdenson
Archer Condit Gekas
Army Cooper Geren
Bacchus (FL) Costello Gilchrist
Baesler Cox Gillmor
Baker (CA) Coyne Gilman
Baker (LA) Cramer Gingrich
Ballenger Crapo Glickman
Barca Crapo Goodlatte
Barcia Cunningham Goodling
Barlow Danner Gordon
Barrett (NE) Darden Goss
Barrett (WI) de la Garza Grams
Bartlett Deal Grandy
Barton DeFazio Green
Bateman DeLauro Greenwood
Bilirakis DeLay Gunderson
Bishop Dellums Gutierrez
Berman Derrick Hall (OH)
Bevill Deutsch Hall (TX)
Billbray Diaz-Balart Hamburg
Bilirakis Dickey Hamilton
Bishop Dicks Hancock
Blackwell Dingell Hansen
Bliley Dixon Harman
Blute Dooley Hastert
Boehlert Doolittle Hastings
Boehner Dornan Hayes
Bonilla Dreier Hefley
Bonior Duncan Herger
Borski Dunn Hilliard
Boucher Durbin Hinchey
Brooks Edwards (CA) Hoagland
Browder Edwards (TX) Hobson
Brown (FL) Emerson Hochbrueckner
Brown (OH) English (AZ) Hoekstra
Bryant English (OK) Hoke
Bunning Eshoo Holden
Burton Evans Horn
Buyer Everett Houghton
Byrne Ewing Huffington
Callahan Farr Hughes
Calvert Fawell Hunter
Camp Fazio Hutchinson
Canady Fields (LA) Hutto
Cantwell Fields (TX) Hyde
Cardin Filner Inglis
Carr Fingerhut Inhofe
Castle Fish Inslee
Chapman Foglietta Istook
Clement Ford (MI) Jacobs
Clinger Franks (NJ) Johnson
Clyburn Frost Johnson, Sam
Coble Furse Johnson
Coleman Gallegly Kaptur

Johnson (GA)	Mfume	Schumer
Johnson (SD)	Mica	Scott
Johnson, E. B.	Michel	Sensenbrenner
Johnson, Sam	Miller (CA)	Serrano
Johnston	Miller (FL)	Sharp
Kanjorski	Mineta	Shaw
Kaptur	Minge	Shays
Kasich	Mink	Shepherd
Kennedy	Molinari	Shuster
Kennelly	Montgomery	Sisisky
Kildee	Moorhead	Skaggs
Kim	Morella	Skeen
King	Murphy	Skelton
Kingston	Murtha	Slattery
Kleccka	Myers	Slaughter
Klein	Nadler	Smith (MI)
Klink	Neal (MA)	Smith (NJ)
Klug	Neal (NC)	Smith (OR)
Knollenberg	Nussle	Smith (TX)
Kolbe	Oberstar	Snowe
Kopetski	Obey	Solomon
Kreidler	Ortiz	Spence
Kyl	Orton	Spratt
LaFalce	Owens	Stark
Lambert	Oxley	Stearns
Lancaster	Pallone	Stenholm
Lantos	Parker	Strickland
LaRocco	Pastor	Studds
Laughlin	Paxon	Stump
Lazio	Payne (NJ)	Stupak
Leach	Payne (VA)	Sundquist
Lehman	Penny	Swett
Levin	Peterson (FL)	Synar
Levy	Peterson (MN)	Talent
Lewis (CA)	Petri	Tanner
Lewis (FL)	Pickett	Tauzin
Lewis (GA)	Pickle	Taylor (MS)
Lightfoot	Pombo	Taylor (NC)
Linder	Pomeroy	Tejeda
Lipinski	Portman	Thomas (CA)
Livingston	Poshard	Thomas (WY)
Lloyd	Pryce (OH)	Thompson
Long	Quillen	Thornton
Lowe	Quinn	Thurman
Machtley	Rahall	Torkildsen
Maloney	Ravenel	Torres
Mann	Reed	Torricelli
Manton	Regula	Towns
Manzullo	Reynolds	Trafficant
Margolies-	Richardson	Tucker
Mezvinsky	Ridge	Upton
Markey	Roberts	Valentine
Martinez	Roemer	Vento
Matsui	Rogers	Volkmer
Mazzoli	Rohrabacher	Vucanovich
McCandless	Ros-Lehtinen	Walker
McCloskey	Rose	Walsh
McCollum	Rostenkowski	Weldon
McCrery	Roth	Wheat
McCurdy	Roukema	Whitten
McHale	Rowland	Williams
McHugh	Royce	Wilson
McInnis	Sangmeister	Wise
McKeon	Santorum	Wolf
McKinney	Sarpalius	Wyden
McMillan	Sawyer	Wynn
McNulty	Saxton	Young (AK)
Meehan	Schaefer	Young (FL)
Meek	Schenk	Zeliff
Menendez	Schiff	Zimmer
Meyers	Schroeder	

NOES—38

Becerra	Hoyer	Sanders
Beilenson	Jefferson	Smith (IA)
Brown (CA)	McDermott	Stokes
Clay	Mollohan	Swift
Collins (IL)	Moran	Unsoeld
Coppersmith	Natcher	Velazquez
Engel	Olver	Visclosky
Flake	Pelosi	Waters
Frank (MA)	Porter	Watt
Furse	Price (NC)	Waxman
Gibbons	Rangel	Woolsey
Gonzalez	Royal-Allard	Yates
Hefner	Rush	

NOT VOTING—11

Bachus (AL)	Henry	Ramstad
Brewster	McDade	Sabo
Conyers	Moakley	Washington
Gephardt	Packard	

So the amendment was agreed to.

The question being put, *viva voce*,

Will the House agree to the following amendment [the PORTER amendment] on which a separate vote had been demanded?

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

SEC. 501. FINDINGS AND PURPOSE.

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

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, have been adversely affected through 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) the efforts of nonprofit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purpose of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and nonprofit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with nonprofit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 502. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 503. LIMITATION OF LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—For purposes of satisfying the requirement specified in section 129(a)(5) of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(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 injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State shall impose the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury 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. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed \$300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) 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;

(3) the term "damage or injury" includes physical, nonphysical, economic, and non-economic damage; and

(4) 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.

The SPEAKER pro tempore, Mr. McNULTY, announced that the yeas had it.

Mr. WALKER demanded a recorded vote on agreeing to the amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

