

When there appeared { Yeas 257
 Nays 158

¶90.3

[Roll No. 371]

YEAS—257

Abercrombie	Gilman	Oberstar
Ackerman	Glickman	Obey
Andrews (ME)	Gonzalez	Olver
Andrews (NJ)	Gordon	Ortiz
Andrews (TX)	Green	Orton
Applegate	Gunderson	Owens
Archer	Gutierrez	Oxley
Bacchus (FL)	Hall (OH)	Pallone
Baessler	Hall (TX)	Parker
Barca	Hamburg	Pastor
Barcia	Hamilton	Payne (NJ)
Barlow	Harman	Payne (VA)
Barrett (WI)	Hastings	Pelosi
Bateman	Hayes	Penny
Becerra	Hefner	Peterson (FL)
Beilenson	Hilliard	Peterson (MN)
Berman	Hinchey	Pickett
Bevill	Hoagland	Pickle
Bilbray	Hochbrueckner	Pombo
Bishop	Hoke	Pomeroy
Blackwell	Hoyer	Poshard
Bonior	Hughes	Price (NC)
Borski	Hutto	Rahall
Boucher	Hyde	Rangel
Brewster	Inglis	Reed
Brooks	Inslie	Reynolds
Browder	Jefferson	Richardson
Brown (FL)	Johnson (GA)	Roemer
Brown (OH)	Johnson (SD)	Rose
Bryant	Johnson, E. B.	Rostenkowski
Byrne	Johnston	Rowland
Cantwell	Kanjorski	Roybal-Allard
Cardin	Kaptur	Rush
Carr	Kasich	Sabo
Clayton	Kennedy	Sanders
Clement	Kennelly	Sangmeister
Clinger	Kildee	Sarpaluz
Clyburn	Klecza	Sawyer
Coleman	Klein	Schenk
Collins (IL)	Klink	Schumer
Collins (MI)	Kreidler	Scott
Combest	LaFalce	Serrano
Condit	Lambert	Sharp
Conyers	Lancaster	Shepherd
Cooper	LaRocco	Sisisky
Coppersmith	Laughlin	Skaggs
Costello	Lehman	Skelton
Coyne	Levin	Slattery
Cramer	Lewis (GA)	Slaughter
Danner	Lloyd	Smith (IA)
Darden	Long	Smith (NJ)
de la Garza	Lowe	Spratt
Deal	Maloney	Stark
DeFazio	Mann	Stenholm
DeLauro	Manton	Studds
Dellums	Margolies-	Stupak
Deutsch	Mezvinsky	Swett
Dicks	Markey	Swift
Dingell	Martinez	Synar
Dixon	Matsui	Tanner
Dooley	Mazzoli	Tauzin
Durbin	McCloskey	Tejeda
Edwards (CA)	McCollum	Thompson
Edwards (TX)	McCurdy	Thornton
Engel	McDermott	Thurman
English (OK)	McHale	Torres
Eshoo	McKinney	Torricelli
Evans	McNulty	Trafficant
Farr	Meehan	Tucker
Fazio	Meek	Unsoeld
Fields (LA)	Menendez	Velazquez
Filner	Mfume	Vento
Fingerhut	Miller (CA)	Visclosky
Fish	Miller (FL)	Volkmmer
Foglietta	Mineta	Waters
Ford (MI)	Minge	Watt
Ford (TN)	Mink	Waxman
Frank (MA)	Mollohan	Wheat
Frost	Montgomery	Whitten
Furse	Moran	Williams
Gallegly	Murtha	Wise
Gejdenson	Myers	Woolsey
Gephardt	Nadler	Wyden
Geren	Natcher	Wynn
Gibbons	Neal (MA)	Yates
Gillmor	Neal (NC)	Young (AK)

NAYS—158

Allard	Barrett (NE)	Bliley
Army	Bartlett	Blute
Bacchus (AL)	Barton	Boehlert
Baker (CA)	Bentley	Boehner
Baker (LA)	Bereuter	Bonilla
Ballenger	Bilirakis	Bunning

Burton	Horn	Quinn
Buyer	Houghton	Ramstad
Callahan	Huffington	Ravenel
Calvert	Hunter	Regula
Camp	Hutchinson	Ridge
Canady	Inhofe	Roberts
Castle	Istook	Rogers
Clay	Jacobs	Rohrabacher
Coble	Johnson (CT)	Ros-Lehtinen
Collins (GA)	Johnson, Sam	Roth
Cox	Kim	Roukema
Crane	King	Royce
Crapo	Kingston	Santorum
Cunningham	Klug	Saxton
DeLay	Knollenberg	Schaefer
Diaz-Balart	Kolbe	Schiff
Dickey	Kyl	Schroeder
Doollittle	Lazio	Sensenbrenner
Dornan	Leach	Shaw
Dreier	Levy	Shays
Duncan	Lewis (CA)	Shuster
Dunn	Lewis (FL)	Skeen
Emerson	Lightfoot	Smith (MI)
Everett	Linder	Smith (OR)
Ewing	Lipinski	Smith (TX)
Fawell	Livingston	Snowe
Fields (TX)	Machtley	Solomon
Fowler	Manzullo	Spence
Franks (CT)	McCandless	Stearns
Franks (NJ)	McCrery	Stump
Gekas	McInnis	Sundquist
Gilchrist	McKeon	Talent
Gingrich	McMillan	Taylor (MS)
Gingrich	Meyers	Taylor (NC)
Goodlatte	Mica	Thomas (CA)
Goodling	Michel	Thomas (WY)
Goss	Molinari	Torkildsen
Grams	Moorhead	Upton
Grandy	Morella	Vucanovich
Greenwood	Murphy	Walker
Hancock	Nussle	Walsh
Hansen	Paxon	Weldon
Hastert	Petri	Wolf
Hefley	Porter	Young (FL)
Heger	Portman	Zeliff
Hobson	Pryce (OH)	Zimmer
Hoekstra	Quillen	

NOT VOTING—19

Brown (CA)	Kopetski	Strickland
Chapman	Lantos	Towns
Derrick	McDade	Valentine
English (AZ)	McHugh	Washington
Flake	Moakley	Wilson
Henry	Packard	
Holden	Stokes	

So the Journal was approved.

¶90.4 NATIONAL SERVICE

The SPEAKER pro tempore, Mr. TUCKER, pursuant to House Resolution 217 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

Mr. FIELDS of Louisiana, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶90.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BRYANT to the amendment submitted by Mr. PORTER:

Amendment submitted by Mr. BRYANT:

In the matter proposed to be inserted by the amendment at the end of the bill as title V of the National Service Trust Act of 1993, strike "A State may impose one or more of

the following conditions" in section 503(d) of such title and insert in lieu thereof "A State shall impose the following conditions".

Amendment submitted by Mr. PORTER:

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 on 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 purposes 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 ON 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