

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	Inslee	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
Armey	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

(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 may impose one or more of 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.

It was decided in the affirmative { Yeas ..... 239 Nays ..... 194

90.6 [Roll No. 372] AYES—239

- Abercrombie Ackerman Andrews (ME) Andrews (NJ) Andrews (TX) Applegate Bacchus (FL) Baesler Baker (LA) Barca Barlow Barrett (WI) Becerra Berman Bevil Bilbray Bishop Blackwell Bonior Borski Boucher Brewster Brooks Browder Brown (CA) Brown (FL) Brown (OH) Bryant Byrne Cantwell Carr Chapman Clay Clayton Clement Clyburn Coleman Collins (IL) Collins (MI) Conyers Cooper Coppersmith Costello Coyne Cramer Danner Darden de la Garza de Lugo (VI) Deal DeFazio DeLauro Dellums Derrick Deutsch Dicks Dingell Dixon Durbin Edwards (CA) Emerson Engel English (AZ) English (OK) Eshoo Evans Faleomavaega (AS) Farr Fazio Fields (LA) Filner Fingerhut Flake Foglietta Ford (MI) Ford (TN) Frost Furse Gejdenson Gephardt Gibbons Gillmor Gonzalez Gordon Green Gutierrez Hall (OH) Hall (TX) Hamburg Hamilton Harman Hastings Hayes Hefner Hilliard Hinchey Hoagland Hoagland Hochbruckner Holden Hoyer Hughes Inslee Jacobs Jefferson Johnson (GA) Johnson (SD) Johnson, E. B. Johnston Kanjorski Kaptur Kennedy Kennelly Kildee Kleczka Klein Klink Kopetski Kreidler LaFalce Lambert Lancaster LaRocco Laughlin Lehman Levin Lewis (GA) Lipinski Lloyd Long Lowey Maloney Mann Manton Margolis-Mezvinsky Markey Martinez Matsui McCloskey McCurdy McDermott McHale McKinney McNulty Meeke Menendez Mfume Miller (CA) Mineta Minge Mink Mollohan Montgomery Moran Murphy Murtha Nadler Natcher Neal (MA) Neal (NC) Norton (DC) Oberstar Obey Olver Ortiz Owens Pallone Pastor Payne (NJ) Pelosi Peterson (FL) Peterson (MN) Pickett Pickle Pomeroy Poshard Price (NC) Rahall Rangel Reed Reynolds Richardson Roemer Romero-Barcelo (PR) Rostenkowski Roybal-Allard Rush Sabo Sanders Sangmeister Sarpalius Sawyer Schenk Schumer Scott Serrano Sharp Shepherd Sisisky Skaggs Skelton Slattery Slaughter Smith (IA) Spratt Stark Stokes Strickland Studts Stupak Swett Swift Synar Tejada Thompson Thornton Thurman Torres Torricelli Towns Traficant Tucker Underwood (GU) Unsoeld Valentine Velazquez Vento Volkmer Waters Watt Waxman Wheat Whitten Williams Wilson Wise Woolsey Wyden Wynn Yates

NOES—194

- Allard Archer Armev Bachus (AL) Baker (CA) Ballenger Barcia Barrett (NE) Bartlett Barton Bateman Beilenson Bentley Berreuter Bilirakis Bliley Blute Boehlert Boehner Bonilla Bunting Burton Buyer Callahan Calvert Camp Canady Cardin Castle Clinger Coble Collins (GA) Combett

- Condit Cox Crane Crapo Cunningham DeLay Diaz-Balart Dickey Dooley Doolittle Dornan Dreier Duncan Dunn Edwards (TX) Everett Ewing Fawell Fields (TX) Fish Fowler Frank (MA) Franks (CT) Franks (NJ) Gallegly Gallo Gekas Geren Gilchrist Gilman Gingrich Glickman Goodlatte Goodling Goss Grams Grandy Greenwood Gunderson Hancock Hansen Hastert Hefley Herger Hobson Hoekstra Hoke Horn Houghton Huffington Hunter Hutchinson Hutto Hyde Inglis Inhofe Istook Johnson (CT) Johnson, Sam Kasich Kim King Kingston Klug Knollenberg Kolbe Kyl Lantos Lazio Leach Levy Lewis (CA) Lewis (FL) Lightfoot Linder Livingston Machtley Manzullo Mazzoli McCandless McCollum McCrery McHugh McInnis McKeon McMillan Meehan Meyers Mica Michel Miller (FL) Molinari Moorhead Morella Myers Nussle Orton Oxley Parker Paxon Payne (VA) Penny Petri Pombo Porter Portman Pryce (OH) Quillen Quinn Ramstad Ravenel Regula Ridge Roberts Rogers Rohrabacher Ros-Lehtinen Roth Roukema Rowland Royce Santorum Saxton Schaefer Schiff Schroeder Sensenbrenner Shaw Shays Shuster Skeen Smith (MI) Smith (NJ) Smith (OR) Smith (TX) Snowe Solomon Spence Stearns Stenholm Stump Sundquist Talent Tanner Tauzin Taylor (MS) Taylor (NC) Thomas (CA) Thomas (WY) Torkildsen Upton Visclosky Vucanovich Walker Walsh Weldon Wolf Young (AK) Young (FL) Zeliff Zimmer

NOT VOTING—6

- Henry McDade Moakley Packard Rose Washington

So the amendment to the amendment was agreed to.

After some further time,

90.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the foregoing amendment, as amended, submitted by Mr. PORTER.

It was decided in the affirmative { Yeas ..... 358 Nays ..... 69

90.8 [Roll No. 373] AYES—358

- Ackerman Allard Andrews (ME) Andrews (NJ) Andrews (TX) Archer Armev Bacchus (FL) Bachus (AL) Baesler Baker (CA) Ballenger Barca Barcia Barlow Barrett (NE) Barrett (WI) Bartlett Barton Bateman Beilenson Bentley Bereuter Berman Bevil Bilbray Bilirakis Blackwell Bliley Blute Boehlert Boehner Bonilla Bonior Borski Boucher Brewster Browder Brown (CA) Brown (OH) Bryant Bunning Burton Byrnes Callahan Calvert Canady Cantwell Cardin Carr Castle Chapman Clement Clinger Clyburn Coble Coleman Collins (GA) Combett Cooper Coppersmith Cox Cramer Crane Crapo Cunningham Darden de la Garza DeFazio DeLauro