

109TH CONGRESS  
1ST SESSION

# H. R. 3736

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2005

Received

SEPTEMBER 28, 2005

Read twice and referred to the Committee on the Judiciary

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## AN ACT

To protect volunteers assisting the victims of Hurricane  
Katrina.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Katrina Volunteer Pro-  
3 tection Act of 2005”.

4 **SEC. 2. PROTECTION OF VOLUNTEERS.**

5       (a) **QUALIFIED IMMUNITY FROM SUIT.**—Any person  
6 or entity (including any Indian Tribe) that, in response  
7 to harm caused by Hurricane Katrina of 2005, voluntarily,  
8 in good faith, and without a preexisting duty or expecta-  
9 tion of compensation, renders aid (including medical treat-  
10 ment and rescue assistance) to any individual, shall not  
11 be liable for any injury (including personal injury, prop-  
12 erty damage or loss, and death) arising out of or resulting  
13 from that aid that was not caused by—

14               (1) willful, wanton, reckless or criminal conduct  
15 of that person or entity; or

16               (2) conduct of that person or entity that con-  
17 stitutes a violation of a Federal or State civil rights  
18 law.

19       (b) **PREEMPTION.**—This Act preempts the laws of a  
20 State to the extent such laws are inconsistent with this  
21 Act, except that this Act shall not preempt any State law

- 1 that provides additional protection from liability relating
- 2 to volunteers.

Passed the House of Representatives September 14,  
2005.

Attest:

JEFF TRANDAHL,  
*Clerk.*

By GERASIMOS C. VANS,  
*Deputy Clerk.*