

that manufacturer for either product liability or negligence.

The gentleman from Virginia (Mr. SCOTT) also says, well, the way to deal with this is to defeat the bill and have every volunteer fire company sign a waiver when they receive donated equipment. Well, that means that there is going to have to be a lawyer sitting in the firehouse drafting these waiver documents. Most of the volunteer fire companies that I am familiar with in my State, and I do not think they are any different from volunteer fire companies in other States, are staffed entirely by volunteers. These are people who donate their time to deal with emergency situations. Many of the volunteer fire companies in Wisconsin also run the first responder and emergency medical technician teams, and they ought to be spending their time and efforts doing training and raising money to purchase equipment that could not be donated, rather than paying for lawyers' fees to draft up waiver of liability agreements.

I think this is a very sound bill. It is a commonsense bill. It should be passed.

Mr. Speaker, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for yielding me this time.

I really find it amazing that anyone would come to the floor and vote against this legislation. There are nine States which have this in place at this time, and they are large States. I mentioned Texas, but there are also other large States such as Florida and California.

This is clearly something which has worked in these States. They have received contributions of communications and firefighting equipment. In most instances, it is far better equipment than what they have already. In every single case, the fire companies inspect the equipment to make sure it is safe, contrary to what the gentleman from Virginia (Mr. SCOTT) has stated regarding the safety aspects. In the research I have done, it has proven to be extremely safe.

But a lot of companies, frankly, in other States, corporations, absolutely refuse to make donations because they are worried about liability. We are simply trying to clear the way to do that. What is in the best public interest, to worry that somebody does not inspect the equipment properly, that is just not very likely to happen, or saving people's lives in firefighting, which is really what this legislation is all about.

There is no doubt the scale on this one is overwhelming in terms of doing something such as this. This protects the donor only, not the manufacturer. No one is donating dangerous equipment in this particular circumstance. There is no reason whatsoever not to support this legislation, not to support

the volunteer firefighters, not to support the public who will benefit from this, not to support the use of the equipment rather than destroying the equipment because of concern about litigation and concerns such as those.

Mr. Speaker, for all these reasons, I hope when the time comes there is only one vote against this, and that is the gentleman from Virginia, and all other Members are aware of the benefits and what this legislation does.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation, H.R. 1787, the Good Samaritan Volunteer Firefighter Assistance Act of 2003, but will express the reservations that I had during the Judiciary Committee oversight and markup hearings. The purpose of this legislation—purportedly, is to ensure that an individual or entity that donates fire control or fire rescue equipment to a volunteer fire company is not held liable for State or Federal civil damages for personal injuries, property damage or loss, or death caused by the equipment after the donation.

On its face, this legislation has beneficial purpose, that is, to encourage large companies that own new or virtually new equipment to donate it to rural area fire companies or those that lack resources. This purpose is definitely consistent with America's need to support its first responders as terror threats continue to loom and cause continual rise in threat level.

However, records—or the lack of record shows that there is currently no need for this legislation. There have been no reported cases of volunteer firefighting companies bringing suit to recover from damages caused by defective equipment. Moreover, we have no record of numbers of companies that have refused to donate their used or new fire equipment to volunteer fire companies.

This legislation preempts State law in terms of shielding donors of equipment from liability. We in Congress have a duty to uphold the Constitution, and given the lack of immediate need, it seems "frivolous" to contravene the 10th amendment and erode the rights of the individual States to handle matters relating to their local fire companies.

In Texas, this issue is already legislatively addressed in 1997, as it is in the States of Alabama, Arizona, Arkansas, California, Florida, Illinois, Indiana, Missouri, and South Carolina. Therefore, if we refrain from taking this unnecessary congressional action, other States will follow suit and pass similar measures to achieve positive results.

Therefore, I would have offered two amendments. I would have offered an amendment that would limit this legislation to situations where the donee has not executed a waiver of liability.

The text of the first amendment read "if the volunteer fire company waives all liability claims against the donor with respect to that equipment."

This amendment would have appropriately narrowed the scope of this legislation by specifying that a donor of fire equipment will be exempt from liability only if the donee fire company has executed a waiver of liability. Moreover, by adding this provision, "frivolous lawsuits" would be prevented with minimal congressional action and with minimal effects on the 10th amendment to the Constitution.

Additionally, this amendment would have protected both the donor and the donee by re-

quiring a legal showing that there was acceptance as to the quality of the equipment donated in any given circumstance.

I also planned to offer an amendment that called for the State-by-State review of the amount of equipment donated to volunteer firefighter companies for 5 years after enactment of H.R. 1787. This provision would have shown the public the results of this legislation in order to reveal its effectiveness or the lack thereof. The second part of this amendment would have required the Attorney General to submit a report to Congress of the results of the State-by-State review.

The Jackson-Lee "State review" amendment would have allowed Congress to clearly analyze how our first responders benefit from this legislation against the effects it will have on the execution of State law. If the legislation fails to serve its purported purpose, the study would have clearly revealed it to Congress so that corrective measures may be taken.

The two amendments above would have helped to narrow the scope of this vague legislation as well as to even the scale for the donee firefighting corporation as well as the donor. It is critical that we protect and preserve the rights of the individual States as well, consistent with the 10th amendment to the U.S. Constitution.

Nevertheless, I ask that my colleagues support this legislation recognizing the points that I have made above.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1787, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VOLUNTEER PILOT ORGANIZATION PROTECTION ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1084) to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations, as amended.

The Clerk read as follows:

H.R. 1084

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 Pilot Organization Protection Act of 2004".

SEC. 2. FINDINGS AND PURPOSE.

(a) *FINDINGS.*—Congress finds the following:

(1) *Scores of public benefit nonprofit volunteer pilot organizations provide valuable services to communities and individuals.*

(2) In calendar year 2001, nonprofit volunteer pilot organizations provided long-distance, no-cost transportation for over 30,000 people in times of special need.

(3) Such organizations are no longer able to reasonably purchase non-owned aircraft liability insurance to provide liability protection, and thus face a highly detrimental liability risk.

(4) Such organizations have supported the interests of homeland security by providing volunteer pilot services at times of national emergency.

(b) **PURPOSE.**—The purpose of this Act is to promote the activities of nonprofit volunteer pilot organizations flying for public benefit and to sustain the availability of the services that such organizations provide, including transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis, as well as other flights of compassion and flights for humanitarian and charitable purposes.

SEC. 3. LIABILITY PROTECTION FOR NONPROFIT VOLUNTEER PILOT ORGANIZATIONS FLYING FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as (i) and (ii), respectively;

(B) by inserting “(A)” after “(4)”;

(C) by striking the period at the end and inserting “; or” and

(D) by adding at the end the following:

“(B) the harm was caused by a volunteer of a nonprofit volunteer pilot organization that flies for public benefit, while the volunteer was flying in furtherance of the purpose of the organization and was operating an aircraft for which the volunteer was properly licensed and insured.”; and

(2) in subsection (c)—

(A) by inserting “(1)” before “Nothing”; and

(B) by adding at the end the following new paragraph:

“(2) Notwithstanding paragraph (1), a nonprofit volunteer pilot organization that flies for public benefit, and the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such organization or a referring agency of such organization, shall not be liable with respect to harm caused to any person by a volunteer of such organization, while the volunteer is flying in furtherance of the purpose of the organization and is operating an aircraft for which the volunteer is properly licensed and has certified to such organization that such volunteer has in force insurance for operating such aircraft.”.

SEC. 4. REPORT BY ATTORNEY GENERAL.

(a) **STUDY REQUIRED.**—The Attorney General shall carry out a study on the availability of insurance to nonprofit volunteer pilot organizations that fly for public benefit. In carrying out the study, the Attorney General shall make findings with respect to—

(1) whether nonprofit volunteer pilot organizations are able to obtain insurance;

(2) if no, then why;

(3) if yes, then on what terms such insurance is offered; and

(4) if the inability of nonprofit volunteer pilot organizations to obtain insurance has any impact on the associations' ability to operate.

(b) **REPORT.**—After completing the study, the Attorney General shall submit to Congress a report on the results of the study. The report shall include the findings of the study and any conclusions and recommendations that the Attorney General considers appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1084, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 1084, the Volunteer Pilot Organization Protection Act of 2004. I would like to thank the bill's sponsors, the gentleman from Virginia (Mr. SCHROCK), and also the other gentleman from Virginia (Mr. FORBES), for their work in bringing this legislation before us.

The bill provides limited liability relief for volunteer pilot and volunteer pilot organizations that do some of the most invaluable and unappreciated volunteer work in the Nation. The legislation is intended to promote the publicly beneficial activities of volunteer pilot organizations and their employees and members by exempting them from liability when flying volunteer missions in furtherance of the purpose of such organizations.

Volunteer pilot organizations and the pilots who fly for them are involved in a range of activities constituting what generally may be called public benefit aviation. The activities of public benefit aviation include environmental observation, wilderness rescue, delivery of medical supplies and organs, and transporting medical patients. In the area of medical patient transport alone, volunteer pilot organizations provided long-distance transportation for free to over 40,000 patients and their escorts in 2003.

Since the activities of volunteer pilot organizations are not protected from liability by the Volunteer Protection Act, they are exposed to significant liability risks leading many insurers to drop coverage for those pilots and organizations. In addition, hospitals and other medical establishments are leery of referring patients to volunteer pilot medical transport services because of their own fear of liability exposure based upon the simple act of recommendation.

The legislation limits liability exposure for volunteer pilots and organizations by bringing them within the scope of coverage of the Volunteer Protection Act. This legislation will not confer blanket immunity. Liability will still attach for gross negligence or reckless misconduct. The bill would also have an added benefit of allowing hospitals, clinics, and other organizations to refer needy patients for no-cost medical transport with less fear of their own liability exposure.

The bill is supported by a wide array of charitable organizations, including the National Association of Hospital Hospitality Houses, the Children's Organ Transplant Association, the Health and Medical Research Charities of America, the National Organization For Rare Disorders, the National Foundations For Transplant, the Independent Charities of America, the Air Care Alliance, and others.

Mr. Speaker, H.R. 1084 will end the cycle of litigation that has stifled the efforts of the brave and public-minded volunteer pilots who risk their own lives by flying patients so the patients they serve might have a chance to live. I urge support of the legislation.

Mr. Speaker, I reserve the balance of my time.

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Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, unlike many of the others, this bill is narrowly drawn, and it is my understanding, and my colleague from Virginia, I think, can correct me if I am wrong, but the usual problem we have in this case is you have an injured party without any recourse at all.

This bill requires insurance on the part of the pilot. And so if there is negligence, the injured party does have recourse. He has recourse against the insurance policy, but he does not have recourse, in the bill, to the organization, the volunteer organization that just matched the pilot and the injured party together, so that the party, injured through ordinary negligence, would have recourse against the insurance policy covering the airplane and the pilot.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. FORBES), one of the authors of the bill.

Mr. FORBES. Mr. Speaker, several days before Christmas, the phone rang at Angel Flight, and the voice on the other end of the line said she only had 4 weeks to live. Her only hope was receiving an experimental drug treatment in San Antonio, but with a mountain of medical bills, she could not afford the flight.

A few minutes later, an urgent e-mail would go out. Responses would come back in, and within a few hours, a pilot would be located. The patient would be flown to San Antonio for treatment. And upon arrival, a car would be waiting to drive her to the hospital. She would never see a bill for any of her transportation.

Angel Flight is a nonprofit organization that offers free, long-distance transportation for medical care and removes the financial burden from patients. Its volunteer pilots are stockbrokers, realtors, private businessmen, retired Air Force pilots, commercial pilots, lawyers and doctors and others.

Every year, on their free time, these pilots fly over 10,000 patients nationwide. Some pilots fly one or two mercy flights a year. Others may fly as many as 50 flights. All are flown at the pilot's expense.

Angel Flight is just one organization involved in nonprofit public-benefit flying. Last year, volunteer pilot organizations provided long-distance, no-cost transportation for over 40,000 patients and their escorts in times of special need. Other organizations flew missions ranging from environmental observation to organ transportation. Following the terrorist attacks of September 11, significant quantities of blood and blood products were transported by volunteer pilots.

In the last several years, however, in part due to the fear of litigation, yearly insurance once available for \$1,000 has skyrocketed to more than \$25,000 a year even though there was no evidence presented to the Judiciary Committee of any negligence committed by any of these pilots or their organizations. Not only are talented volunteers afraid of flying mercy flights for fear of being sued, most of the organization's nonflying staff cannot afford liability protection.

Mr. Speaker, today, we consider legislation to address this serious problem sponsored by my colleague from Virginia (Mr. SCHROCK). H.R. 1084 will create specific liability protection for nonprofit volunteer pilot organizations flying for the public's benefit. It will ensure that, when these pilots take to the skies, the only thing on their mind is getting that patient to the treatment they need. And ultimately, it will encourage others to join them in this network of charity.

Without H.R. 1084, the Volunteer Pilot Organization Protection Act, we risk that these charitable organizations will no longer be able to provide their important services, and tens of thousands of people who benefit from their work will be unable to obtain the medical care they desperately need.

Equally important, without this and other vital legislation aimed at curbing lawsuit abuse, we risk the possibility that America's abundant tradition of generosity and charity will be undermined by a few who use the judicial system for the wrong purposes. I urge my colleagues to vote in favor of H.R. 1084 to keep these committed volunteers in our skies and keep America's spirit of generosity flying high.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to add my support to this legislation.

I had concerns about it, because I am always concerned when we have a dilemma between helping and providing good things and good activities juxtaposed, if you will, or conflicted with the idea of closing out rights of the injured.

But in any event, I believe that the ultimate goal of this legislation is to

enhance the needed services to communities in need, and therefore, I think it is important to promote the activities of our nonprofit pilot organizations as we should protect all of our nonprofit organizations as we can in balance with the need to be able to address our grievances.

I think it is important to make note of a valuable point made by the distinguished ranking member of the Subcommittee on Crime, and that is that this legislation does have and provide for coverage and insurance by these pilots. In Texas, for example, the Angel Flight South Central was established in 1991 as Angel Flight of Texas, a nonprofit corporation. Its pilots use their flying skills to provide transportation to medical treatment for seriously ill or injured people who are geographically isolated or are in financial need.

This organization serves institutions such as the M.D. Anderson Cancer Center located in Houston, Texas, and the University of Texas Health Medical Branch of Galveston in Galveston, Texas, among many others. Therefore, I would want to make all efforts to support organizations such as Angel Flight. However, we must carefully weigh the benefits of selfless acts of others with the need to craft narrowly tailored legislation that protects all parties equally.

H.R. 1084 as drafted requires serious analysis and amendment by this committee. Section 3 as drafted departs from the 1997 Volunteer Protection Act by shielding not only the volunteer pilot from liability but also the staff, mission coordinator, officer or director of the nonprofit organization.

This expansion of protection, as I indicated in my earlier remarks, seems a little bit too broad. An injured party has a right to bring a claim for recovery of damages against some principal of the nonprofit organization or responsible party. And the courts, I believe, should retain discretion as to whether it will hear the matter. I would hope, as this legislation moves through the Congress, through the Senate and ultimately, finally passed, that we will have the opportunity to look at this again.

Congress should legislate when necessary, especially in areas of the law that affect an individual's right to sue for damages. To date, there has been no reported civil liability case filed against a volunteer pilot or against a volunteer pilot organization. Furthermore, 43 States, which include Texas, have passed legislation that deals with volunteer liability. Therefore, this committee and this body, as this legislation moves, should again make sure that all of these matters are taken care of.

I would hope that, also, the issues dealing with the liability would be considered. I had concerns and had amendments in committee that would have narrowed the scope of the liability protection given to volunteers of nonprofit pilot organizations to cover persons

within the aircraft only. The rights of the bystander who is not inside the aircraft and who might be injured through the negligence of the pilot should be preserved given that no compelling justification has been given to include those outside the aircraft. I hope, maybe, in the final writing of this bill that that matter were handled and, if not, that it will be taken care of as it moves, as I said, through the Congress.

Mr. Speaker, in addition, the appropriate scope of this legislation should be the volunteer injured person, for policy reasons. One of the purported purposes of this legislation was to encourage continued service to individuals in rural areas who do not have the financial means to receive this service otherwise. The proposed language that I spoke about earlier of the concept of bystander would still again provide more clarified aspects to this legislation.

It is important as well to make sure that we cover issues dealing with terrorism and misuse of airplanes. Again, I hope that these issues may be ironed out because they are important points that were raised.

Overall, however, as I started, knowing that Angel Flight of Texas, Incorporated, as one of many nonprofit volunteer pilots organizations around the Nation, needs our concern about them being able to provide life and safety to those who are seeking medical care and other needs, I think this legislation on its face is important and deserves our support.

Mr. Speaker, I add my support to this legislation and would hope that, as it makes its way to its final signing, that it will have all these issues that we have spoken of and raised concerns about taken care of so that the legislation can serve our communities and our Nation.

Mr. Speaker, I rise in support of the bill before the House, H.R. 1084, the Volunteer Pilot Organization Protection Act, although I had reservations about certain of its provisions during Committee consideration. It is important that we promote the activities of our nonprofit pilot organizations—as we should protect all of our nonprofit organizations as a whole, especially when they provide a service that facilitates the protection of our homeland at a time like now when our vulnerabilities are at a high level.

In Texas, Angel Flight South Central was established in 1991 as Angel Flight of Texas, Inc., a 501(c)(3) non-profit corporation. Its pilots use their flying skills to provide transportation to medical treatment for seriously ill or injured people who are geographically isolated or are in financial need. This organization serves institutions such as the M.D. Anderson Cancer Center, located in Houston, Texas and the University of Texas Health Medical Branch of Galveston in Galveston, Texas, among many others. Therefore, I would want to make all efforts to support organizations such as Angel Flight.

However, we must carefully weigh the benefits of selfless acts of others with the need to craft narrowly tailored legislation that protects

all parties equally. H.R. 1084, as drafted, requires serious analysis and amendment by this committee.

Section 3, as drafted, departs from the 1997 Volunteer Protection Act by shielding not only the volunteer pilot from liability but also the staff, mission coordinator, officer, or director of the nonprofit organization. This expansion of protection is far too broad to justify the proposed benefits it intends to confer. An injured party has a right to bring a claim for recovery of damages against some principal of the nonprofit organization or responsible party, and the Courts should retain discretion as to whether it will hear the matter.

Congress should legislate when necessary, especially in areas of the law that affect individuals' right to sue for damages. To date, there has been no reported civil liability case filed against a volunteer pilot or against a volunteer pilot organization. Furthermore, 43 states, which include Texas, have passed legislation that deals with volunteer liability. Therefore, this Committee has no immediate need to consider this legislation and can better spend its time working on legislation to implement the recommendations of the 9/11 Commission or other similar legislative agendas.

Therefore, I would have offered two amendments. I would have offered an amendment that would have narrowed the scope of the liability protection given to volunteers of nonprofit pilot organizations to cover persons within the aircraft only. The rights of the bystander who is not inside the aircraft and who might be injured through the negligence of the pilot should be preserved given that no compelling justification has been given to include those outside the aircraft, from relief.

In addition, the appropriate scope of this legislation should be the volunteer-injured person for policy reasons. One of the purported purposes of this legislation is to encourage continued service to individuals in rural areas or who do not have the financial means to receive this service otherwise.

The proposed language of my "bystander" amendment would have clarified and narrowed the scope of this legislation.

I also planned to offer an amendment that would prevent perpetrators of hate crimes in the last 5 years (as defined in the Hate Crime Statistics Act) from receiving the benefits of this legislation. This Act defines "hate crimes" as those which "manifest prejudice based on race, religion, sexual orientation, disability or ethnicity."

In 1991, the FBI documented a total of 4,558 hate crimes, reported from nearly 2,800 police departments in 32 states. The FBI's most recent HCSA report, for 1996, documented 8,759 hate crimes reported to the FBI by 11,355 agencies across the country.

Because the incidence of hate crimes is so large and an aircraft has been demonstrated to be a highly effective instrumentality of terrorist offenses, no one convicted of a hate crime should be allowed to benefit under this legislation or a pilot.

While I have reservations about certain provisions of this proposal, I recognize the benefits that it can bring to injured parties. Therefore, I ask that my colleagues support this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

This bill is narrowly drawn and is different from the other bills because vic-

tims of negligence will have recourse. It is similar to Good Samaritan State laws that immunize volunteers but fails to immunize them from automobile accidents because there is an expectation that the automobile will have insurance. So victims of the negligence will have recourse.

This bill requires insurance so victims, either on the plane or on the ground, will have recourse against the insurance policy but not against the volunteer organization. That is an appropriate balance, and I support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we should make it very clear that this bill is narrowly drawn. There is liability to the volunteer pilot for willful or criminal misconduct, gross negligence, reckless misconduct or conscious flagrant indifference to the rights and safety of the individual that is harmed by the volunteer. Anything that rises above ordinary negligence, there is no immunity involved.

I guess I would be remiss if I did not express my concern that there have been allegations that passing this bill will increase the risk of terrorism. The volunteer pilots who fly these important missions are carefully screened professionals. They undergo background checks that are above and beyond those that are required for licensure as a pilot, and many of the pilots who do volunteer their services are commercial pilots when they are being paid. I think that the checks that a terrorist could slip through are so severe that the chances of that happening really do not exist at all.

I take great umbrage at the notion that the passage of this bill, which provides a limited immunity from liability, opens the door, even a crack, to increased risk of terrorism in the airways. I would hope that the House would reject this notion by passing this bill overwhelmingly.

Mr. CONYERS. Mr. Speaker, I cannot support H.R. 1084, the "Volunteer Pilot Organization Protection Act" for the following reasons: First, it undoes the balance achieved in the Volunteer Protection Act by specifically exempting pilots and aircraft carriers from liability; second, it not only applies to pilots, but also to staff, mission coordinators, officers and directors of volunteer pilot organizations, and referring agencies, whether for profit or not-for-profit; third, it would leave innocent victims without recourse in some situations by reducing the standard of care applicable to pilots; fourth, it does nothing to tackle the real problem, which is the insurance industry's failure to offer insurance to the volunteer pilot organizations; finally, it is poorly drafted and includes loopholes that would insulate international terrorist organizations from liability and subjects innocent bystanders to harm without any recourse.

H.R. 1084 flies in the face of the Volunteer Protection Act, a bill Congress passed into law

after 8 years of debate extending over 5 Congresses. The Volunteer Protection Act was carefully deliberated and negotiated, but this bill wipes the slate clean by giving volunteer pilots protection from liability despite the fact that the Volunteer Protection Act specifically excluded that category of volunteers from protection.

Under the Volunteer Protection Act, pilots and those operating aircraft were specifically left out of the liability exemption because of the highly dangerous nature of the activity and the fact that States require these pilots to have insurance. This bill undoes that and exempts pilots from liability.

Moreover, it goes further than the Volunteer Protection Act was willing to go by giving this exemption to not only the pilots, but also to staff, mission coordinators, officers and directors of volunteer pilot organizations, and referring agencies, whether for profit or not-for-profit. In the Volunteer Protection Act, Congress made sure that it was only the volunteers being protected.

Finally, H.R. 1084 does nothing to tackle the real problem, which is the insurance industry's failure to offer insurance to the volunteer pilot organizations. In testimony we heard on this bill, it was suggested that these nonprofit volunteer pilot organizations need liability protection because they can't get insurance. If this is the case, why not have a bill that requires insurance agencies to offer insurance to these organizations? Why not that instead of exempting everyone under the sun from liability?

This bill establishes national policy specifically allowing certain pilots to operate their aircraft negligently and still escape liability. And by immunizing both the negligent pilot and the organization that arranges and provides the transportation, this bill will in many cases leave the victims of an air tragedy—and their surviving families—with no means of seeking compensation for their loss. Congress should not turn its back on the victims of air tragedies.

For these reasons, I cannot support passage of this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1084, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order: