

On December 1, 1954, Rosa Parks boarded her normal bus home and sat down in one of the "colored" aisles toward the back of the bus. Soon, the bus began to fill, and Rosa was ordered to vacate her seat to accommodate the white passengers. She simply but stubbornly refused.

This peaceful act of protest sparked a city-wide boycott of the bus system by the African American community. Men, women and children of Montgomery, Alabama refrained from riding the bus and instead either walked, rode their bikes or carpooled to work. In an impressive show of strength and courage, the boycott endured for over a year, and people across the nation joined with those in Montgomery. After 381 days, the City bus line finally relented and desegregated the buses.

Four days after the initial incident on the bus, a young man stood up in front of a large audience, having just been appointed as the head of the boycott: "There comes a time," the man said, "that people get tired. We are here this evening to say to those who have mistreated us for so long, that we are tired, tired of being segregated and humiliated, tired of being kicked about by the brutal feet of oppression." The name of that young man spurred to action by Rosa Parks was Dr. Martin Luther King, Jr.

Rosa was found guilty that very same day of breaking the city's segregation law. It was 50 years ago that Rosa Parks chose to peacefully but willfully stand up—or rather sit down—against the abhorrent laws that segregated this country. Let us honor and celebrate what Rosa Louise Parks helped this country accomplish half a century ago, but also remember that her fight is not over. This anniversary reminds us of the battles against inequality and injustice still being fought here and across the world today.

I support H. Con. Res. 208 for the foregoing reasons, and I urge my colleagues to follow suit.

Mr. HOLT. Mr. Speaker, I rise today as an original cosponsor of H. Con. Res. 208, a resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on a city bus in Montgomery, Alabama. On December 1, 1955, Ms. Parks challenged decades of social injustice and inequality; she opposed a racist authority; she initiated a movement of change. It was on that day 50 years ago, that a woman spoke up for not only herself, but for the freedoms of all people, everywhere when she refused to give up her seat.

Ms. Parks' service to the civil rights movement began long before that fateful December day. Born and raised in Alabama, Rosa Louise McCauley attended the Alabama State Teachers College before marrying Raymond Parks in 1932. Together, they worked for the Montgomery branch chapter of the National Association for the Advancement of Colored People (NAACP). Ms. Parks took on leadership roles in the organization, serving as a secretary and then as an advisor to the NAACP Youth Council. These efforts to improve the lives of those in segregated societies grew into a movement to end segregation outright. That movement found a voice in Rosa Parks.

On December 1, 1955, Ms. Parks boarded a Montgomery city bus through the rear entrance. She sat in the section designated for "colored." She obeyed the ludicrous segregation laws until a white man, wanting a seat, demanded hers. It was then that Ms. Parks decided that her compliance would end.

Ms. Parks was arrested for her civil disobedience. The arrest incited a reaction. Ms. Parks, Martin Luther King Jr., and others channeled that reaction to form one of the most powerful and positive movements in world history. The following day, civil rights advocates organized a boycott of the bus system that lasted for 381 days. On November 13, 1956, the Supreme Court ruled that segregation on the transportation system was unconstitutional and this provided one of the first victories for desegregation. We recognize the many people responsible for the effective boycott and the tremendous support of civil rights leadership. But, today, we celebrate the woman who imbued the movement with such dedication, dignity, and courage.

Rosa Parks' commitment to civil rights continued with her work in the office of my colleagues, Representative JOHN CONYERS, Jr., from 1965–1988. In 1987, she established the Rosa and Raymond Parks Institute for Self Development to motivate youths. She has been honored for her contributions to society with the NAACP's Springarn Medal in 1979, the Martin Luther King, Jr., Nonviolent Peace Prize in 1980, the Presidential Medal of Freedom in 1996, and the Congressional Gold Medal in 1999.

Let us honor the 50th anniversary of Ms. Parks' refusal to give up her seat. Let us celebrate the lifetime achievements of a truly incredible woman. I urge my colleagues to join me in supporting H. Con. Res. 208.

Ms. LEE. Mr. Speaker, I rise today in strong support of the resolution commemorating Rosa Parks on the 50th Anniversary of her refusal to give up her seat on a Montgomery, Alabama bus and comply with an unjust law.

I also want to thank my colleague from Michigan, Mr. CONYERS, for offering this important amendment and for his courage, leadership, and vision as the ranking member on the House Judiciary Committee and the Dean of the Congressional Black Caucus.

Without question, Rosa Parks, was a pivotal force in the struggle for civil rights in America.

Ms. Parks' courageous action touched millions of lives, serving as a catalyst for the legendary bus boycott in Alabama and acting as a critical turning point in the African-American civil rights movement.

With the support of Dr. Martin Luther King Jr. and other civil rights activists, Rosa Parks demonstrated the power of individuals and communities to tear down injustice and bring about social change.

Her spark ignited a fire that helped to reverse segregation, raise public consciousness, and challenge our democracy to guarantee and secure liberty and justice for all.

Rosa Parks is a true shero. But as we commemorate Rosa and her actions today, let us not forget that we still have much more work to do.

It is our job as representatives of the people to pick up the banner carried by Rosa Parks, Martin Luther King, Medgar Evers, and others and ensure that our children and our children's children can live in a world free of ignorance, prejudice, discrimination and racism.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr.

SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 208.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

KATRINA VOLUNTEER PROTECTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3736) to protect volunteers assisting the victims of Hurricane Katrina.

The Clerk read as follows:

H.R. 3736

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 "Katrina Volunteer Protection Act of 2005".

SEC. 2. PROTECTION OF VOLUNTEERS.

(a) QUALIFIED IMMUNITY FROM SUIT.—Any person or entity (including any Indian Tribe) that, in response to harm caused by Hurricane Katrina of 2005, voluntarily, in good faith, and without a preexisting duty or expectation of compensation, renders aid (including medical treatment and rescue assistance) to any individual, shall not be liable for any injury (including personal injury, property damage or loss, and death) arising out of or resulting from that aid that was not caused by—

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

(2) conduct of that person or entity that constitutes a violation of a Federal or State civil rights law.

(b) PREEMPTION.—This Act preempts the laws of a State to the extent such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) 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. 3736 currently under consideration.

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

There was no objection.

□ 1130

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

Mr. Speaker, thousands of America's volunteers have already answered the call to help those suffering in the wake of Hurricane Katrina. But, unfortunately, many are hindered in their efforts or held back from joining the relief effort in the first place by the threat of legal liability.

In too many parts of the country, including Louisiana and the other areas affected by Hurricane Katrina, it is not only unclear what defines the legal protections for Good Samaritans, but it is also unclear which of those legal protections would govern where citizens of multiple States converge on another State to give aid and comfort to their fellow citizens in need.

At the Federal level, the Volunteer Protection Act does not provide any protection to volunteers who are not working under the auspices of an official nonprofit organization, namely, a 501(c)(3) organization; and it provides no protection at all to the nonprofit organizations themselves.

Consequently, under Federal law there are absolutely no legal protections for the average person who wants to volunteer on their own, and there are also absolutely no legal protections for America's wonderful nonprofit organizations themselves, such as the Red Cross; but only an extremely small percentage of the some 1.4 million nonprofit organizations in the United States actually purchase liability insurance due to excessive costs.

The bill before us today closes the gaps in existing law for those individuals and organizations wanting to give of themselves to aid those suffering the worst effects of one of the most tragic weather disasters in American history. This bill makes crystal clear that everyone who helps those who have suffered harm in the wake of Hurricane Katrina will be covered by some basic legal protections.

If a volunteer's own State law provides greater protections for them, all the better; and this legislation would allow those stronger protections to govern in their situation. But this bill provides a uniform Federal floor on which all volunteers can confidently stand when helping those in need in the wake of Hurricane Katrina.

Such a uniform Federal law is clearly needed. As the Los Angeles Times recently reported, "the lack of liability protection is one of several concerns delaying some 900 churches from joining the evacuation network." According to recent press accounts, the Red Cross feels constrained in giving out the names of refugees to those who want to offer their homes to them for shelter because they have concern about liability. The Red Cross has cited liability issues as a reason for people not to volunteer to take refugees into their homes and complain generally that "there is so much liability involved."

The Minnesota Department of Public Safety spokesman has said of volunteer efforts, if things go south, there are liability problems. In Grandville, Michigan, a local school district wants to let evacuees use a vacant school for shelter, but the school's superintendent is concerned about liability issues. The Cleveland Plain Dealer reports that a specially trained group of 50 international physicians and psychologists

who have extensive experience treating children in Third World countries could face liability issues here if they venture into States where they are not licensed.

Anytime lawsuits or threats of lawsuits limit private persons and entities, State and local governments from acting to help those in need, the response costs of the Federal Government only increase.

H.R. 3736 simply ensures that if one is a volunteer who acts in good faith to assist the victims of Hurricane Katrina without compensation, then they do not have to worry about lawsuits unless they either act in a willful, wanton, reckless, or criminal matter or violate a Federal or State civil rights law. All volunteers under this bill will have to worry about is saving those in need, and they will not have to worry about hiring an attorney to defend themselves from a frivolous lawsuit.

The bill does not apply to those with preexisting duties to aid. That is, it does not apply to those with the statutory duty to aid the victims or those with prior contractual obligations to do so. The bill does apply to all volunteers who in good faith and without expectation of compensation render aid, medical treatment, or rescue assistance to any person in response to harm caused by Hurricane Katrina.

The Congress voted overwhelmingly to give far greater legal protections to selected entities following the 9/11 terrorist attacks. At the very least, this Congress should pass some legal protection for volunteers working in the wake of Hurricane Katrina.

While we all keep the victims of Katrina in our prayers, let us keep all the individual volunteers and organizations that support them in our hearts and free them to act on their compassion without the distracting fear of unnecessary lawsuits.

This bill should be passed. I urge the Members to vote in favor of it.

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

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

It is with reluctance that I rise in opposition to this legislation. I cannot support it, and I am reluctant about that because it has been my intention to work with everyone on the committee to eliminate the problems of this bill, the excesses and flaws that are in it now; and my suggestions have not been received, and the bill has been put together in an extremely hasty manner that I believe will insulate negligent and dangerous behavior that we would otherwise have no inclination to do.

I begin by pointing out that we already have a Volunteer Protection Act in the law, passed in the year 1997, which protects volunteers. This bill had hearings. It was carefully crafted and bipartisan in nature. It protects volunteers from their good deeds, but not from their misconduct.

This bill, unfortunately, goes much further. And the problems that I have

referred to and will continue to refer to are the result of the fact that this bill has never had a hearing: in no subcommittee, not in the full Committee on the Judiciary. There have never been witnesses to testify for or against it. There has never been a markup. Nothing. We come today with a measure that has been pulled out of the air. We have not heard from a single interested party as to why the bill is necessary. We have not received so much as a shred of evidence that there is any shortage of volunteers to assist in Hurricane Katrina as a result of our civil justice system.

So I point out to the Members that in the first instance the bill is not limited to protection of volunteers. It would protect many organizations, public and private, that might be involved in Hurricane Katrina, which could be government organizations. It could even protect the Federal Emergency Management Agency. It could protect cities and counties and States. It could protect business entities.

This bill is off the charts. And in the past, when we were more carefully considering the matter, we decided not to cover these entities because we did not want to protect firms that retain people who were criminals. We did not want to give comfort to drug addicts who may be working there or even sex offenders from liability that they might be involved with. This bill creates a green light for all kinds of behavior, that it will now receive a protection. For the life of me, I cannot suggest one reason why we ought to pass this measure. I am not aware of any business or even a nonprofit entity that has asked this committee for relief from liability in order to help out in Katrina.

Nobody knows about it. This is a phantom measure that has come out of nowhere, and if it is just to pass the time of day and keep us busy, it is probably doing a great harm to our civil justice system.

The bill goes beyond the Volunteer Protection Act to, if the Members can grasp this, immunize gross negligence and intentional conduct. We would immunize negligent and purposeful misconduct. Never in the history of Congress have we ever considered immunizing such actions. Why should we do it today? There is no reason to protect such blatant wrongdoing from such important responsibility.

The drafting that I have talked about is so broad, it would protect unlicensed volunteers who are attempting to operate as professionals. This would include individuals who provide medical treatment without training if something like that were to come along. It could protect people flying airplanes without licenses. Under this measure, an individual could travel to Louisiana without a license to conduct surgery and claim in a civil action that he has a liability waiver coming from this bill.

This measure would even go further. It would insulate simple traffic accidents from liability. A person working

around the Katrina disaster could negligently have an accident and injure a child on the way to New Orleans, and the family would be left with no recourse whatsoever. I can imagine that this bill will be brought up in civil cases in ways that we have never had an opportunity to contemplate.

So I make a simple proposition. Why do we not just move this bill off the floor, set up the subcommittee of the Committee on the Judiciary that is anxiously waiting to schedule witnesses for the bill, and have them do their work and bring it to the full committee where it may receive even further amendments and inquiry?

It makes no sense to exempt irresponsible people from their own negligence. It would even insulate nursing homes, hello, from civil liability who use volunteers and their failure to evacuate resulted in death. One could lose their loved one as a result of negligence by a nursing home; and if they raise these protections that are involved in this legislation, the person bringing the action could be left without compensation.

We are setting up, whether we admit it or not, a two-tier system of civil justice. One for the people that were able and could afford to escape Katrina who will have their full right in the civil justice system, just as all people always have, but a lesser system for indigent individuals, many of whom, if not most, are, in fact, minorities, who may have, and I hope this is very few, but some who may have suffered abuse as a result of additional negligence and misconduct.

□ 1145

So what we have here is a horrible attempt to insulate volunteer liability, but it has been put together in such a way that we have a piece of legislation that I do not think can withstand the reasonable scrutiny of the Members of this body. If we adopt this unthinking bill without bothering to figure out what we are doing and who we are further exposing to harm, we may, in all likelihood, be compounding the tragedy that exists to which we are trying to bring some closure to.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I rise and applaud the gentleman from Wisconsin (Chairman SENSENBRENNER) for this reasonable approach to volunteers who are trying to help people.

This is an amazing debate that is taking place today because, last week, we were concerned about people dying, getting help to them, providing all the assets we could provide to save lives.

Now, think about the people in the construction industry who want to do good. The people after 9/11, some of them were sued because they volunteered to go help prior to contracts

being let. There were no government contracts being let. They wanted to volunteer. They might have provided an excavator, a grader, a backhoe, a dump truck.

Let us say someone in New Orleans happened to own a boat, and he wanted to go help people. He went to pull somebody into his boat to save them, and they slipped, broke an arm, a total accident. Some trial lawyer says, hey, we can make you rich. Let us sue the guy who brought the boat.

Somebody is out there trying to help people. There is a dirt road that needs grading, and the guy volunteers to go out there with his blade, regrade the road, somebody walks across it afterwards, slips, and some trial lawyer says, hey, we can make you a fortune. You just slipped on something somebody did, and we will hold the contractor liable because they volunteered to do good.

We have construction expertise in this country that is sorely needed during times of disaster. We cannot continue to allow a message to be sent to those volunteers.

I became a general contractor in my early 20s. I have been in the business for over 35 years. There are many good people out there who work very hard, earn a good living, and they want to give a little back to their country and to the people who they have benefited from through volunteering in a time of disaster when they know they can do good, they can make things better, and they can save lives. The argument I heard today was quite the opposite.

Last week, we had a hearing in Financial Services talking about all the people who are living in football stadiums and warehouses. We have to get those people out of there, get them to some home to live in, some safe environment.

Now, a person goes out there who owns a motor home, decides to haul a bunch of people from a stadium, somebody trips getting in their motor home and gets sued. Is that reasonable or fair? No.

If there is negligence on the part of the individual who volunteered, hold them accountable. But the gentleman from Wisconsin (Chairman SENSENBRENNER) is not for holding anybody unaccountable for gross negligence or violating the law. But if you volunteer to help in a case like this where people are dying, all of a sudden trial lawyers are more important than the people we are trying to save during a disaster.

Mr. CONYERS. Mr. Speaker, I just want to make a response to my friend, the previous speaker, to let him know that the examples that he made are quite logical and quite rational. We think that they should be given protection. But we do not want what is in this bill that goes way beyond that kind of protection, because we would give protection for gross negligence, and it is in that respect that I am opposed to the bill.

Mr. Speaker, I am pleased to yield 6½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE). (Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, let me, first of all, suggest that we owe a debt of gratitude to all of the volunteers across the country that have come in to places like Alabama, Mississippi, Louisiana, and my own State of Texas. So this is not an expression of concern with disregard for the charity that has been shown by the throngs of volunteers. And, might I suggest, like the gentleman from Michigan (Mr. CONYERS), that volunteers have come from everywhere without the question of whether or not they are immune or protected.

I refer my colleagues to the Volunteer Protection Act of 1997 which really crafts, I think, the latitude and the range of protection that makes sense. It provides immunity for volunteers serving nonprofit organizations and government entities, which include the likes of FEMA and the Red Cross and also the folks that come under that umbrella and the many nonprofits that exist.

The idea that this legislation might, in fact, protect those who are grossly negligent seems flawed in several aspects. Even though the Attorney General of the State of Louisiana has now moved against this tragic circumstance with the loss of lives of a number of individuals in a particular nursing home, we do realize that this is now at a level of criminal charges, but suppose it was not. Certainly the American people and Louisianans and others would want that particular entity to be held liable for gross negligence, if you will, and they happen not to be, I assume, a nonprofit, so that they might be covered by this legislation for their gross negligence.

What about the hospital? The facts will come out. Obviously, one cannot suggest guilt where one does not know all of the facts, but the facts will come out. But now it has been discovered, a number of bodies in a hospital in Louisiana, and that, too, may warrant consideration that this bill does not address.

I would hope that in the rush to deal with the plaintiffs' bar, trial lawyers who have, in many instances, found justice where others could not on environmental issues, on medical malpractice issues, on issues dealing with occupational disasters that have caused injury to workers, that we would not be focused on that "perceived problem" versus the needs of people who are being served.

We want the volunteers to be there. We want them to be protected, and we believe that we do have the protection.

As I speak about this bill, might I also bring attention to a bill that I missed, Mr. Speaker, and I simply want

to add my support to the 50th recognition of the Rosa Parks legislation that acknowledges her quest for justice by sitting down. I weave this into this debate because I think that it is relevant when we begin to talk about how Congress fixes problems. Rosa Parks certainly spread across the land a new idea of justice and the refusal, if you will, to be subjected to unfair and unjust laws. I pay tribute to the gentleman from Michigan (Mr. CONYERS) and all of those who have spoken in support of what she did to change America, and I add my voice to the commemoration that was on the floor just previously.

As I infuse back into the Katrina Volunteer Protection Act and mention the volunteers, one has to accept the time that they have to speak to important issues at hand.

Mr. Speaker, I say to the gentleman from Michigan (Mr. CONYERS), I offer today an important issue that speaks to the question of justice and, I assume as well, the thoughts of this body, and that is the unfair position that Frances Newton finds herself in, an African American woman, but a woman that is now on death row today, September 14, in Texas whose execution date is 6 p.m. central standard time.

This Congress may have some cause, but this is now in the hands of the administration, the Solicitor General, the Supreme Court, and the governor of the State of Texas. If we do not act today, a woman who did not have effective counsel, whose counsel did not question one witness, whose counsel did not present one iota of evidence, who now has found that there were multiple weapons, who has a flawed DNA background in terms of this case and, likewise, who has protested and petitioned over and over again that she did not kill her children, will now go to her death.

Whether or not this Congress has the power to instruct the Supreme Court of the United States, as we now hear the proceedings of Judge Roberts, we know that this body should be a body concerned about justice. I would wholly hope that those who can hear my voice will petition by way of their own way, their representatives, to ask the Solicitor General to petition on the side of the Innocence Project to allow the case to be reheard, a new trial to secure this evidence, to secure the ability to give Frances Newton a new trial of which she deserves.

We cannot stand on the floor of the House today and talk about protecting volunteers, albeit I have the concerns as enunciated, and not suggest that we cannot protect the justice system. Frances Newton has protested and petitioned her innocence. She is a mother who says that she did not kill her children. The governor of the State of Texas has the power to give her a 30-day extension, and I would hope that our voices will be heard.

I want to thank the gentleman from Virginia (Mr. SCOTT) and the gen-

tleman from Michigan (Mr. CONYERS) for their willingness to sign on to a letter asking for that petition to be heard, and I would ask other Members of Congress to do likewise.

Mr. Speaker, I have expressed my views on the Katrina Volunteer Protection Act and I hope, as the gentleman from Michigan (Mr. CONYERS) said, that we could work on this together.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, one of the great success stories in this tragedy is the fact that thousands of volunteers from across the country responded to the needs of the victims. Physicians and nurses and other medical volunteers, health care professionals, volunteered their specialized skills to come to the aid of the victims of Katrina. Their efforts have ensured that these victims receive much-needed care and assistance, but many more have been hesitant to take part because they were threatened by the specter of lawsuits.

I know this to be a fact. I was on the ground there in Louisiana. I helped to organize much of the medical relief effort, and this is a fact, that many were hesitant to come to the aid.

Rules protecting good Samaritans vary greatly between States, and it is often unclear what legal protections volunteers have when performing charitable acts, and this was particularly so with such a tragedy of this magnitude.

H.R. 3736 will clarify the rules for everyone involved and ensure that uniform standards are applied to relief efforts from Louisiana to Mississippi to Alabama. This bill will protect volunteers acting in good faith to assist Katrina victims, while still protecting the rights of victims who allege injuries as a result of willful, wanton, reckless, or criminal conduct on the part of a volunteer. Questions of liability should not and should never prevent individuals and organizations from offering their services in such a tragedy.

So, Mr. Speaker, I urge passage of the Katrina Volunteer Protection Act. This is important legislation, and I urge its rapid and steady approval.

Mr. CONYERS. Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), our subcommittee ranking member.

Mr. SCOTT of Virginia. Mr. Speaker, this did not go through committee, so I just had a question for the chairman of the committee, if the chairman would respond.

My question is what impact this will have on someone minding their own business, sitting at a stoplight, that gets rear-ended by someone headed to New Orleans in an automobile accident, simple negligence, with insurance. Does the innocent party now have to pay their own medical bills, or

is there some provision in the bill that allows the insurance to still be available to pay the medical bills?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the bill says that if the driver of the car is operating as a volunteer without compensation and acting in good faith, the provisions of the bill apply.

Mr. SCOTT of Virginia. Mr. Speaker, reclaiming my time, in this case, if the volunteer is hit and has an automobile accident, fully insured, you lose the insurance, the innocent victim is now subject to pay his own medical bills. Where, ordinarily, there would be compensation for the automobile accident, that is lost. These are people who could be in States not even affected, just sitting at a stoplight.

Usually, when we have these immunity bills, we provide that the insurance in an automobile accident, the insurance would apply. This would exempt the insurance. I think it is one of the problems of bringing bills like this to the floor without going through committee. I think we could have fixed that.

□ 1200

Mr. CONYERS. Mr. Speaker, I think the gentleman from Virginia's example tells us the whole thing. This is over the edge. It is not that we do not want to give protection, but this goes way, way too far.

Now, I remind my colleagues that the problem that we have here is that there have never been any hearings. There have never been any markups. There have never been any witnesses. There has never been a full committee hearing. Nobody has ever seen this measure before today when it is now on the floor.

It sounds great, volunteer liability legislation. But that is what we did with the Volunteer Protection Act in 1997. That was carefully crafted, bipartisan in nature, and covers all of this activity.

We go way beyond volunteer protection to immunize what could be misconduct of a deliberate and blatant nature, that can immunize negligence of the grossest sort, and never in the history have we ever imagined, thought of immunizing such actions. So there is no reason to protect such blatant wrongdoing from responsibility.

And it is a fatal flaw of this legislation. I urge that it be sent back to the Judiciary Committee for appropriate action.

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

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

Mr. Speaker, after listening to the gentleman from Michigan, I am a little bit confused. Because last week, the Congress appropriated almost \$52 billion without a hearing. Right before Labor Day, the Congress appropriated \$10 billion without a hearing.

Today, I had scheduled three Katrina-related bills for markup in the Judiciary Committee. They were not ready by our 24-hour deadline, and the gentleman from Michigan objected to that, so I called off that markup, and we are going to have to do that next week. Otherwise we would have it on the floor much more promptly.

The fact of the matter remains that these people need to have the immunity for liability in order that they can volunteer and effectively deliver their volunteer services. The gentleman from Michigan (Mr. CONYERS) and the other opponents of this bill have come up with a litany of horrors that this bill would allow criminal conduct to be immunized, and that is not the case.

This bill specifically does not apply in any way to protect those whose willful, wanton, reckless or criminal conduct causes injury; nor does it apply to those who violate the Federal or State civil rights laws when injury occurs.

Now, today we have a chance to cast a vote in favor of our volunteers, our volunteer individuals and those nonprofit organizations who have stepped up to the plate to provide essential relief services to the people who have been affected by Hurricane Katrina; or we can send it back to committee and have more hearings.

Well, by the time those hearings are over with, I am sure the first series of frivolous lawsuits will be filed; and believe me, the next time there is a disaster, hopefully not of the magnitude of Hurricane Katrina, there will be a lot of organizations and a lot of individuals who will be afraid to volunteer to do what they want to do and do what they can do best, because they do not want to spend the rest of their lives in court.

Pass this bill.

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 3736, Katrina Volunteer Protection Act. This legislation will provide much needed legal protection for those charitable Americans volunteering in the Hurricane Katrina rescue and recovery effort.

It is imperative that when thousands of selfless volunteers respond to those who have incurred the wrath of a natural disaster that legal liability need not be hanging over their heads.

Currently, there is vast uncertainty from state to state about what defines legal protections for volunteers, especially when volunteers from one state travel to another to help out their fellow citizens.

Under current law volunteers who are not working with an official nonprofit organization are not covered by the Volunteer Protection Act. Therefore, there are absolutely no legal protections for the average American who wishes to volunteer.

This legislation will correct that gap in the law while at the same time continue upholding the penalties against those who act in a willful, reckless or criminal manner or who violate a State or Federal civil rights law.

Further if a volunteer's home State has a law on its books that provide greater liability protection, then this legislation would defer to those stronger protections.

This legislation will clear the way for all those Good Samaritans, who live in our great Nation, not to have to worry about lawsuits when they volunteer.

Mr. Speaker, I am proud to support this legislation.

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

The SPEAKER pro tempore (Mr. FOLEY). 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. 3736.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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. 3132.

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

There was no objection.

CHILDREN'S SAFETY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 436 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3132.

□ 1206

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

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

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

I am pleased to bring to the House floor today H.R. 3132, the Children's Safety Act of 2005.

I introduced this legislation on June 30 in a bipartisan effort to address the growing epidemic of violence against children and the need for greater protection from convicted sex offenders through State registration and notification programs.

This year our country has been shocked by a series of brutal attacks

against children at the hands of convicted sex offenders. In June, our Nation was horrified by the kidnapping and murders of members of the Groene family by a convicted sex offender.

Two well-publicized tragedies earlier this year in Florida, in which 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde were murdered by convicted sex offenders further underscore the need for quick congressional action to address the danger posed by individuals who prey on children.

In addition to the widely reported tragedies that have rightly brought this issue to the forefront, the statistics regarding the frequency with which such heinous crimes occur are staggering. Statistics show that one in five girls and one in 10 boys are sexually exploited before they reach adulthood. Yet less than 35 percent of the incidents are reported to authorities.

According to the Department of Justice, one in five children between the ages of 10 and 17 receive unwanted sexual solicitations online. Additionally, statistics show that 67 percent of all victims of sexual assault were juveniles under the age of 18, and 34 percent were under the age of 12.

In June of this year, the Subcommittee on Crime, Terrorism and Homeland Security held a series of three hearings on child crimes issues, focusing on violent crimes against children, sexual exploitation of children, and the Sex Offender Registration and Notification program and related legislative proposals.

On July 30, the Judiciary Committee considered this bill and ordered it favorably reported by an overwhelming vote of 22 to 4.

Mr. Chairman, there are over 550,000 sex offenders in the country; and it is conservatively estimated that at least 100,000 of them are lost in the system, meaning that nonregistered sex offenders are living in our communities and working at locations where they can, and likely will, come into contact with our children.

This is simply unacceptable, and the legislation specifically targets this problem to enhance the safety of America's families and communities. The Children's Safety Act will make much needed reforms to the Sex Offender and Registration program by expanding the scope and duration of sex offender registration and notification requirements to a larger number of sex offenders.

The legislation also requires States to provide Internet availability of sex offender information, requires timely registration by sex offenders, and then enhances penalties for their failure to register and increases the disclosure requirements regarding their whereabouts.

The bill authorizes United States marshals to apprehend sex offenders who fail to register and increases grants to States to apprehend sex offenders who are in violation of registration requirements contained in the legislation.