

Calendar No. 747

108TH CONGRESS
2D SESSION

H. R. 1084

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2004

Received

SEPTEMBER 28, 2004

Read the first time

SEPTEMBER 29, 2004

Read the second time and placed on the calendar

AN ACT

To provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

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 “Volunteer Pilot Orga-
3 nization Protection Act of 2004”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

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

6 (1) Scores of public benefit nonprofit volunteer
7 pilot organizations provide valuable services to com-
8 munities and individuals.

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

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

17 (4) Such organizations have supported the in-
18 terests of homeland security by providing volunteer
19 pilot services at times of national emergency.

20 (b) PURPOSE.—The purpose of this Act is to promote
21 the activities of nonprofit volunteer pilot organizations fly-
22 ing for public benefit and to sustain the availability of the
23 services that such organizations provide, including trans-
24 portation at no cost to financially needy medical patients
25 for medical treatment, evaluation, and diagnosis, as well

1 as other flights of compassion and flights for humani-
 2 tarian and charitable purposes.

3 **SEC. 3. LIABILITY PROTECTION FOR NONPROFIT VOLUN-**
 4 **TEER PILOT ORGANIZATIONS FLYING FOR**
 5 **PUBLIC BENEFIT AND TO PILOTS AND STAFF**
 6 **OF SUCH ORGANIZATIONS.**

7 Section 4 of the Volunteer Protection Act of 1997
 8 (42 U.S.C. 14503) is amended—

9 (1) in subsection (a)(4)—

10 (A) by redesignating subparagraphs (A)

11 and (B) as (i) and (ii), respectively;

12 (B) by inserting “(A)” after “(4)”;

13 (C) by striking the period at the end and

14 inserting “; or” and

15 (D) by adding at the end the following:

16 “(B) the harm was caused by a volunteer of a
 17 nonprofit volunteer pilot organization that flies for
 18 public benefit, while the volunteer was flying in fur-
 19 therance of the purpose of the organization and was
 20 operating an aircraft for which the volunteer was
 21 properly licensed and insured.”; and

22 (2) in subsection (c)—

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

24 and

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

3 “(2) Notwithstanding paragraph (1), a nonprofit vol-
4 unteer pilot organization that flies for public benefit, and
5 the staff, mission coordinators, officers, and directors
6 (whether volunteer or otherwise) of such organization or
7 a referring agency of such organization, shall not be liable
8 with respect to harm caused to any person by a volunteer
9 of such organization, while the volunteer is flying in fur-
10 therance of the purpose of the organization and is oper-
11 ating an aircraft for which the volunteer is properly li-
12 censed and has certified to such organization that such
13 volunteer has in force insurance for operating such air-
14 craft.”.

15 **SEC. 4. REPORT BY ATTORNEY GENERAL.**

16 (a) STUDY REQUIRED.—The Attorney General shall
17 carry out a study on the availability of insurance to non-
18 profit volunteer pilot organizations that fly for public ben-
19 efit. In carrying out the study, the Attorney General shall
20 make findings with respect to—

- 21 (1) whether nonprofit volunteer pilot organiza-
22 tions are able to obtain insurance;
23 (2) if no, then why;
24 (3) if yes, then on what terms such insurance
25 is offered; and

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

4 (b) REPORT.—After completing the study, the Attor-
5 ney General shall submit to Congress a report on the re-
6 sults of the study. The report shall include the findings
7 of the study and any conclusions and recommendations
8 that the Attorney General considers appropriate.

 Passed the House of Representatives September 14,
2004.

Attest:

JEFF TRANDAHL,

Clerk.

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