

extend or toll a deadline to no more than 14 days, except where the judge determines that an emergency situation requires additional extensions.

And finally, for any court that decides to toll or delay a deadline, the legislation creates a notice requirement. Among other things, this notice requirement would direct courts to make all reasonable efforts to publicize the order, including announcing the order on Web sites of all affected courts and the Web site of the Federal judiciary and require the director of the Administrative Office of the Courts to send copies of each notice, including the reasons for their issuance, to the House and the Senate Judiciary Committees.

□ 1515

It is worth noting that this latter provision will go a long way toward helping our committee conduct adequate oversight and assist in our efforts to detect any possible abuses.

In closing, I thank the chairman of the Committee on the Judiciary, Mr. SENSENBRENNER, for his willingness to work with Members on this side of the aisle to address many of our concerns regarding the legislation. This is truly bipartisan. I urge my colleagues to support this worthwhile measure.

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 pass the bill, H.R. 3729, 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 question will be postponed.

VOLUNTEER PILOT ORGANIZATION PROTECTION ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1871) 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. 1871

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 2006".

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 clauses (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, unless the conduct constitutes a Federal crime of terrorism (as such term is defined in section 2332b(g)(5) of title 18, United States Code) or an act of domestic terrorism (as such term is defined in section 2331 of such title), or unless the entity has been convicted of an offense under section 2339A of such title.";

(2) in subsection (b)—

(A) by amending the heading to read as follows: "CONCERNING RESPONSIBILITY OF VOLUNTEERS";

(B) by inserting "(1)" before "Nothing"; and

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

"(2) Nothing in this section shall be construed to affect the liability for negligence of a volunteer of a nonprofit volunteer pilot organization that flies for public benefit with respect to amounts within the limits of liability insurance coverage that such volunteer is required to obtain pursuant to subsection (a)(4)(B) for liability protection under this section."; and

(3) 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. Such referring agency shall include, among others, any nonprofit organization that provides disaster relief services that place staff, volunteers, evacuees, goods, supplies, or cargo on aircraft flights being coordinated by volunteer pilot organizations in circumstances of disaster response and relief."

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 Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

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. 1871 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 in support of H.R. 1871, the Volunteer Pilot Organization Protection Act. This bill is narrowly tailored to correct specific liability exposure for volunteer and nonprofit activities.

In 1997, Congress passed the Volunteer Protection Act to shield volunteers from liability from some forms of negligence in response to concerns that America's lawsuit culture was inhibiting this country's rich tradition of volunteerism. However, that act does not protect volunteers who operate an automobile, vessel or aircraft, nor does it protect the organizations that coordinate the volunteers.

There are approximately 30 separate volunteer pilot organizations flying for the public benefit, the largest of which function together as Angel Flight America. These organizations coordinate almost 8,000 volunteer pilots, who fly anywhere from one to 50 volunteer missions a year, all at their own personal expense. These pilots conduct

public benefit aviation, which includes activities ranging from environmental observation, wilderness rescue, delivery of medical supplies and organs, and transport of medical patients. In the area of medical patient transport alone, volunteer pilot organizations provided free, long-distance transportation to over 40,000 patients and their escorts in 2003.

As beneficial as these groups are in the normal course, they are crucial in times of crisis. For example, in the wake of Hurricane Katrina, Angel Flight America, through its role with the Homeland Security Emergency Air Transportation System, flew over 500 missions in the first week after the storm, bringing in emergency workers, agency staff, volunteers, and supplies.

These volunteer pilots also flew high-risk individuals to safer locations, and once there assisted groups such as the National Center for Missing and Exploited Children in reuniting parents and children separated in the evacuation of New Orleans. Overall, Angel Flight America coordinated over 2,200 flights in the areas affected by Hurricane Katrina, second only to the United States military.

Despite the invaluable services they provide, these groups are not protected from liability by the Volunteer Protection Act and face difficulty in obtaining the necessary insurance because of liability exposure fears. In many cases, the volunteer pilot organizations cannot obtain, at any cost, the type of liability insurance that they need. In addition, hospitals and other medical establishments are sometimes reluctant to refer patients to volunteer pilot medical transport services because of their own fear of liability exposure based upon the simple act of recommending needy patients to nonprofit volunteer pilots.

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

Further, the bill requires that the pilots purchase insurance in order to be covered by the liability protections.

I would also note that this bill contains two amendments that address specific concerns that were raised about earlier versions of this bill. The first amendment, which was adopted during the committee markup, ensures that the liability protections do not extend to anyone who engages in terrorist activities.

The second amendment, which was negotiated after the markup with Rep-

resentative SCOTT of Virginia and Representative DRAKE, provides that volunteer pilots, who are required to carry insurance under the bill, can be liable up to the limits of that insurance. The pilots would not, however, be personally liable for any amounts above their insurance for simple negligence.

Mr. Speaker, H.R. 1871 will end the cycle of litigation and the threat of such litigation that has stifled the efforts of public-minded volunteer pilots who risk their lives to assist others. The bill is supported by a wide array of charitable organizations, including the American Red Cross, the National Organization For Rare Disorders, Angel Flight America, and the National Air Transportation Association.

In 2004, the House overwhelmingly passed similar legislation with the support of 385 Members. I would urge my colleagues to support this important legislation.

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

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

Mr. Speaker, as much as I appreciate volunteer pilot organizations and the pilots, this bill creates a number of problems for me that I would like to bring to the attention of our membership, and it makes it difficult for me to support H.R. 1871.

If you didn't know that there was a Volunteer Protection Act already on the books, this would sound like something that is very important and very necessary. But there is, and H.R. 1871 undoes the balance achieved in the Volunteer Protection Act by exempting pilots and aircraft carriers from liability, and it applies not only to pilots but it applies to staff of an organization, mission coordinators, officers and directors of the volunteer pilot organizations, referring agencies, whether they are for profit or not for profit. And it would leave innocent victims without recourse in some situations by reducing the standard of care applicable to pilots.

It does nothing to tackle the real problem which is underlying in this bill. What is it? Well, it is that the insurance industry has failed to offer insurance to the volunteer pilot organizations and they can't get it. They can't get insurance. And so this measure flies in the face of already enacted law named the Volunteer Protection Act, which was passed 8 years ago and extending over five Congresses.

The Volunteer Protection Act, as opposed to this measure, was carefully deliberated and negotiated. But this measure before us 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 already require these pilots to have insurance. The measure undoes that and exempts pilots from liability.

Moreover, it goes further than the Volunteer Protection Act by giving this exemption to not only the pilots but also to the staff, the mission coordinators and directors of the organizations and referring agencies. In the Volunteer Protection Act, Congress made sure it was only the volunteers being protected. We don't do that here.

Finally, as I have said, the real problem is with the insurance industry. Why won't they offer insurance to volunteer pilot organizations? Well, during the hearing of this legislation in the 108th Congress, 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 in the reverse, exempting everyone almost under the sun from liability.

So what we are establishing here is a national policy specifically allowing certain pilots to operate their aircraft negligently and still escape liability. Thank goodness we haven't had any cases like this, but by immunizing both the negligent pilot and the organization that arranges and provides the transportation, this bill could leave victims of an air tragedy and their surviving families with no means of seeking compensation for their loss.

I hope that the House of Representatives will not turn its back on the victims of air tragedies, and I hope that none of them will occur. But for those reasons, I cannot support the passage of this bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the author of the bill, the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, allow me to begin by thanking key individuals whose efforts brought this legislation to the floor today. First, let me thank Chairman SENSENBRENNER for his diligence in moving this bill through the Committee on the Judiciary.

I would also like to thank Ed Boyer of Angel Flight America located in Virginia Beach for raising this important issue and whose vision will help hundreds of private citizens respond in time of crisis.

I would also like to thank my friend and colleague, Mr. BOBBY SCOTT, for working with me to bring the best possible bill to the floor today.

Finally, allow me to thank Sarah Hamlett, who put in countless hours to make this bill a reality.

Today, we have an opportunity to take important action that will encourage the natural altruism and patriotism that Americans have repeatedly demonstrated in times of crisis.

In the past 5 years, our Nation has seen two great disasters, one at the

hands of terrorists and one at the hands of Mother Nature. In both cases, Americans responded with a tremendous outpouring of compassion, lending their time, skills and dollars to a range of charitable organizations.

□ 1530

In response to both 9/11 and Hurricane Katrina, the thousands of civil aviators who make up Angel Flight America, stood ready to serve and, indeed, played a major role in the disaster response.

Flying over 150 missions following 9/11 and more than 2,200 missions in response to Katrina, these pilots led an aviation disaster response second only to that of the U.S. military.

But providing a coordinated aviation response during national emergencies is only a part of the underlying mission for most nonprofit volunteer organizations. Their most common mission is to provide emergency medical transportation services for needy families.

Each year, volunteer pilots transport hundreds of people with life-threatening illnesses thousands of miles in order to receive specialized medical attention, as well as transporting patients in remote locations who would otherwise be unable to receive care. Yet, despite the importance of their mission, these organizations have been left out of the Volunteer Protection Act in its current form.

This legislation addresses this mission by amending the Volunteer Protection Act to include organizations such as Angel Flight so they may continue to fulfill their mission and provide a critical service for needy families, seeking specialized medical attention.

It is important to note that I have worked closely with Congressman SCOTT to ensure that this legislation does not shield pilots from liability in instances of criminal misconduct or gross negligence.

Instead, this legislation provides nonprofit volunteer pilot organizations the security they need to grow and expand their mission to more parts of our country and provide a well-coordinated response in times of national emergencies.

I encourage all of my colleagues to support this important bipartisan legislation.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and 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 pass the bill, H.R. 1871, as amended.

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

A motion to reconsider was laid on the table.

CLARIFYING TREATMENT OF SELF-EMPLOYMENT FOR PURPOSES OF LIMITATION ON STATE TAXATION OF RETIREMENT INCOME

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4019) to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income, as amended.

The Clerk read as follows:

H.R. 4019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF TREATMENT OF SELF-EMPLOYMENT FOR PURPOSES OF THE LIMITATION ON STATE TAXATION OF RETIREMENT INCOME.

(a) *IN GENERAL.*—Section 114(b)(1)(I) of title 4, United States Code, is amended—

(1) by inserting “(or any plan, program, or arrangement that is in writing, that provides for retirement payments in recognition of prior service to be made to a retired partner, and that is in effect immediately before retirement begins)” after “section 3121(v)(2)(C) of such Code”;

(2) by inserting “which may include income described in subparagraphs (A) through (H)” after “(not less frequently than annually”;

(3) by adding at the end the following: “The fact that payments may be adjusted from time to time pursuant to such plan, program, or arrangement to limit total disbursements under a predetermined formula, or to provide cost of living or similar adjustments, will not cause the periodic payments provided under such plan, program, or arrangement to fail the ‘substantially equal periodic payments’ test.”; and

(4) by adding at the end the following: “(4) For purposes of this section, the term ‘retired partner’ is an individual who is described as a partner in section 7701(a)(2) of the Internal Revenue Code of 1986 and who is retired under such individual’s partnership agreement.”.

(b) *APPLICATION.*—The amendments made by this section apply to amounts received after December 31, 1995.

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.

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. 4019 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 in support of H.R. 4019, a bill to amend title 4 of the United States Code to clarify the treatment of self-employment for the pur-

poses of the limitation on State taxation of retirement income.

This bill makes technical and clarifying amendments to the legislation enacted in 1996 to restrict the ability of States to tax certain pension income received by their former residents and nonresidents who earned income in that State.

Virtually every State correctly interpreted the law to encompass all retired individuals as Congress intended, and adjusted their tax systems accordingly. However, after 10 years, at least one State has sought to promote an interpretation of the law at odds with congressional intent by taxing the retirement income of partners who no longer live in the State or who may never even have ever lived there.

H.R. 4019 clarifies and reiterates the policy Congress wrote into Public Law 104-95, that States are prohibited from taxing the retirement income of all nonresident retirees, whether the individual is a retired employee, partner or principal.

Mr. Speaker, this bill, which enjoys bipartisan support, merely restores fairness and the original intent of Congress by reaffirming that States should treat all retirees equally.

I urge my colleagues to join me in supporting this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 4019, and I support the measure which is intended to clarify current law that prohibits States from taxing the retirement income of any nonresident, whether the individual is a retired employee, partner or a principal, and says that the benefits reduction calculations under the bill include components from both qualified and non-qualified plans.

Now, since 1996, States have adjusted their tax system to reflect the policy and to allow several different interpretations. The policy would upset expectations and reliance upon the law. And what we are doing is eliminating that possibility. This would also, without this change, further confuse the tax system and certainly lead to unnecessary litigation.

It should be noted that the States affected by Public Law 104-95 have adjusted their tax schemes to comply with the law as they understood it. However, there is one State presently that construes the statute in contravention of the original intent, and if this State, New York, is permitted to implement its interpretation of the bill, other States may follow. This, in turn, would most definitely spur an unlimited amount of needless litigation. So it is essential that for consistency and uniformity that this legislation before us be enacted.

We should note that neither the Federation of Tax Administrators nor the