

## Calendar No. 194

108TH CONGRESS  
1ST SESSION**S. 1280**

To amend the PROTECT Act to clarify certain volunteer liability.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 18, 2003

Mr. HATCH (for himself and Mr. BIDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 10, 2003

Reported by Mr. HATCH, with an amendment

[Omit the part struck through and insert the part printed in italic]

---

**A BILL**

To amend the PROTECT Act to clarify certain volunteer liability.

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

3 **SECTION 1. AMENDMENT TO THE PROTECT ACT.**

4 Section 108 of the PROTECT ACT (Public Law  
5 108–21) is amended by adding at the end the following:

6 ~~“(e) VOLUNTEER LIABILITY.—~~

1           “(1) ~~IN GENERAL.~~—The National Center for  
2           Missing and Exploited Children, including any of its  
3           officers, employees, or agents, shall not be liable for  
4           damages of any kind in any civil action arising out  
5           of any act or communication by the National  
6           Center for Missing and Exploited Children, its offi-  
7           cers, employees, or agents, in connection with any  
8           activities under this section.

9           “(2) ~~EXCEPTION.~~—The limitation in paragraph  
10          (1) does not apply in any action in which the plain-  
11          tiff proves that the National Center for Missing and  
12          Exploited Children, its officers, employees, or agents  
13          acted with actual malice, or provided information or  
14          took action for a purpose unrelated to an activity  
15          mandated by Federal law.”.

16          “(e) *LIMITATION ON LIABILITY.*—*In connection with*  
17          *the Pilot Programs established under this section, in reli-*  
18          *ance upon the fitness criteria established under section*  
19          *108(a)(3)(G)(i), and except upon proof of actual malice or*  
20          *intentional misconduct, the National Center for Missing*  
21          *and Exploited Children, or a director, officer, employee, or*  
22          *agent of the Center shall not be liable in any civil action*  
23          *for damages—*

24                 “(1) *arising from any act or communication by*  
25          *the Center, the director, officer, employee, or agent*

1       *that results in or contributes to a decision that an in-*  
2       *dividual is unfit to serve as a volunteer for any vol-*  
3       *unteer organization;*

4               “(2) *alleging harm arising from a decision based*  
5       *on the information in an individual’s criminal his-*  
6       *tory record that an individual is fit to serve as a vol-*  
7       *unteer for any volunteer organization unless the Cen-*  
8       *ter, the director, officer, employee, or agent is fur-*  
9       *nished with an individual’s criminal history records*  
10       *which they know to be inaccurate or incomplete, or*  
11       *which they know reflect a lesser crime than that for*  
12       *which the individual was arrested; and*

13               “(3) *alleging harm arising from a decision that,*  
14       *based on the absence of criminal history information,*  
15       *an individual is fit to serve as a volunteer for any*  
16       *volunteer organization unless the Center, the director,*  
17       *officer, employee, or agent knows that criminal his-*  
18       *tory records exist and have not been furnished as re-*  
19       *quired under this section.”.*

**Calendar No. 194**

108TH CONGRESS  
1ST SESSION

**S. 1280**

---

---

**A BILL**

To amend the PROTECT Act to clarify certain  
volunteer liability.

---

---

JULY 10, 2003

Reported with an amendment