FAQs and Q&A Regarding HR 2290 -- Amendments to the Volunteer Protection Act (VPA):

Q. What is the Volunteer Protection Act of 1997?

A. The VPA is a federal law enacted in 1997 to protect community service volunteers from liability for acts performed on behalf of a nonprofit organization. This protection does not extend to harm caused by willful or criminal misconduct, gross negligence, flagrant indifference, or operation of any vehicle where a license or insurance is required.

Q. Why should liability protections be extended to organizations?

A. The organizations that would enjoy liability protection under this bill are primarily local groups composed entirely of volunteers who perform vital community service work. These are the most vulnerable groups given their limited financial resources. These organizations/clubs are susceptible to legal theories used to circumvent the landmark Volunteer Protection Act of 1997.

Q. What kind of organizations would be protected by this bill?

A. This bill would apply to many nonprofit organizations, including but not limited to local affiliates of esteemed service groups such as Lions Clubs International, Rotary International, Kiwanis, and other groups. The bill would not provide liability protection to highly institutionalized organizations that can accommodate large liability insurance costs.

Here are some types of covered non-profit entities as defined in the proposal:

- A non-profit that conducts activities solely through volunteers or independent contractors (no employees).
- The nonprofit organization whose primary function is to provide support to local affiliate nonprofit organizations that do not have employees and who act to further the organization’s mission.
- A non-profit with fewer than 50 employees and annual gross revenues of less than $200,000 (including public charities, limited private foundations, and social welfare organizations).
Q. Do other organizations support this bill?

A. This proposal also has the support of the following volunteer service organizations, representing more than 2 million of America’s community leaders in all 50 states:


Q. Can you give a good example where volunteer organizations can be held liable for injuries when neither the organization nor its volunteers had anything to do with it?

A. In a recent Ohio State Court case, a Fremont, Ohio service club conducted its annual Drive-In, Fly-In pancake-breakfast fundraiser in a hangar at the local airport. The owner of the airport chose, entirely on his own and without the approval or endorsement of the service club, to use the occasion to advertise sight-seeing flights and sell tickets with proceeds kept entirely for his own business. Neither Fremont Lions Club nor its volunteers who organized and conducted the pancake breakfast had anything to do with the flights. On its return to the airport, the sight-seeing plane crashed, killing all six persons on board.

The international service club’s association, the local service club, and 15 volunteers members of the local club were sued. The Complaint alleged “negligence” on the part of the individual members who had no involvement in the accident on the on the ground, that they were vicariously liable for the supposed wrongful acts and omissions of the club members, as well as a theory of negligent supervision of the volunteers.

While the trial court protected the individual volunteers by dismissing them from the case, it failed to protect the international service club organization and local club by keeping them in the case. As a result, the Fremont service club, which had no resources for its own defense and no money with which to satisfy any court-ruling, was forced to declare bankruptcy and effectively go out of existence.

This is one of many examples where current legal theories have endangered the viability of localized all-voluntary non-profit organizations that do nothing but volunteer their time, effort, and resources to charitable causes.
Q. Does this draft bill affect any state’s rights in changing liability rules?

A. No. There is a safety valve that protects state’s rights in the original Volunteer Protection Act of 1997 that allows states to opt out of the VPA in its entirety. It is not necessary for a state to pass its own volunteer act. The state legislature must merely enact a special law stating that the state will opt out of the VPA.

Q. Was there consideration to include immunity for nonprofit organizations in the Volunteer Protection Act (VPA) of 1997?

A. Yes. However, the focus of the discussions at the congressional hearing surrounded the individual volunteers because they had no protection.

One possible rationale for omitting non-profits from protection was that states could require that charitable non-profits purchase general liability insurance in order to protect their volunteers. The rationale is flawed because if organizations do not choose to purchase liability insurance for their volunteers, the individual volunteers will be at risk.

Q. How would a proposed amendment to the Volunteer Protection Act (VPA) of 1997 impact volunteer nonprofit organizations?

A. With the dwindling federal and state resources, nonprofit organizations have seen an explosion in demand for their services in recent years. As charitable giving has also fallen commensurately, it is increasingly important for nonprofit organizations to rely on these volunteers to accomplish their mission. The protection afforded under the bill would limit the financial risk and liability to nonprofit organizations resulting from the acts of the individual volunteers. In addition, the bill would result in additional financial resources to support the mission of nonprofit organizations that were previously allocated to address costly liability insurance. We believe the bill will result in increased viability and growth of local nonprofit organizations.
Q. The original Volunteer Protection Act (VPA) of 1997 limited the liability of individual volunteers to cases of willful misconduct, gross negligence, reckless misconduct, or flagrant indifference to safety. How would this bill change an organization’s liability for the actions of its volunteers?

A. It is important to distinguish between the existing Volunteer Protection Act of 1997 (VPA), which addresses protections for individuals, and our bill to amend the VPA, which applies to entities.

Our bill does not create the same protection individuals share under the VPA because such protection is already in existing law. In addition, our bill does not extend that standard to entities. Rather, our bill says that a volunteer nonprofit organization cannot be held liable for an act or omission of a volunteer on behalf of the organization unless (a) the organization would be liable under the applicable law for vicarious or direct liability, AND, (b) the organization itself expressly authorized the specific conduct that produced the harm.

In summation – our bill does not raise the standard of liability for organizations from negligence to gross negligence. Rather, its primary function is to protect organizations from being held vicariously liable when the organization had nothing to do with the event that caused harm. This is really important for nonprofits that, first, do not screen volunteers the way a private employer does, and, second, operate in extremely decentralized ways.