

109TH CONGRESS  
1ST SESSION

# S. 1746

To amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2005

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

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## A BILL

To amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, and for other purposes.

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. SHORT TITLE.**

4       This Act may be cited as the “Emergency Relief Per-  
5 sonnel Protection Act of 2005”.

6 **SEC. 2. CREATING FEDERAL CRIME OF INTERFERING WITH  
7 FEDERAL DISASTER RELIEF EFFORTS.**

8       (a) IN GENERAL.—Chapter 65 of title 18, United  
9 States Code, is amended by adding the following new sec-  
10 tion:

3       “(a) PROHIBITED CONDUCT.—Whoever, during a  
4 presiden~~tially-declared~~ major disaster or emergency—

5                   “(1) forcibly assaults, resists, opposes, impedes,  
6 intimidates, or interferes with any officer or em-  
7 ployee of the United States or of any agency in any  
8 branch of the United States Government (including  
9 any member of the uniformed services) while such  
10 officer or employee is engaged in or on account of  
11 the performance of official duties relating to, or in  
12 support of recovery from, the presidentially-declared  
13 disaster or emergency, or any person assisting such  
14 an officer or employee in the performance of such  
15 duties or on account of that assistance; or

16           “(2) forcibly assaults, resists, opposes, impedes,  
17           intimidates, or interferes with any person providing  
18           services in support of disaster relief efforts and  
19           working in coordination with a Federal coordinating  
20           officer appointed pursuant to section 302, Public  
21           Law 98–288 (42 U.S.C. 5143),

22 shall, except as provided in subsection (b) of this section,  
23 be fined under this title or imprisoned not more than two  
24 years, or both.

25        "(b) ENHANCED PENALTY.—Whoever, in the com-  
26 mission of and in relation to any act described in sub-

1 section (a) of this section, carries, possesses or uses a  
2 deadly or dangerous weapon or inflicts serious bodily in-  
3 jury, shall be fined under this title or imprisoned not more  
4 than 15 years or both, or, if the death of any person re-  
5 sults, shall be punished by death or life imprisonment.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of chapter 86 of title 18, United States  
8 Code, is amended by adding at the end the following new  
9 item:

“1370. Interference with Federal disaster relief efforts.”.

