

109TH CONGRESS
2D SESSION

S. 2599

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2006

Mr. VITTER (for himself, Mr. INHOFE, Mr. ENZI, Mr. SANTORUM, Mr. COBURN, Mrs. DOLE, and Mr. SUNUNU) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

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 “Disaster Recovery Per-
5 sonal Protection Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Second Amendment to the Constitution
9 of the United States states that, “A well regulated

1 Militia, being necessary to the security of a free
2 State, the right of the people to keep and bear
3 Arms, shall not be infringed.” and Congress has re-
4 peatedly recognized this language as protecting an
5 individual right.

6 (2) In the wake of Hurricane Katrina, State
7 and local law enforcement and public safety service
8 organizations were overwhelmed and could not fulfill
9 the safety needs of the citizens of the State of Lou-
10 isiana.

11 (3) In the wake of Hurricane Katrina, the safe-
12 ty of these citizens, and of their homes and property,
13 was threatened by instances of criminal activity.

14 (4) Many of these citizens lawfully kept fire-
15 arms for the safety of themselves, their loved ones,
16 their businesses, and their property, as guaranteed
17 by the Second Amendment, and used their firearms,
18 individually or in concert with their neighbors, for
19 protection against crime.

20 (5) In the wake of Hurricane Katrina, certain
21 agencies confiscated the firearms of these citizens, in
22 contravention of the Second Amendment, depriving
23 these citizens of the right to keep and bear arms and
24 rendering them helpless against criminal activity.

1 (6) These confiscations were carried out at gun-
2 point, by nonconsensual entries into private homes,
3 by traffic checkpoints, by stoppage of boats, and
4 otherwise by force.

5 (7) The citizens from whom firearms were con-
6 fiscated were either in their own homes or attempt-
7 ing to flee the flooding and devastation by means of
8 motor vehicle or boat, and were accosted, stopped,
9 and arbitrarily deprived of their private property and
10 means of protection.

11 (8) The means by which the confiscations were
12 carried out, which included intrusion into the home,
13 temporary detention of persons, and seizures of
14 property, constituted unreasonable searches and sei-
15 zures and deprived these citizens of liberty and prop-
16 erty without due process of law in violation of funda-
17 mental rights under the Constitution of the United
18 States.

19 (9) Many citizens who took temporary refuge in
20 emergency housing were prohibited from storing fire-
21 arms on the premises, and were thus treated as sec-
22 ond-class citizens who had forfeited their constitu-
23 tional right to keep and bear arms.

24 (10) At least 1 highly-qualified search and res-
25 cue team was prevented from joining in relief efforts

1 because the team included individuals with firearms,
 2 although these individuals had been deputized as
 3 Federal law enforcement officers.

4 (11) These confiscations and prohibitions, and
 5 the means by which they were carried out, deprived
 6 the citizens of Louisiana not only of their right to
 7 keep and bear arms, but also of their rights to per-
 8 sonal security, personal liberty, and private property,
 9 all in violation of the Constitution and laws of the
 10 United States.

11 **SEC. 3. PROHIBITION ON CONFISCATION OF FIREARMS**
 12 **DURING CERTAIN NATIONAL EMERGENCIES.**

13 Title VII of the Robert T. Stafford Disaster Relief
 14 and Emergency Assistance Act (42 U.S.C. 5201 et seq.)
 15 is amended by adding at the end the following:

16 **“SEC. 706. FIREARMS POLICIES.**

17 “(a) PROHIBITION ON CONFISCATION OF FIRE-
 18 ARMS.—No officer or employee of the United States (in-
 19 cluding any member of the uniformed services), person op-
 20 erating pursuant to or under color of Federal law, receiv-
 21 ing Federal funds, under the control of any Federal offi-
 22 cial, or providing services to such an officer, employee, or
 23 other person, while acting in support of relief from a major
 24 disaster or emergency, may—

1 “(1) temporarily or permanently seize, or au-
2 thorize seizure of, any firearm the possession of
3 which is not prohibited under Federal or State law,
4 other than for forfeiture in compliance with Federal
5 law or as evidence in a criminal investigation;

6 “(2) require the registration of any firearm for
7 which registration is not required by Federal or
8 State law;

9 “(3) prohibit the possession of any firearm, or
10 promulgate any rule, regulation, or order prohibiting
11 the possession of any firearm, in any place or by any
12 person where such possession is not otherwise pro-
13 hibited by Federal or State law; or

14 “(4) prohibit the carrying of a firearm by any
15 person otherwise authorized to carry firearms under
16 Federal or State law, solely because such person is
17 operating under the direction, control, or supervision
18 of a Federal agency in support of relief from a
19 major disaster or emergency.

20 “(b) PRIVATE RIGHTS OF ACTION.—

21 “(1) IN GENERAL.—Any individual aggrieved
22 by a violation of this section may seek relief in an
23 action at law, suit in equity, or other proper pro-
24 ceeding for redress against any person who subjects
25 such individual, or causes such individual to be sub-

1 jected, to the deprivation of any of the rights, privi-
2 leges, or immunities secured by this section.

3 “(2) REMEDIES.—In addition to any existing
4 remedy in law or equity, under any law, an indi-
5 vidual aggrieved by the seizure or confiscation of a
6 firearm in violation of this section may bring an ac-
7 tion for the return of such firearm in the United
8 States district court in the district in which that in-
9 dividual resides or in which such firearm may be
10 found.

11 “(3) ATTORNEY FEES.—In any action or pro-
12 ceeding to enforce this section, the court shall award
13 the prevailing party, other than the United States,
14 a reasonable attorney’s fee as part of the costs.”.

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