of the existing accounting and auditing literature. We need to develop principle-based accounting standards. We need to encourage the use and acceptance of interactive data, or extensible business reporting language, XBRL, and, finally, in the end to promote disclosure in plain English.

Simplifying the process of accountability will do two things: First, it reduces the risk of error and misuse by making the process simpler and more transparent. And, second, it will help working families have visibility to information they can understand without needing to ask a CPA or a tax attorney.

I appreciate the efforts of these organizations thus far to reduce complexity, and I recognize the public statements of support for such efforts by SEC Chairman Chris Cox and FASB Chairman Robert Herz. As SEC Chairman Cox said at the SEC Historical Society meeting in June, this process is going to be a long one, but it is worth it to make sure that the capital markets remain strong and remain vibrant. I urge my colleagues to support this important legislation.

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

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

Madam Speaker, I rise today in support of the Promoting Transparency in Financial Reporting Act, and I want to thank my very good friend from Kentucky (Mr. DAVIS) for introducing this important measure. I was pleased to cosponsor it and I am very pleased to work with him on the bill.

I also want to thank the chairman and ranking member of the Financial Services Committee, Mr. OXLEY and Mr. FRANK, for bringing this bipartisan legislation to the floor today.

H.R. 5024 requires that the chairpersons of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board provide oral testimony to the Committee on Financial Services on their efforts to reduce the complexity in financial reporting to provide more accurate and clear financial information to investors. These appearances before the committee would begin in 2007 and continue annually for 5 years.

Madam Speaker, the ability of America's investors to make informed decisions is severely compromised when financial reporting is inaccurate, when it is incomplete, when it is unclear. We saw the consequences of bad financial reporting years ago during the corporate accountability scandals at Enron and WorldCom, among others. Those bankruptcies not only revealed weaknesses in many aspects of our financial reporting system, but showed the devastating financial impact when their financial statements are not held to the highest standards.

In many cases, the complexity of financial reporting requirements has made it very difficult to detect purposeful violations of those standards. Congress, regulators, and the industry assessed these financial reporting failures and reacted with efforts aimed at strengthening the financial reporting system. Sarbanes-Oxley made very important initial strides to this end; however, more needs to be done.

This measure is an important next step. By calling on the SEC, PCAOB, and FASB to testify each year on the steps they are taking to improve financial disclosures, Congress is ensuring that it can and will effectively carry out its oversight function. We can gather the necessary information to ensure that, should we need to act legislatively, we are doing it in a sober, thoughtful manner based on data rather than in haste as we respond to the latest news cycle.

Madam Speaker, this legislation will help us as we work with the FEC, FASB and the PCAOB to improve our financial reporting system. It is important that we maintain a consistent focus on this issue. And, to that end, I urge all of my colleagues to support the measure. Again, I was pleased to work closely with the gentleman from Kentucky.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Kentucky. Madam Speaker, again, I want to reiterate my thanks to the gentleman from New York. It has been a great process to see this come to pass. Let's pass this bill as a first step toward creating a process for continuous improvement that will simplify and improve our financial reporting regulatory framework.

Madam Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. ISRAEL. Madam Speaker, everything that can be said has been said. We have no speakers, and I yield back my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5024, 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.

DISASTER RECOVERY PERSONAL PROTECTION ACT OF 2006

Mr. KUHL of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5013) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies, as amended.

The Clerk read as follows:

H.R. 5013

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 ''Disaster Recovery Personal Protection Act of 2006''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Second Amendment to the Constitution states that a ''well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed'', and Congress has repeatedly recognized this language as protecting an individual right.

(2) In the wake of Hurricane Katrina, State and local law enforcement and public safety service organizations were overwhelmed and could not fulfill the safety needs of the citizens of the State of Louisiana.

(3) In the wake of Hurricane Katrina, the safety of these citizens, and of their homes and property, was threatened by instances of criminal activity.

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

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

(6) These confiscations were carried out at gunpoint by nonconsensual entries into private homes, by traffic checkpoints, by stoppage of boats, and otherwise by force.

(7) The citizens from whom firearms were confiscated were either in their own homes or attempting to flee the flooding and devastation by means of motor vehicle or boat, and were accosted, stopped, and arbitrarily deprived of their private property and means of protection.

(8) The means by which the confiscations were carried out, which included intrusion into the home, temporary detention of persons, and seizures of property, constituted unreasonable searches and seizures and deprived these citizens of liberty and property without due process of law in violation of fundamental rights under the Constitution.

(9) Many citizens who took temporary refuge in emergency housing were prohibited from storing firearms on the premises, and were thus treated as second-class citizens who had forfeited their constitutional right to keep and bear arms.

(10) At least one highly-qualified search and rescue team was prevented from joining in relief efforts because the team included individuals with firearms, although these individuals had been deputized as Federal law enforcement officers.

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

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

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

''SEC. 706. FIREARMS POLICIES.

''(a) PROHIBITION ON CONFISCATION OF FIREARMS.—No officer or employee of the United States (including any member of the uniformed services), or person operating pursuant to or under color of Federal law, or receiving Federal funds, or under control of

any Federal official, or providing services to such an officer, employee, or other person, while acting in support of relief from a major disaster or emergency, may—

''(1) temporarily or permanently seize, or authorize seizure of, any firearm the possession of which is not prohibited under Federal, State, or local law, other than for forfeiture in compliance with Federal law or as evidence in a criminal investigation;

''(2) require registration of any firearm for which registration is not required by Federal, State, or local law;

''(3) prohibit possession of any firearm, or promulgate any rule, regulation, or order prohibiting possession of any firearm, in any place or by any person where such possession is not otherwise prohibited by Federal, State, or local law; or

''(4) prohibit the carrying of firearms by any person otherwise authorized to carry firearms under Federal, State, or local law, solely because such person is operating under the direction, control, or supervision of a Federal agency in support of relief from the major disaster or emergency.

''(b) LIMITATION.—Nothing in this section shall be construed to prohibit any person from requiring the temporary surrender of a firearm as a condition for entry into any mode of transportation used for rescue or evacuation during a major disaster or emergency.

''(c) PRIVATE RIGHTS OF ACTION.—

''(1) IN GENERAL.—Any individual aggrieved by a violation of this section may seek relief in an action at law, suit in equity, or other proper proceeding for redress against any person who subjects such individual, or causes such individual to be subjected, to the deprivation of any of the rights, privileges, or immunities secured by this section.

''(2) REMEDIES.—In addition to any existing remedy in law or equity, under any law, an individual aggrieved by the seizure or confiscation of a firearm in violation of this section may bring an action for return of such firearm in the United States district court in the district in which that individual resides or in which such firearm may be found.

''(3) ATTORNEY FEES.—In any action or proceeding to enforce this section, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHL of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5013, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I may consume.

In the wake of Hurricane Katrina, State and local enforcement and public safety service organizations were overwhelmed, and many citizens felt threatened. Many of these citizens lawfully kept firearms for the safety of themselves, their loved ones, their businesses, and their property as guaranteed to them by the second amendment, and used their firearms for protection against crime.

Following the hurricane, certain agencies confiscated the firearms of these law-abiding citizens, rendering them helpless against criminal activity. H.R. 5013, the Disaster Recovery Personal Protection Act of 2006, was introduced by Representative JINDAL on March 28, 2006. I am a proud cosponsor of this bill which amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of lawfully possessed firearms by an individual operating under the color of Federal law while acting in support of a major disaster or emergency declaration, unless the confiscation is otherwise permitted by law.

This bill ensures that law-abiding citizens can continue to protect themselves, their loved ones, their businesses, and their property as guaranteed by the second amendment during disasters when law enforcement is most likely to be overwhelmed and unable to fulfill the safety needs of the citizens they serve. It prevents agencies from arbitrarily depriving law-abiding citizens of their private property and means of protecting themselves during a disaster.

Additionally, this bill clarifies that an individual may require the temporary surrender of firearms as a condition for entry into any mode of transportation used for rescue or evacuation during a disaster or emergency. For example, rescuers such as the Coast Guard can require the surrender of guns before an individual enters their vessel.

In short, this bill provides some commonsense limitation on the wholesale confiscation of guns during disasters without limiting the enforcement of local, state, or Federal laws.

Madam Speaker, I support this measure and urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Madam Speaker, I yield to Mr. NADLER from New York such time as he may consume.

Mr. NADLER. I thank the gentlewoman for yielding.

Madam Speaker, I rise in opposition to H.R. 5013, the so-called Disaster Recovery Personal Protection Act of 2006. There is really only one word to describe this bill: Insane. The proper title of this bill should be The Right to Sue Cops and National Guardsmen Act of 2006.

The premise of the bill is that following Hurricane Katrina, and possibility other disasters, law enforcement personnel illegally seized guns from people who had legal permits to own a gun.

□ 1445

In some cases, they may have been seized because law enforcement did not want guns inside a public shelter. In other cases, people evacuated and left guns behind, and the police collected these guns so they would not fall into the hands of looters.

The NRA claimed this was illegal and sued the New Orleans Police Department. The New Orleans Police Department stated it had to determine who were the rightful owners of the guns before they could return them. I believe the lawsuit has since been settled, and the guns are being returned to their rightful owners.

Yet, today, we are considering a bill that would ostensibly solve this so-called problem of guns being illegally seized following a disaster. Since the lawsuit arises from this issue that has been resolved, I do not see why the legislation is necessary.

But how does this bill solve the supposed problem? It actually creates a private right of action for gun owners to sue personally cops, National Guardsmen, FBI officers, and other law enforcement personnel who are simply carrying out their jobs following a disaster or emergency situation.

The bill says that no Federal employer officer, including the military, National Guardsmen, or any person connected to the Federal Government, such as members of police departments, local police departments, that receive Federal funding, or anyone acting in support of relief to a major disaster or emergency, may seize any firearm which is allowed under Federal or local law. If they do seize such a gun, it would allow a gun owner to sue a cop or National Guardsman personally, not the government, sue the cop personally, even if the officer was carrying out his official duties. And the gun owner can even recover attorneys fees.

Aside from the fact that the entire premise of the bill is ridiculous, there are a number of serious problems with the legislation.

First, the presumption is all in favor of the gun owner and not the cop. There is no requirement that the gun owner prove the gun is legal at the time it is seized. So, if a cop sees someone with a gun, he has no evidence of his right to have a gun, maybe the cop suspects he was a looter, if the cop takes the gun, he is personally liable if it turns out he had a legal right to it later. Also, if a cop finds a gun on the floor or in a store or in a home and takes it to prevent it from getting into the hands of looters, that cop can now be sued. So let us leave the guns lying around for the looters to pick up and shoot people with.

Second, if this bill passes, Federal response officials and aid workers, such as the Red Cross, would have no say where guns are carried. They could not prohibit guns in public shelters where kids are present, nor could they prevent armed gangs and vigilantes from showing up and wandering the streets with guns. Private volunteers with guns can show up in any disaster situation, and law enforcement would have no say.

Third, the bill applies to a ''major disaster or emergency,'' which includes a terrorist attack. So if the New York Police Department responds at the World Trade Center, or the military responds to an attack at the Pentagon, and there is a group of guys with guns, law enforcement cannot disarm them without risking being sued. Why would we want to tie the hands of the military responding to a terrorist attack?

This bill has a chilling effect on law enforcement responding to a major disaster or to a terrorist attack. If law enforcement illegally seizes firearms, or seizes firearms that turn out to be legally owned, even though they have no reason to believe they are at the time, aggrieved parties already have the right to sue, as was the case when the NRA sued the NOPD. I should restate that. If law enforcement illegally seizes firearms, aggrieved parties today can sue, as was the case when the NRA sued the New Orleans Police Department. The only reason for this bill, to give an additional right, seems to be vindictive, to force some poor police officer or National Guardsman doing his job into bankruptcy.

If there really is a problem, this legislation is not the way to fix it. It is too broad, it is poorly drafted, and it will create more dangers in times of major disasters.

That is why the International Brotherhood of Police Officers and the Violence Policy Center have expressed opposition to this bill. I also have a letter in opposition from the Major Cities Chiefs Association, which represent 57 major law enforcement organizations. I urge my colleagues to oppose the bill.

MAJOR CITIES CHIEFS,
OFFICE OF THE PRESIDENT,
June 19, 2006.

Re H.R. 5013 and S. 2599, the ''Disaster Recovery Personal Protection Act of 2006.''

UNITED STATES CONGRESS,
Washington, DC.

DEAR LEGISLATOR: The Major Cities Chiefs (MCC) Association represents fifty-seven (57) major law enforcement organizations in the United States and Canada who are located in a metropolitan area of more than 1.5 million population and employ more than 1,000 law enforcement officers. All our officers are actively engaged in providing law enforcement, public safety and homeland security to the citizens of our communities every day. We are writing in opposition to H.R. 5013 and S. 2599, the ''Disaster Recovery Personal Protection Act of 2006.''

As law enforcement professionals, we understand and acknowledge the Constitutional limitations on police power to confiscate personal property. These limitations, however, must be balanced with the need to maintain public safety and security during emergency situations. We are concerned that the bill would void local laws that guide police actions regarding firearms in emergency situations. We also feel that police should be allowed to take into safekeeping any dangerous weapons and/or explosives they find abandoned in a building or home.

Additionally, as law enforcement executives, we feel if the President, a governor and/or mayor declares a state of emergency for a devastated area after a disaster, these officials should also be allowed to temporarily include provisions for a weapon-free zone during the area's recovery. For example, law enforcement may need to ensure that evacuation sites are free of weapons. Sister law enforcement agencies responding to a disaster must also be free to carry their firearms into another jurisdiction and help maintain law and order until the devastated area recovers.

Finally, we are concerned that the bill creates a new right to file lawsuits against police who take abandoned guns for safekeeping in an emergency or create emergency secure areas free from weapons. The bill should not create a new right to file lawsuits against law enforcement seeking to safeguard the public in emergency situations.

Should you need additional information, please feel free to contact MCC's General Counsel Craig Ferrell for further clarification of our position.

Sincerely,

HAROLD L. HURTT,
MCC President.

NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, SEIU, INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS,
Alexandria, Va.

The IBPO stands by our brothers and sisters in law enforcement and disapproves of any legislation that may interfere with a police officer's discretion to react as he or she sees fit under extreme emergency circumstances. Furthermore, the IBPO believes that responsible gun owners who continue to act in accordance with federal, state and local law are unlikely to have their guns confiscated unless they use or possess the guns in a manner or place that would be prohibited or threatening. The IBPO does not endorse the Vitter amendment #4615.

Signed,

STEVE LENKART,
Special Asst. to the President,
Director of Legislative Affairs.

Mr. KUHL of New York. Madam Speaker, I yield as much time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Transportation and Infrastructure Committee.

Mr. YOUNG of Alaska. Madam Speaker, I thank the gentleman for yielding.

I would like to suggest one thing. I deeply respect the individual from New York that just spoke against the legislation.

H.R. 5013 does not specifically address gun possession in emergency shelters. It addresses only housing except to prohibit future guns regulations above and beyond the Federal, State, and local law. This requirement was included to prevent the repeat of a short-lived FEMA effort to ban gun possession in the FEMA trailer parks in Louisiana.

H.R. 5013 does not override Federal, State or local laws restricting gun possession in various locations often used as shelters such as schools, government buildings and sports arena. That is what this bill does not do.

We address these issues, including the one where the Coast Guard was rescuing someone with a helicopter, they could not bring a firearm on board that vessel or that aircraft.

I would like to suggest this would never have had to happen if someone, and I will say government people, of what branch or other had decided they would take law into their own hands and go into a law-abiding home and confiscate a gun from a citizen who had done no wrong, was only trying to protect their home. That is the premise of our democracy and our Republic, is the right to protect your castle. Regardless of whether it is the hoodlum, the burglar, the murderer, the rapist, or the government, no one has the right to take away my ability to defend myself, nor my cherished ones from he would intrude upon my being and my home. That is the second amendment; that is my right.

To have a government, during a time of duress, the hurricane as bad as it was, to go into areas that were trying to protect themselves, and by the way, they went on television and said they did not have the manpower to address the looting, the rioters and the hoodlums but they had the manpower to go in and to take and confiscate arms from the law-abiding citizens of Louisiana, and by the way, I believe this is the only area it did occur.

So what I am suggesting in this legislation, I want to thank Mr. JINDAL especially being the prime sponsor, this legislation precludes the government from taking away what is my cherished personal right to protect those I love, in a time a duress and, yes, even in a time of peace because you will never know when that peace will be eroded and taken away from you.

So this legislation is a step because someone else misstepped, and some would say it is not necessary, it will not happen again. I have been around here long enough to know never say it will not happen again.

So we should look forward to this legislation and pass it. Get on with it and let those government agencies that misstepped know that they now are under the scope of reality and what is right for this great Nation.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota (Mr. OBERSTAR) will control the time.

There was no objection.

Mr. OBERSTAR. Madam Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Madam Speaker, once again, number one, I want to say that I stand by the remarks of my colleague from New York (Mr. NADLER), but once again, this Congress is waging a war on common sense.

House leadership accuses the New Orleans Police Department of going door to door confiscating guns in the aftermath of Hurricane Katrina, but the superintendent of the department states that this was not the case at all. Does anybody really think that after a disaster of that magnitude a police department's first priority is to go door to door and harass gun owners? Of course not.

Police merely arrested people who were breaking the law on the streets of

New Orleans. They were doing what they could to stop the looting and the sniper fire that slowed down the rescue workers. They never entered homes with the intent of collecting law-abiding citizens' guns, and by the way, we do not believe in that. We do not believe in going into someone's home without due cause on getting someone's gun.

This latest scheme to appease the gun lobby will tie the hands of our police officers during times of crisis. The streets of an American city immediately after a disaster are no place to abandon common sense, and this bill does not do it, not even for the future.

This bill allows guns in emergency shelters, provided the guns are legal. What if the gun owner does not have his license with him? Is the Red Cross official supposed to conduct background checks on gun owners to make sure they are legal? Can you imagine the chaos if loaded guns were allowed in the Superdome during Katrina? Again, it defies common sense.

Everyone agrees that the government failed when responding to Hurricane Katrina; but instead of addressing the real shortcomings revealed by Katrina, the House chooses to make our first responders' jobs more difficult in the critical hours following a natural disaster or even a terrorist attack.

This Congress has already cut funding to police officers and firefighters. Congress refused to make sure that the most at-risk communities received their fair share of homeland security funding, and now Congress is giving looters and criminals the upper hand in the aftermath of disaster.

It is time for common sense. Vote ''no'' on this irresponsible bill.

Madam Speaker, I now want to address some questions to the manager of H.R. 5013. To my colleague from New York (Mr. KUHL) may I ask, Would this bill permit a person to bring a gun into a rescue shelter?

I yield to the gentleman from New York.

Mr. KUHL of New York. Thank you for yielding the time, but I would yield to the sponsor of the bill, Mr. JINDAL from Jefferson Parish. He can tell you exactly what the bill deals with and the detail. I am simply the manager.

Mr. JINDAL. I thank the gentlewoman for yielding.

This bill does not create nor does it delete any existing rights or State laws. So for example if there are existing State laws prohibiting guns in State shelters, this bill would do nothing to remove that prohibition. For example, many States already have existing laws prohibiting guns or firearms in schools, in sports arenas, or in other areas commonly used as shelters. Nothing in this bill would override that prohibition.

Mrs. MCCARTHY. Taking back my time, I understand that, but I know there are 17 States that already do not have any laws on the books. So the Federal law would not supercede what you are trying to do.

May I ask another question. If a State law gives a Governor or mayor broad powers under a state of emergency, may that official order temporary confiscation in the name of public safety? Or must the State law be specific? I yield again to the gentleman from New Orleans.

Mr. JINDAL. Madam Speaker, I thank the gentlewoman again for yielding.

Again, if there is existing law allowing the Governor in a state of emergency or other circumstances to take extraordinary measures, nothing in this legislation would prohibit that Governor from doing so, or in Louisiana's case, it may by the primary law enforcement officer of the parish, we call them parishes, not counties, nothing in this bill would override, supercede existing State laws that allow the Governor or chief executive officer from doing so.

Mrs. MCCARTHY. I thank the gentleman for that answer, and one more question. Who is liable in any lawsuit authorized by this bill? Is it the officer who confiscates a gun or the city or the State? The language, even though I know you worked to change the language, is still a little bit confusing. I will state my question again: Who is liable in any lawsuit authorized by this bill? Is it the officer who confiscates a gun or the city or the State? Can the Federal Government be sued if the confiscation is made by a Federal officer? Can a person seek monetary damages in addition to the return of the gun?

I yield again to the gentleman.

Mr. JINDAL. Madam Speaker, again, let us be clear. I know there has been a lot of confusion and a lot of rhetoric about the private right of action contained in this bill.

In Louisiana's case, going back to what happened specifically after Katrina, our State has already passed a State law prohibiting anybody in State or local law agencies from confiscating legally owned guns. The intent of this law is to apply to those agencies receiving Federal funds. The intent of the right of action was to counteract what happened last year when, even despite a court judgment, despite a ruling from a judge, there was still not compliance with that court ruling to return the firearms.

So the intent is to be able to allow the individuals to recover, for example, attorneys fees, court costs to put some teeth into this bill to make sure that if a judge does indeed rule in favor of a plaintiff that action will be taken. That did not always happen last year in Louisiana after Katrina.

Mrs. MCCARTHY. Reclaiming my time, and let me follow up with what you had just said. Because the language in the bill, as it stands right now, there is not really a clarification on that, and I hope that we can work on that.

Mr. KUHL of New York. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. JINDAL), the sponsor of the bill.

□ 1500

Mr. JINDAL. I thank my colleague from New York for handling this bill and for supporting this in committee.

Madam Speaker, I have a letter from the Fraternal Order of Police endorsing H.R. 5013, which I am pleased to submit for the RECORD.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, July 24, 2006.

Hon. BOBBY JINDAL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JINDAL, I am writing to you on behalf of the members of the Fraternal Order of Police to advise you of our support for H.R 5013, the ''Disaster Recovery Personal Protection Act,'' which is scheduled to be considered by the House tomorrow

This legislation would prohibit the use of any Federal funds from being used to seize firearms during a major disaster or emergency, except under circumstances currently applicable under Federal or State law. As we witnessed in the communities along the Gulf Coast in the wake of Hurricane Katrina, large scale critical incidents demanded the full attention of law enforcement officers and other first responders. During this time, the preservation of life—search and rescue missions—is the chief priority of every first responder. Further, breakdowns in communications systems and disaster-related transportation or other infrastructure failures will lengthen a law enforcement agency's response times, increasing the degree to which citizens may have to protect themselves against criminals. A law-abiding citizen who possess a firearm lawfully represents no danger to law enforcement officers or any other first responder.

On behalf of the more than 324,000 members of the Fraternal Order of Police, I am pleased to offer our support for this bill and look forward to working with you to getting it passed. If I can be of any further assistance on this issue, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office,

Sincerely,

CHUCK CANTERBURY,
National President.

Madam Speaker, a lot has been made and said about this bill, H.R. 5013, and I want to take people back into the days, the hours right after Hurricane Katrina that devastated my home State. I want to remind people my constituents, many of them, were sitting in their homes without power, without water, and without communication. It was literally impossible to pick up a phone and call 9/11. For many, there was no recourse or ability to call for the police.

Now, the first responders, the local and State law enforcement agents, many did a heroic job; however, they couldn't physically be at every place at every time. Indeed, many law enforcement officials advised residents to only return if they had firearms. Members of my staff were advised only to return if they were in possession of a firearm. It was a very different time than what we are normally accustomed to in our cities.

H.R. 5013 makes sure that those that are obeying the law, lawful residents, are able to keep their legally owned

firearms, whether it be in their home, in their cars, in their businesses. There were instances where people were deprived of this right. Now, let me repeat this. At the same time that we had looters, at the same time we had other problems in our State and in our city, we absolutely had bureaucrats depriving people of their legal constitutional rights to possess a legally owned firearm.

Now, contrast that with the situation in our neighboring State of Mississippi where the Governor famously said, ''If you loot, we will shoot.'' There were literally signs put up saying, ''If you loot, we will shoot.'' This bill is intended to make sure that, God forbid, if there is another hurricane, another natural disaster, another calamity in my home State, that my constituents aren't left defenseless, they aren't left without the ability to call 9/11, they are not left without the ability to defend their homes, defend their properties, or defend their families.

Now, indeed, Ronald Reagan once famously said, and I will paraphrase, at the very least, we want any potential looters to have to think twice before they go through that front door. We want them to at least think twice that maybe those potential victims are armed and maybe that can serve as a useful deterrence.

There are many things this bill does not do. It does not create any new rights or any other limitations under Federal, State, or local law. Now, I was pleased to answer the questions of my colleague from New York. This bill, further, does not prevent, does not prevent confiscating guns from felons. It has no effect on law enforcement operations outside of the disaster relief situation.

It does not have any impact on law enforcement's ability, for example, to go after criminals and looters, to stop suspect behavior. It has no impact on law enforcement's ability to secure weapons, for example, that may be lying outside of somebody's possession. States are able, under this bill, to regulate their own shelters. States are able to adopt their own laws.

For example, in Minnesota, a firearm cannot be brought on private property when the owner has posted a notice of that prohibition. My bill does not change this. This bill specifically allows the Coast Guard and others who are evacuating individuals to have their own regulations, to have their own requirements for getting on those boats, or getting on those helicopters.

For example, it allows the temporary surrender of a firearm as a condition of entry. If a State, and many do, if a State does give express authority to ban possession of a firearm to the government, to others, my bill does nothing to supersede that.

In conclusion, I am proud that my bill has the support of over 150 Members of this House, Democrats and Republicans, and it has the support of the national Fraternal Order of Police. A similar bill has been adopted in my home State of Louisiana. It does one simple thing: it merely protects residents' legal right to own firearms.

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to the gentleman from New York.

Mr. NADLER. If the gentleman will yield for a question, under this bill, if a law enforcement officer had completed evacuating people from someplace and saw a few guns lying around in a house, and didn't know who they belonged to but wanted to take them up so that looters who might come by later couldn't take them and present a menace to the public, would this prevent him from doing that?

Would this subject him to a lawsuit later personally if it turned out that the owner of the house came back and said, why did he take my legally owned guns?

Mr. JINDAL. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Louisiana.

Mr. JINDAL. What happened actually in New Orleans, let's actually go back to what happened.

Mr. NADLER. Answer the question, please.

Mr. JINDAL. I will, but let me actually tell you what happened in New Orleans. I would like to offer a few facts for the record as well.

There was looting, for example, of stores, where guns were potentially going to fall into the wrong hands. Nothing in this bill would prohibit law enforcement, after arresting those looters, from securing those firearms.

Mr. NADLER. Reclaiming my time, I am not talking about after arresting looters. Law enforcement people see guns lying around in a house. They don't know who they belong to.

Mr. JINDAL. If the gentleman will continue to yield, I am talking about the instance of firearms lying around this store that has been looted. In the situation the gentleman describes, there is no reason for law enforcement officers to be in somebody's home that has been abandoned.

Mr. NADLER. Let me say this. There are lots of reasons why law enforcement may be going by: to check on the safety of people, to look into a house to see if anybody is there lying wounded or whatever. They see guns lying around. No one is there, thank God. They are all out, but they see guns lying around. Under this bill, if they pick up those guns, lest looters come and find them later and it later turns out that those guns legally belonged to the homeowner, when that homeowner returned, he could sue the individual privately. And, therefore, no cop in his right mind would pick up those guns. He would have to leave it for the looters.

This bill, as I said before, is insane.

Mr. KUHL of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania, the chairman of the Emergency Management Subcommittee, Mr. SHUSTER.

Mr. SHUSTER. I thank the gentleman, and, Mr. Speaker, I rise today in strong support of H.R. 5013, to help ensure the American people retain their rights to defend their families and property during the chaos which may follow during a disaster.

I also want to commend Congressman JINDAL, the sponsor of this bill, and Congressman KUHL for their hard work in bringing it to the floor today. The gentleman from Louisiana saw the breakdown of law and order following Hurricane Katrina and understands more than most why we need this bill. Congressman KUHL serves with me on the Emergency Management Subcommittee and is a long-standing champion of our second amendment rights. They both deserve the lion's share of credit for protecting our rights today.

I wish I could say that this bill wasn't needed, but after Katrina I know that it is. Following Katrina's devastation, thousands of law-abiding citizens found themselves in a desperate situation where chaos reigned and the police were overwhelmed. Under these circumstances, bedrock American principles, such as neighbor helping neighbor, self-reliance, self-defense, and even the right to bear arms were often the key to survival.

This bill is needed, because under those horrible conditions, too many Americans were denied their basic rights and had their legal firearms seized. That is simply wrong and must be changed before the next disaster strikes.

I also want to make clear, as I believe Mr. JINDAL has made clear, that this bill does not suspend any existing law enforcement, local, State, or Federal; nor does it somehow make it legal to use firearms in a way that is otherwise illegal. I want to repeat that, because some today are trying to confuse that. This bill does not spend any existing law enforcement power, local State, or Federal; nor does it somehow make it legal to use firearms in a way that is otherwise illegal.

If people use their guns illegally, then law enforcement has the legal authority to apprehend suspects and seize their guns. Nothing in this bill changes that.

In closing, let me again thank Mr. JINDAL and Mr. KUHL for their leadership on this issue, and I look forward to working with them and other Members to move this bill forward.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the Chair how much time remains on both sides.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Minnesota has 8½ minutes remaining, and the gentleman from New York has 9½ minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding, and, Mr. Speaker, I rise in strong support of

H.R. 5013, the Disaster Recovery Personal Protection Act of 2006. This good bipartisan effort will protect individuals' rights to maintain their personal firearms during an emergency.

Unfortunately, we know what happened just a few months ago in the aftermath of Hurricane Katrina. Many in the gulf coast region had their personal firearms confiscated by authorities. Many families lost valuable heirlooms this way. H.R. 5013 would allow individuals in future disasters to maintain possession of their personal property, including their firearms.

I urge all of my colleagues on both sides of the aisle to support this commonsense and much-needed legislation.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to join my colleagues in support of the Disaster Recovery Personal Protection Act, H.R. 5013, of which I am a cosponsor.

While looting and other criminal activity were taking place in New Orleans, many civilians chose to protect themselves and their property. Many of these citizens kept firearms for the safety of themselves, their businesses, their families, and their property. They used firearms individually or in concert with their neighbors for protection against crime.

However, these lawful weapons were confiscated at gunpoint by nonconsensual entries into private homes, traffic checkpoints, by stopping of boats, and otherwise by force. The citizens from whom firearms were confiscated were either in their own homes or attempting to flee the flooding and devastation by means of motor vehicle or boat and were accosted, stopped, and arbitrarily deprived of their private property.

The means by which the confiscations were carried out, which included intrusion into the home, temporary detention of persons, and seizures of property, constituted unreasonable searches and seizures and deprived these citizens of liberty and property without the due process of law, in violation of fundamental rights under the Constitution.

Many of the confiscated firearms were family heirlooms, gifts given as a child, or were collectors' items. All firearms were taken with a handwritten receipt on a stray piece of paper or no receipt at all. Individuals with proof of purchase and serial number are still not able to get their firearms back. Of the few firearms that have been returned, some are ruined beyond repair due to water damage. Many of the firearms lost or stolen will never be returned.

H.R. 5013 clearly states the rights of people who own firearms during a major disaster or emergency. H.R. 5013 protects civilians' rights to bear arms, and H.R. 5013 allows people the right to protect themselves and their property as our forefathers intended.

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

Mr. Speaker, the principal problem with this bill is that it didn't have any hearings. The bill was introduced and moved through the committee without deliberation, without consideration. Many of the issues that have been discussed this afternoon on the floor were issues that could and should have been raised in the course of hearings, and that would have been resolved, as they have been resolved in the bill now under consideration, but not in the bill introduced nor in the bill reported from committee.

Now, the appropriate order of business in our committee is we, unless there is overwhelming consensus, we have a hearing on a bill. And even on bills in which there is overwhelming consensus on both sides, we have hearings on the legislation, because there is always something that may come up that we hadn't thought about. And there were things that came up in this bill that the drafters hadn't thought about, and those were issues of law enforcement, public safety officials, specifically the Coast Guard.

The Coast Guard is mobilized to deal with a disaster when it has to evacuate persons stricken by disaster, hurricanes, floods, at sea under tempestuous circumstances, as we see on the Weather Channel the Coast Guard nobly rescuing people under extraordinary adverse circumstances. The bill, as introduced, would have prohibited a Coast Guard officer from requiring a person boarding a rescue helicopter, boarding a rescue vessel, a search and rescue ship, would have prohibited those persons from surrendering their firearm. Not to seize the firearm, not to take it away permanently, but to say we will keep this for you until you are safely onshore. There is no law that gives the Coast Guard the authority to do that.

Now, we should have had the bill under consideration in the committee, and we should have provided that authority to the Coast Guard, and that authority would be perfectly acceptable to advocates of firearm ownership. I have been, for 32 years, an advocate for firearm ownership. I have supported the right to keep and bear arms for all my service in the Congress and long before that, as a young lad growing up in northern Minnesota going out hunting before school and after school and on the weekends. But this is a different situation, and we needed that authority for the Coast Guard.

So now we have it in this language that is on page 5, line 19 of the bill before us. Subsection (b) Limitation: nothing in this section shall be construed to prohibit any person from requiring the temporary surrender of a firearm as a condition for entry into any mode of transportation used to rescue or evacuate during a major disaster or emergency.

□ 1515

That is sensible. That is reasonable. It is not confiscation. The Coast Guard in this case, the agency that we have in mind, will hold the firearm and, after the rescue is completed, the person gets the firearm back. Now, we should have had that in the bill before it even came to the House floor.

The other problem was that, on the face of it, it would prohibit operators of shelters from requiring the surrender of a weapon as a condition for entry into the shelter. Now, this same, similar language, operates to protect those who operate shelters, such as the Super Dome or the Convention Center.

Now, the principal author of the bill, the gentleman from Louisiana, spoke with accuracy about the circumstances in New Orleans and with some detail. I know of circumstances myself. My brother-in-law, who still lives in New Orleans, in fact, both my brother-in-laws live in New Orleans were affected by the flood.

I have a very close friend whose home was broken into. They were on the second floor. They heard the people looting the place. His gun was on the first floor. He had no access to the gun. He couldn't protect the house, so to save themselves, they fled into the attic while the looters were stripping their house. They might have been able to do something if they had had the gun on the second floor and had more access to it.

There are many circumstances of this kind, where the person, as the gentleman from Louisiana said, should be able to protect him or herself in their own home. But you don't need a gun to go into the Superdome. You don't need a gun when you are in the Convention Center. If you have one and you are there, this legislation permits, under and in accordance with State and local law, the surrender of that firearm for the time of keeping or refuge in the center. That is what it does. So we have a good balance between the second amendment rights of our fellow citizens, the responsibilities of the Coast Guard, protection of the Coast Guard against frivolous actions, and protection of fellow citizens who operate in all good faith, shelters for victims of disaster. In that spirit, this legislation ought to be enacted, and we ought to support the bill and it ought to pass handily in this House.

Mr. Speaker, I yield back the balance of my time.

Mr. KUHL of New York. Mr. Speaker, in conclusion, let me simply thank the subcommittee chairman of Emergency Management, Mr. SHUSTER, for bringing this bill through the subcommittee, and certainly Chairman YOUNG for moving the bill through the Transportation and Infrastructure Committee, and most importantly, I think we owe a great deal of thanks to Mr. JINDAL for recognizing a situation which was very, very, I am sure, difficult for some of the residents of his district and the people of New Orleans to face.

It is one thing to face a tragedy, but then also to be thrown into a situation where, in fact, you are not only

stripped of your guns, your means of protection, but you are stripped of your constitutional rights. And that was what was done to the people of New Orleans whose guns and protection for their family was actually occurring in front of their very eyes. So, you know, this body is all about adopting laws that are meant to face situations that we haven't faced before, and certainly Katrina was one of those instances we did not face before, a storm of this magnitude.

So, Mr. Speaker, I urge my colleagues to support this bill. I think it is a terrific bill to insure the second amendments rights to the people of not only New Orleans and future disasters, but certainly the people of this country. And I would urge all my colleagues to support it.

Mrs. CUBIN. Mr. Speaker, I hail from a state where we cherish the fundamental Second Amendment right of law-abiding citizens to own firearms. The Second Amendment is one of the most meaningful ways in which the founders of our great Nation worked to guarantee our freedom and liberty.

Nowhere does the principle of liberty exist more fully than in the right to protect yourself, your loved ones and your property. With the breakdown of law and order in New Orleans following Hurricane Katrina, thousands were confronted with grave threats to their health and safety. Calls to 911 went unanswered. Police failed to stop the violence and looting. Many of the law-abiding people of New Orleans were on their own to protect themselves.

I was outraged that authorities illegally confiscated firearms from many of these citizens at the time they needed them most. The government rendered individuals and families defenseless and helpless in the face of imminent danger. In one case, a search and rescue team was banned from assisting in relief efforts because some of them had firearms. There are also reports of officials arbitrarily searching homes, cars, and boats in search of firearms. This is not only unacceptable, it is a violation of our Nation's Constitution.

I cosponsored the Disaster Recovery Personal Protection Act of 2006 to ensure that the confiscation of firearms in New Orleans will not become a precedent for crises in the future. H.R. 5013 will prohibit federal officials, or state and local officials under federal control, from seizing firearms or restricting firearms possession outside of applicable federal, state or local law.

I urge my colleagues to support this important legislation, which makes it clear that citizens can count on their constitutional right to bear arms at times when they need it the most.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to oppose this bill, the Disaster Recovery Personal Protection Act.

As you may know, I am from Florida. I do not hide that fact and am very proud of it. Occasionally, we get hurricanes in Florida and it is dangerous for us to stay in our homes.

When I go to a shelter, I do not want to have to worry that the person next to me has a gun. The shelter is a safe haven, and if that man over there has a gun, I am not safe.

The police are there for a reason. If a person has a gun, that is a threat to the public safety.

Looting is bad. I do not deny that. However, possessions can be replaced. Things are just that: things.

Your life cannot be replaced.

Vote no on this bill today.

Let us debate this bill in Committee and hold hearings to hear all sides of the issue before we decide whether we are putting our first responders into greater danger.

Mrs. DRAKE. Mr. Speaker, I am proud to come to the floor today to voice my support for H.R. 5013, the Disaster Recovery Personal Protection Act.

In the wake of Hurricane Katrina, we heard reports regarding the seizure of firearms from law-abiding citizens by representatives of the federal government. I was disheartened by these reports.

As we know, the Second Amendment to the Constitution firmly establishes our right to keep and bear arms. This fundamental right is all the more necessary in the aftermath of a major disaster when government is unable to provide reliable protection from crime. The denial of this right by federal officials in the aftermath of Katrina was deplorable.

The Second Congressional District of Virginia, which I represent, encompasses the entire Atlantic coastline of the Commonwealth. While we have not experienced a natural disaster on the scale of Hurricane Katrina, the Second District is itself very susceptible to the threat of Hurricanes and other natural disasters.

With enactment of this legislation, we will codify the right of law-abiding citizens in areas affected by disasters to be able to protect themselves, their families, and their property.

I am a cosponsor of the Disaster Recovery Personal Protection Act because I believe this Congress should be committed to protecting our Constitutional right to keep and bear arms. I am proud to support this legislation and I urge my colleagues to do the same.

Mr. KUHL of New York. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and pass the bill, H.R. 5013, 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. KUHL of New York. 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.

AUTHORIZING ADDITIONAL APPROPRIATIONS FOR THE KENNEDY CENTER

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5187) to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

The Clerk read as follows:

H.R. 5187

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

SECTION 1. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

(a) MAINTENANCE, REPAIR, AND SECURITY.—Section 13(a) of the John F. Kennedy Center Act (20 U.S.C. 76r(a)) is amended—

(1) in paragraph (1) by striking ''and'' at the end;

(2) in paragraph (2) by striking '', 2006, and 2007.'' and inserting ''and 2006; and''; and

(3) by adding at the end the following:

''(3) $19,100,000 for fiscal year 2007.''.

(b) CAPITAL PROJECTS.—Section 13(b) of such Act (20 U.S.C. 76r(b)) is amended—

(1) in paragraph (1) by striking ''and'' at the end;

(2) in paragraph (2) by striking '', 2006, and 2007.'' and inserting ''and 2006; and''; and

(3) by adding at the end the following:

''(3) $20,000,000 for fiscal year 2007.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5187.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

H.R. 5187 was introduced by Chairman YOUNG and Ranking Member OBERSTAR on April 25, 2006. The bill amends the John F. Kennedy Center Act to authorize additional appropriations for the Kennedy Center for fiscal year 2007.

The current authorization for fiscal year 2007 is $36 million for the capital projects and the maintenance, repair and security accounts. H.R. 5187 raises the previously authorized level for fiscal year 2007 from $36 million to $39.1 million to align the authorized level with that requested in the President's budget.

The slight increase in authorization will allow the Kennedy Center to proceed with the scheduled renovation of the Eisenhower Theater. Programing for the theater has been cancelled because of the renovation. It is critical that renovation proceed as scheduled to minimize the time the theater is offline. The additional authorization will also allow the Kennedy Center to continue necessary operations, maintenance requirements, including many life safety upgrades.

H.R. 5187 will help ensure that the Kennedy Center is authorized to use all funds appropriated in support of the President's budget for fiscal year 2007.

I support this measure, and urge my colleagues to do the same.

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

Mr. OBERSTAR. Mr. Speaker, the gentleman from Pennsylvania has indeed explained the principal provisions