

107TH CONGRESS
1ST SESSION

S. 1480

To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2001

Mr. BINGAMAN (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2805(a) of the Act of October 30, 1992 (106
4 Stat. 4692; 16 U.S.C. 4601–33(a), is amended by adding
5 at the end the following:

6 “(3) Any person who violates any such regula-
7 tion which is issued pursuant to this Act shall be
8 fined under title 18, United States Code, imprisoned

1 not more than 6 months, or both. Any person
2 charged with a violation of such regulation may be
3 tried and sentenced by any United States magistrate
4 judge designated for that purpose by the court by
5 which he was appointed, in the same manner and
6 subject to the same conditions and limitations as
7 provided for in section 3401 of title 18, United
8 States Code.

9 “(4) The Secretary may—

10 “(A) authorize law enforcement personnel
11 from the Department of the Interior to act as
12 law enforcement officers to maintain law and
13 order and protect persons and property within
14 a Reclamation project or on Reclamation lands;

15 “(B) authorize law enforcement personnel
16 of any other Federal agency that has law en-
17 forcement authority (with the exception of the
18 Department of Defense) or law enforcement
19 personnel of any State or local government, in-
20 cluding Indian tribes, when deemed economical
21 and in the public interest, and with the concur-
22 rence of that agency or that State or local gov-
23 ernment, to act as law enforcement officers
24 within a Reclamation project or on Reclamation
25 lands with such enforcement powers as may be

1 so assigned them by the Secretary to carry out
2 the regulations promulgated under paragraph
3 (2);

4 “(C) cooperate with any State or local gov-
5 ernment, including Indian tribes, in the enforce-
6 ment of the laws or ordinances of that State or
7 local government; and

8 “(D) provide reimbursement to a State or
9 local government, including Indian tribes, for
10 expenditures incurred in connection with activi-
11 ties under subparagraph (B).

12 “(5) Officers or employees designated or au-
13 thorized by the Secretary under paragraph (4) are
14 authorized to—

15 “(A) carry firearms within a Reclamation
16 project or on Reclamation lands and make ar-
17 rests without warrants for any offense against
18 the United States committed in their presence,
19 or for any felony cognizable under the laws of
20 the United States if they have reasonable
21 grounds to believe that the person to be ar-
22 rested has committed or is committing such a
23 felony, and if such arrests occur within a Rec-
24 lamation project or on Reclamation lands or the

1 person to be arrested is fleeing therefrom to
2 avoid arrest;

3 “(B) execute within a Reclamation project
4 or on Reclamation lands any warrant or other
5 process issued by a court or officer of com-
6 petent jurisdiction for the enforcement of the
7 provisions of any Federal law or regulation
8 issued pursuant to law for an offense com-
9 mitted within a Reclamation project or on Rec-
10 lamation lands; and

11 “(C) conduct investigations within a Rec-
12 lamation project or on Reclamation lands of of-
13 fenses against the United States committed
14 within a Reclamation project or on Reclamation
15 lands if the Federal law enforcement agency
16 having investigative jurisdiction over the offense
17 committed declines to investigate the offense.

18 “(6)(A) Except as otherwise provided in this
19 paragraph, a law enforcement officer of any State or
20 local government, including Indian Tribes, des-
21 ignated to act as a law enforcement officer under
22 paragraph (4) shall not be deemed a Federal em-
23 ployee and shall not be subject to the provisions of
24 law relating to Federal employment, including, but
25 not limited to, those relating to hours of work, rates

1 of compensation, employment discrimination, leave,
2 unemployment compensation, and Federal benefits.

3 “(B) For purposes of chapter 171 of title 28,
4 United States Code, popularly known as the Federal
5 Tort Claims Act, a law enforcement officer of any
6 State or local government, including Indian Tribes,
7 shall, when acting as a designated law enforcement
8 officer under paragraph (4) and while under Federal
9 supervision and control, and only when carrying out
10 Federal law enforcement responsibilities, be consid-
11 ered a Federal employee.

12 “(C) For purposes of subchapter I of chapter
13 81 of title 5, United States Code, relating to com-
14 pensation to Federal employees for work injuries, a
15 law enforcement officer of any State or local govern-
16 ment, including Indian Tribes, shall, when acting as
17 a designated law enforcement officer under para-
18 graph (4) and while under Federal supervision and
19 control, and only when carrying out Federal law en-
20 forcement responsibilities, be deemed a civil service
21 employee of the United States within the meaning of
22 the term ‘employee’ as defined in section 8101 of
23 title 5, and the provisions of that subchapter shall
24 apply. Benefits under this subchapter shall be re-
25 duced by the amount of any entitlement to State or

1 local workers' compensation benefits arising out of
2 the same injury or death.

3 “(7) Nothing in paragraphs (3) through (9)
4 shall be construed or applied to limit or restrict the
5 investigative jurisdiction of any Federal law enforce-
6 ment agency, or to affect any existing right of a
7 State or local government, including Indian tribes,
8 to exercise civil and criminal jurisdiction within a
9 Reclamation project or on Reclamation lands.

10 “(8) For the purposes of this subsection, the
11 term ‘law enforcement personnel’ means employees
12 of a Federal, State, or local government agency, in-
13 cluding an Indian tribal agency, who have success-
14 fully completed law enforcement training approved
15 by the Secretary and are authorized to carry fire-
16 arms, make arrests, and execute services of process
17 to enforce criminal laws of their employing jurisdic-
18 tion.

19 “(9) The law enforcement authorities provided
20 for in this subsection may be exercised only pursu-
21 ant to rules and regulations promulgated by the Sec-
22 retary and approved by the Attorney General.”.

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