

106TH CONGRESS
2^D SESSION

H. R. 4948

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 HOUSE OF REPRESENTATIVES

JULY 25, 2000

Mr. DOOLEY of California (by request) introduced the following bill; which was referred to the Committee on 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 regulation
7 which is lawfully issued pursuant to this Act shall be fined
8 under title 18, United States Code, imprisoned not more

1 than 6 months, or both. Any person charged with a viola-
2 tion of such regulation may be tried and sentenced by any
3 United States magistrate judge designated for that pur-
4 pose by the court by which he was appointed, in the same
5 manner and subject to the same conditions and limitations
6 as provided for in section 3401 of title 18, United States
7 Code.

8 “(4) The Secretary may—

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

14 “(B) authorize law enforcement personnel of
15 any other Federal agency that has law enforcement
16 authority, with the exception of the Department of
17 Defense, or law enforcement personnel of any State
18 or local government, including Indian tribes, when
19 deemed economical and in the public interest, and
20 with the concurrence of that agency or that State or
21 local government, to act as law enforcement officers
22 within a Reclamation project or on Reclamation
23 lands with such enforcement powers as may be so
24 assigned them by the Secretary to carry out the reg-
25 ulations promulgated under paragraph (2);

1 “(C) cooperate with any State or local govern-
2 ment, including Indian tribes, in the enforcement of
3 the laws or ordinances of that State or subdivision;
4 and

5 “(D) provide reimbursement to a State or local
6 government, including Indian tribes, for expendi-
7 tures incurred in connection with activities under
8 subparagraph (B).

9 “(5) Officers or employees designated or authorized
10 by the Secretary under paragraph (4) are authorized to—

11 “(A) carry firearms within a Reclamation
12 project or on Reclamation lands and make arrests
13 without warrants for any offense against the United
14 States committed in their presence, or for any felony
15 cognizable under the laws of the United States if
16 they have reasonable grounds to believe that the per-
17 son to be arrested has committed or is committing
18 such a felony, and if such arrests occur within a
19 Reclamation project or on Reclamation lands or the
20 person to be arrested is fleeing therefrom to avoid
21 arrest;

22 “(B) execute within a Reclamation project or
23 on Reclamation lands any warrant or other process
24 issued by a court or officer of competent jurisdiction
25 for the enforcement of the provisions of any Federal

1 law or regulation issued pursuant to law for an of-
2 fense committed within a Reclamation project or on
3 Reclamation lands; and

4 “(C) conduct investigations within a Reclama-
5 tion project or on Reclamation lands of offenses
6 against the United States committed within a Rec-
7 lamation project or on Reclamation lands in the ab-
8 sence of investigation thereof by any other Federal
9 law enforcement agency having investigative jurisdic-
10 tion over the offense committed or with the concur-
11 rence of such other agency.

12 “(6)(A) Except as otherwise provided in this para-
13 graph, a law enforcement officer of any State or local gov-
14 ernment, including Indian tribes, designated to act as a
15 law enforcement officer under paragraph (4) shall not be
16 deemed a Federal employee and shall not be subject to
17 the provisions of law relating to Federal employment, in-
18 cluding, but not limited to, those relating to hours of work,
19 rates of compensation, leave, unemployment compensa-
20 tion, and Federal benefits.

21 “(B) For purposes of chapter 171 of title 28, United
22 States Code, popularly known as the Federal Tort Claims
23 Act, a law enforcement officer of any State or local govern-
24 ment, including Indian tribes, shall, when acting as a des-
25 ignated law enforcement officer under paragraph (4) and

1 while under Federal supervision and control, and only
2 when carrying out Federal law enforcement responsibil-
3 ities, be considered a Federal employee.

4 “(C) For purposes of subchapter I of chapter 81 of
5 title 5, United States Code, relating to compensation to
6 Federal employees for work injuries, a law enforcement
7 officer of any State or local government, including Indian
8 tribes, shall, when acting as a designated law enforcement
9 officer under paragraph (4) and while under Federal su-
10 pervision and control, and only when carrying out Federal
11 law enforcement responsibilities, be deemed a civil service
12 employee of the United States within the meaning of the
13 term ‘employee’ as defined in section 8101 of title 5, and
14 the provisions of that subchapter shall apply. Benefits
15 under this subchapter shall be reduced by the amount of
16 any entitlement to State or local workers’ compensation
17 benefits arising out of the same injury or death.

18 “(7) Nothing in paragraphs (3) through (9) shall be
19 construed or applied to limit or restrict the investigative
20 jurisdiction of any Federal law enforcement agency, or to
21 affect any existing right of a State or local government,
22 including Indian tribes, to exercise civil and criminal juris-
23 diction within a Reclamation project or on Reclamation
24 lands.

1 “(8) For the purposes of this subsection, the term
2 ‘law enforcement personnel’ means employees of a Fed-
3 eral, State, or local government agency, including an In-
4 dian tribal agency, who have successfully completed law
5 enforcement training and are authorized to carry firearms,
6 make arrests, and execute services of process to enforce
7 criminal laws of their employing jurisdiction.

8 “(9) The law enforcement authorities provided for in
9 this subsection may be exercised only pursuant to rules
10 and regulations promulgated by the Secretary and ap-
11 proved by the Attorney General.”.

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