

Future Use and Operations of Lake Berryessa Napa County, California

Draft Environmental Impact Statement Attachments 1-16

Lead Agency

U.S. Department of the Interior
Bureau of Reclamation, Mid-Pacific Region
Sacramento, California

October 2003

Attachment 1

H.R. 2925

Law Enforcement Authority at Bureau
of Reclamation Facilities



IN REPLY REFER TO
D-5300
LAW-4.00

COPY FOR YOUR INFORMATION

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CC-100

United States Department of the Interior

BUREAU OF RECLAMATION
Commissioner's Office
PO Box 25007
Denver Federal Center
Denver, Colorado 80225-0007

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LAKE BERRYESSA FIELD OFFICE

MEMORANDUM

Bureau of Reclamation
Lake Berryessa Field Office

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DATE	SURNAME	CODE

To: Regional Director, PN, MP, LC, UC, GP
Attention: PN-1000, MP-100, LC-1000, UC-100, GP-1000

From: Elizabeth Cordova-Harrison *Elizabeth Cordova-Harrison*
Deputy Director, Office of Policy

Subject: Development of Reclamation Law Enforcement Regulations, Request for Nominations

On November 12, 2001, the law enforcement bill for the Bureau of Reclamation, HR 2925, was signed into law. The law requires the Secretary of the Interior to issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands. It also authorizes the Secretary to enter into agreements with state, tribal, and local law enforcement agencies and Federal agencies with law enforcement authority to carry out law enforcement at Reclamation sites and facilities, and to reimburse those agencies for their services.

The Office of Policy would like to extend an invitation for one staff member from your region to participate on a team to finalize law enforcement regulations. The group meeting is scheduled to be held in Denver all day January 24, 2002, and through noon on January 25. Additional information on this meeting will be forwarded to your regional representatives.

Attached is a copy of HR 2925 and draft law enforcement regulations for your review and comment. Names should be forwarded to D-5300, attention: Diana Trujillo, by January 11, 2002. Your review and comments should be provided to Ms. Trujillo by January 15 for consolidation and group consideration. If you have any questions, please contact Diana at (303) 445-2914.

Attachments

cc: Regional Director, PN, MP, LC, UC, GP
Attention: PN-3000 (Beckman), PN-3900 (Llewellyn), MP-450 (Johnson),
LC-2513 (Liebhauser), UC-324 (Snyder), GP-2100 (Jacobs, Anderson)
(w/att to each)

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Classification	LAW-4.00
Project	GF
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H. R. 2925

One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

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.

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

SECTION. 1. LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION FACILITIES.

(a) **PUBLIC SAFETY REGULATIONS.**—The Secretary of the Interior shall issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.

(b) **VIOLATIONS; CRIMINAL PENALTIES.**—Any person who knowingly and willfully violates any regulation issued under subsection (a) shall be fined under chapter 227, subchapter C of title 18, United States Code, imprisoned for not more than 6 months, or both. Any person charged with a violation of a regulation issued under subsection (a) may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

(c) **AUTHORIZATION OF LAW ENFORCEMENT OFFICERS.**—The Secretary of the Interior may—

(1) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands;

(2) authorize law enforcement personnel of any other Federal agency that has law enforcement authority (with the exception of the Department of Defense) or law enforcement personnel of any State or local government, including an Indian tribe, when deemed economical and in the public interest, through cooperative agreement or contract, to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned to them by the Secretary;

(3) cooperate with any State or local government, including an Indian tribe, in the enforcement of the laws or ordinances of that State or local government; and

(4) provide reimbursement to a State or local government, including an Indian tribe, for expenditures incurred in connection with activities under paragraph (2).

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(d) POWERS OF LAW ENFORCEMENT OFFICERS.—A law enforcement officer authorized by the Secretary of the Interior under subsection (c) may—

(1) carry firearms within a Reclamation project or on Reclamation lands;

(2) make arrests without warrants for—

(A) any offense against the United States committed in his presence; or

(B) any felony cognizable under the laws of the United States if he has—

(i) reasonable grounds to believe that the person to be arrested has committed or is committing such a felony; and

(ii) such arrest occurs within a Reclamation project or on Reclamation lands or the person to be arrested is fleeing therefrom to avoid arrest;

(3) execute within a Reclamation project or on Reclamation lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law for any offense committed within a Reclamation project or on Reclamation lands; and

(4) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense.

(e) LEGAL STATUS OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS.—

(1) STATE OR LOCAL OFFICERS NOT FEDERAL EMPLOYEES.—Except as otherwise provided in this section, a law enforcement officer of any State or local government, including an Indian tribe, authorized to act as a law enforcement officer under subsection (c) shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

(2) APPLICATION OF FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code (commonly known as the Federal Tort Claims Act), a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

(3) AVAILABILITY OF WORKERS COMPENSATION.—For purposes of subchapter 1 of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term employee as defined in section 8101 of title 5, and the provisions

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of that subchapter shall apply. Benefits under such subchapter shall be reduced by the amount of any entitlement to State or local workers compensation benefits arising out of the same injury or death.

(f) CONCURRENT JURISDICTION.—Nothing in this section shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

(g) REGULATIONS.—Except for the authority provided in section 2(c)(1), the law enforcement authorities provided for in this section may be exercised only pursuant to regulations issued by the Secretary of the Interior and approved by the Attorney General.

SEC. 2. DEFINITIONS.

In this Act:

(1) LAW ENFORCEMENT PERSONNEL.—The term "law enforcement personnel" means an employee of a Federal, State, or local government agency, including an Indian tribal agency, who has successfully completed law enforcement training approved by the Secretary and is authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of his or her employing jurisdiction.

(2) RECLAMATION PROJECT; RECLAMATION LANDS.—The terms "Reclamation project" and "Reclamation lands" have the meaning given such terms in section 2803 of the Reclamation Projects Authorization and Adjustment Act of 1992 (16 U.S.C. 4601-32).

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*