

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2266

To amend the Recreation Management Act of 1992, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 1 (legislative day, JUNE 7), 1994

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

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## A BILL

To amend the Recreation Management Act of 1992, and  
for other purposes.

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 of the Recreation Management Act of  
4       1992 (16 U.S.C. 460l–31) is amended by adding at the  
5       end the following:

6       “(e) PENALTY.—Any person who violates any regula-  
7       tion issued under subsection (a)(2) shall be fined in ac-  
8       cordance with title 18, United States Code, or imprisoned  
9       not more than 6 months, or both, (and may be adjudged  
10      to pay all costs of the proceedings).

11      “(f) LAW ENFORCEMENT OFFICERS.—

1           “(1) BUREAU OF RECLAMATION LAW ENFORCE-  
2           MENT OFFICERS.—In addition to any other authori-  
3           ties conferred by law, the Secretary of the Interior  
4           is authorized to designate, pursuant to standards  
5           prescribed in regulations by the Secretary, certain  
6           officers or employees of the Department of the Inte-  
7           rior who shall maintain law and order and protect  
8           persons and property within the areas subject to the  
9           jurisdiction of the Bureau of Reclamation. In the  
10          performance of such duties, the officers or employees  
11          so designated may—

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

22                   “(B) execute any warrant or other process  
23                   issued by a court or officer of competent juris-  
24                   diction for the enforcement of the provisions of  
25                   any Federal law or regulation issued pursuant

1 to law arising out of an offense committed in a  
2 Bureau of Reclamation project or, where the  
3 person subject to the warrant or process is in  
4 that project, in connection with any Federal of-  
5 fense; and

6 “(C) conduct investigations of offenses  
7 against the United States committed in the ju-  
8 risdiction of the Bureau of Reclamation in the  
9 absence of investigation thereof by any other  
10 Federal law enforcement agency having inves-  
11 tigative jurisdiction over the offenses committed  
12 or with the concurrence of such other agency.

13 “(2) SPECIAL POLICE.—The Secretary, acting  
14 through the Commissioner, may—

15 “(A) designate officers and employees of  
16 any other Federal agency or law enforcement  
17 personnel of any State or political subdivision  
18 thereof, when deemed economical and in the  
19 public interest and with the concurrence of that  
20 agency or that State or subdivision, to act as  
21 special police in the areas under the jurisdiction  
22 of the Bureau of Reclamation when supple-  
23 mental law enforcement personnel may be need-  
24 ed and to exercise the powers, specified in para-  
25 graph (1);

1           “(B) cooperate with the Bureau of Rec-  
2           lamation system and with any State, or political  
3           subdivision thereof, in the enforcement or su-  
4           pervision of the laws or ordinances of that State  
5           or subdivisions; and

6           “(C) provide limited reimbursement, to a  
7           State or its political subdivisions, in accordance  
8           with such regulations as the Secretary may pre-  
9           scribe, where the State has ceded concurrent  
10          legislative jurisdiction over the affected area of  
11          the Bureau of Reclamation system, for expendi-  
12          tures incurred in connection with the activities  
13          of the State or political subdivision within the  
14          Bureau project which were rendered pursuant  
15          to this paragraph; and

16          “(D) perform any other law enforcement  
17          duty specified by the Secretary of the Interior.

18          “(3) RULES RELATING TO SPECIAL OFFI-  
19          CERS.—

20                 “(A) Except as otherwise provided in this  
21                 subsection, a law enforcement officer of any  
22                 State or political subdivision thereof designated  
23                 to act as special police under paragraph (2)  
24                 shall not be deemed a Federal employee and  
25                 shall not be subject to the provisions of law re-

1 relating to Federal employment, including (but  
2 not limited to) those relating to hours of work,  
3 rates of compensation, leave, unemployment  
4 compensation, and Federal benefits.

5 “(B) For purposes of the tort claim provi-  
6 sions of title 28, United States Code, a law en-  
7 forcement officer of any State or political sub-  
8 division thereof shall, when acting as special po-  
9 lice under paragraph (2), be considered a Fed-  
10 eral employee.

11 “(C) For purposes of subchapter I of chap-  
12 ter 81 of title 5, United States Code, relating  
13 to compensation to Federal employees for work  
14 injuries, a law enforcement officer of any State  
15 or political subdivision thereof shall, when act-  
16 ing as a special policeman under paragraph (2),  
17 be deemed to be a civil service employee of the  
18 United States within the meaning of the term  
19 ‘employee’ as defined in section 8101 of title 5,  
20 United States Code, and the provisions of that  
21 subchapter shall apply.

22 “(4) STATUS OF AUTHORITIES.—The authori-  
23 ties provided by this subsection shall supplement the  
24 law enforcement responsibilities of the Bureau of  
25 Reclamation and shall not authorize the delegation

1 of law enforcement responsibilities of the Bureau of  
2 State and local governments.

3 “(g) REGULATIONS CONCERNING OTHER ACTIVI-  
4 TIES.—The Secretary, acting through the Commissioner,  
5 shall enforce regulations issued under subsection (a)(2)  
6 concerning boating and other activities on or relating to  
7 waters located within areas of the Bureau of Reclamation,  
8 including waters subject to the jurisdiction of the United  
9 States.

10 “(h) SAVINGS.—Nothing contained in this title shall  
11 be construed or applied to limit or restrict the investigative  
12 jurisdiction of any Federal law enforcement agency other  
13 than the Bureau of Reclamation, and nothing shall be con-  
14 strued or applied to affect any right of a State or political  
15 subdivision thereof to exercise civil and criminal jurisdic-  
16 tion within any of the Bureau of Reclamation projects.”.

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