

116TH CONGRESS  
2D SESSION

# H. R. 7906

To amend title 40, United States Code, to include certain requirements for officers protecting Federal property, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2020

Mr. DEFAZIO (for himself, Mr. THOMPSON of Mississippi, Mr. BLUMENAUER, and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 40, United States Code, to include certain requirements for officers protecting Federal property, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prevent Federal Law  
5 Enforcement Abuse in the Protection of Federal Property  
6 Act”.

1 **SEC. 2. LAW ENFORCEMENT AUTHORITY OF SECRETARY OF**  
2 **HOMELAND SECURITY FOR PROTECTION OF**  
3 **PUBLIC PROPERTY.**

4 Section 1315 of title 40, United States Code, is  
5 amended—

6 (1) in subsection (b)(1)—

7 (A) by striking “of the Department of  
8 Homeland Security, including employees trans-  
9 ferred to the Department” and insert “trans-  
10 ferred to the Department of Homeland Secu-  
11 rity”; and

12 (B) by striking “2002,” and inserting  
13 “2002”;

14 (2) in subsection (b)(2)—

15 (A) by striking “While engaged in the per-  
16 formance of official duties,” and inserting “To  
17 the extent necessary to protect the property de-  
18 scribed in subsection (a) and persons on such  
19 property,”;

20 (B) in subparagraph (B) by striking “fire-  
21 arms” and inserting “a firearm”;

22 (C) in subparagraph (C) by striking “if the  
23 officer or agent has reasonable grounds to be-  
24 lieve that the person to be arrested has com-  
25 mitted or is committing a felony;” and inserting  
26 the following: “if—

1 “(i) the officer or agent has probable  
2 cause to believe that the person to be ar-  
3 rested has committed, is committing, or is  
4 about to commit a felony on or related to  
5 property owned or occupied by the Federal  
6 Government;

7 “(ii) the arrest—

8 “(I) occurs on the Federal prop-  
9 erty or an area in the immediate vi-  
10 cinity of the property and does not ex-  
11 tend beyond any adjacent sidewalk,  
12 public street, or other adjacent areas;

13 “(II) in the case of an agreement  
14 under subsection (e), occurs in an  
15 area in which arrests are permitted  
16 under the parameters established in  
17 such agreement; or

18 “(III) is carried out in an area  
19 not covered under subclause (I) or  
20 (II) only if—

21 “(aa) the officer or agent is  
22 in active pursuit of a person who  
23 is otherwise subject to arrest  
24 under this subparagraph; and

1 “(bb) such person exits the  
2 area covered by subclause (I) or  
3 (II), as applicable, during such  
4 pursuit; and

5 “(iii) there are specific and articulable  
6 facts to support a reasonable belief that  
7 the person may—

8 “(I) escape before a warrant can  
9 be obtained for his or her arrest;

10 “(II) destroy evidence; or

11 “(III) continue the commission of  
12 a felony on or related to property  
13 owned or occupied by the Federal  
14 Government;”;

15 (D) in subparagraph (E) by striking “;  
16 and” and inserting “, except that such inves-  
17 tigations and any associated surveillance are re-  
18 stricted solely to offenses that may have been  
19 committed against property owned or occupied  
20 by the Federal Government; and”; and

21 (E) by striking subparagraph (F) and in-  
22 serting the following:

23 “(F) carry out such other activities nec-  
24 essary to protect the property described in sub-

1 section (a) and persons on such property as the  
2 Secretary may prescribe.”;

3 (3) in subsection (e)—

4 (A) by striking “the Secretary may enter  
5 into agreements” and inserting “the Secretary  
6 shall enter into agreements, including memo-  
7 randa of understanding,”; and

8 (B) by adding at the end the following:  
9 “Any agreement, including memoranda of un-  
10 derstanding, entered into under this subsection  
11 shall include a requirement that all officers and  
12 agents designated under this subsection and  
13 subject to such agreement wear body cameras  
14 while on duty.”;

15 (4) by redesignating subsections (f) and (g) as  
16 subsections (h) and (i), respectively; and

17 (5) by inserting after subsection (e) the fol-  
18 lowing:

19 “(f) IDENTIFICATION AS FEDERAL OFFICER.—An of-  
20 ficer or agent designated under this subsection shall, while  
21 engaged in the performance of official duties, display—

22 “(1) appropriate insignia identifying the depart-  
23 ment or agency of the Department of Homeland Se-  
24 curity from which such officer or agent has been  
25 designated; and

1           “(2) the full name of the officer or agent.

2           “(g) LIMITATION ON ARRESTS.—With respect to any  
3 arrest carried out under subsection (b)(2)(C), the officer  
4 or agent shall—

5           “(1) identify himself or herself and the depart-  
6 ment or agency in which such officer or agent is em-  
7 ployed;

8           “(2) inform the individual being arrested of the  
9 cause for such arrest;

10          “(3) in the case of an arrest carried out pursu-  
11 ant to an agreement under subsection (e), notify any  
12 State or local government that is party to such  
13 agreement of the arrest; and

14          “(4) document the details of the arrest and the  
15 cause for such arrest.”.

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