

115TH CONGRESS
1ST SESSION

H. R. 622

To terminate the law enforcement functions of the Forest Service and the Bureau of Land Management and to provide block grants to States for the enforcement of Federal law on Federal land under the jurisdiction of these agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

Mr. CHAFFETZ (for himself, Mr. STEWART, Mrs. LOVE, Mr. LAMALFA, Mr. AMODEI, Mr. MCCLINTOCK, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To terminate the law enforcement functions of the Forest Service and the Bureau of Land Management and to provide block grants to States for the enforcement of Federal law on Federal land under the jurisdiction of these agencies, 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 “Local Enforcement for
5 Local Lands Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COVERED LAW ENFORCEMENT AGENCY.—

4 The term “covered law enforcement agency”
5 means—

6 (A) the Forest Service Law Enforcement
7 and Investigations unit; and

8 (B) the Bureau of Land Management Of-
9 fice of Law Enforcement.

10 (2) FEDERAL LAND.—The term “Federal land”
11 means—

12 (A) any land and interest in land owned by
13 the United States within a State and included
14 within the National Forest System, including
15 the National Grasslands; and

16 (B) the public lands (as defined in section
17 103(e) of the Federal Land Policy and Manage-
18 ment Act of 1976 (43 U.S.C. 1702(e)).

19 (3) SECRETARY CONCERNED.—The term “Sec-
20 retary concerned” means—

21 (A) the Secretary of Agriculture, with re-
22 spect to Federal land described in subpara-
23 graph (A) of paragraph (2); and

24 (B) the Secretary of the Interior, with re-
25 spect to Federal land described in subpara-
26 graph (B) of paragraph (2).

1 (4) STATE.—The term “State” means each of
 2 the several States and the Commonwealth of Puerto
 3 Rico.

4 (5) UNIT OF LOCAL GOVERNMENT.—The term
 5 “unit of local government” means—

6 (A) any city, county, township, town, bor-
 7 ough, parish, village, or other general purpose
 8 political subdivision of a State; or

9 (B) an Indian tribe which performs law en-
 10 forcement or emergency response functions as
 11 determined by the Secretary of the Interior.

12 **SEC. 3. TERMINATION OF FOREST SERVICE AND BUREAU**
 13 **OF LAND MANAGEMENT AGENCY LAW EN-**
 14 **FORCEMENT AGENCIES AND LAW ENFORCE-**
 15 **MENT FUNCTIONS.**

16 (a) FOREST SERVICE.—Not later than September 30,
 17 2017, the Secretary of Agriculture shall terminate the
 18 Forest Service Law Enforcement and Investigations unit
 19 and cease using employees of the Forest Service to per-
 20 form law enforcement functions on Federal land.

21 (b) DEPARTMENT OF THE INTERIOR.—Not later
 22 than September 30, 2017, the Secretary of the Interior
 23 shall terminate the Bureau of Land Management Office
 24 of Law Enforcement and cease using employees of the De-

1 partment of the Interior to perform law enforcement func-
2 tions on Federal land.

3 (c) TERMINATION OF AUTHORIZATION OF APPRO-
4 PRIATIONS.—Beginning with fiscal year 2018 and each
5 fiscal year thereafter, no amounts are authorized to be ap-
6 propriated to the Secretary concerned for a covered law
7 enforcement agency or for Federal law enforcement func-
8 tions on Federal land.

9 (d) NO EFFECT ON AUTHORITY TO CARRY FIRE-
10 ARMS.—Nothing in this Act shall be construed to limit the
11 authority of the Secretary concerned to authorize an em-
12 ployee of the Forest Service or the Bureau of Land Man-
13 agement to carry a firearm for protection while in the
14 field.

15 **SEC. 4. BLOCK GRANTS TO STATES FOR ENFORCEMENT OF**
16 **FEDERAL LAW ON FEDERAL LAND.**

17 (a) GRANTS REQUIRED; PURPOSE.—For fiscal year
18 2018 and each fiscal year thereafter, the Secretary of the
19 Interior shall make a grant to each State for the purpose
20 of permitting the State, directly or through subgrants with
21 units of local government in that State, to maintain law
22 and order on Federal land, protect individuals and prop-
23 erty on Federal land, and enforce Federal law. Grant
24 funds shall be used only to carry out law enforcement
25 functions on Federal land.

1 (b) DETERMINATION OF GRANT AMOUNT.—

2 (1) GRANT FORMULA.—A State shall receive a
3 grant under subsection (a) for a fiscal year in an
4 amount equal to the product of—

5 (A) the percentage determined under para-
6 graph (2) for that State; and

7 (B) the total amount appropriated to the
8 Secretary of the Interior for that fiscal year
9 pursuant to the authorization of appropriations
10 in subsection (d).

11 (2) STATE PERCENTAGE.—The percentage for a
12 State for purposes of paragraph (1) for a fiscal year
13 shall be equal to the sum of the following:

14 (A) Thirty percent of the percentage deter-
15 mined by comparing the total acreage of Fed-
16 eral land in that State at the end of the pre-
17 ceding fiscal year and the total acreage of Fed-
18 eral land in all States at the end of the pre-
19 ceding fiscal year.

20 (B) Seventy percent of the percentage de-
21 termined by comparing the total number of em-
22 ployees of the covered law enforcement agencies
23 assigned to that State as of September 30,
24 2016, and the total number of all employees of

1 the covered law enforcement agencies as of that
2 date.

3 (c) REPORT ON EXPENDITURES.—A State or unit of
4 local government receiving a grant or subgrant under this
5 section shall submit to the Secretary of the Interior an
6 annual report—

7 (1) certifying that the grant funds were used
8 only for the Federal land law enforcement functions
9 specified in subsection (a);

10 (2) accounting for all expenditures incurred by
11 the State or unit of local government in connection
12 with performing such law enforcement functions on
13 Federal land; and

14 (3) indicating whether grant funds were suffi-
15 cient or insufficient to cover such expenditures.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—On ac-
17 count of the reduced costs to be incurred by the Secretary
18 concerned as a result of the termination of the covered
19 law enforcement agencies, for fiscal year 2018 and each
20 fiscal year thereafter, there is authorized to be appro-
21 priated to the Secretary of the Interior to make grants
22 under this section—

23 (1) an amount equal to seven percent of the
24 Forest Service budget for fiscal year 2016;

1 (2) an amount equal to five percent of the Bu-
2 reau of Land Management budget for fiscal year
3 2016; and

4 (3) such additional amounts as the Secretary
5 concerned considers to be necessary for law enforce-
6 ment functions on Federal land for a fiscal year, to
7 be included in the materials submitted to Congress
8 by the Secretary concerned in support of the budget
9 of the President for that fiscal year under section
10 1105(a) of title 31, United States Code.

11 **SEC. 5. STATE AND LOCAL AGREEMENTS FOR LAW EN-**
12 **FORCEMENT FUNCTIONS ON FEDERAL LAND.**

13 (a) **AGREEMENT REQUIRED.**—As a condition of a
14 grant or subgrant under section 4, the State or unit of
15 local government receiving the grant or subgrant and the
16 Secretary concerned shall enter into an agreement, con-
17 sistent with this section, to address the maintenance of
18 law and order and the protection of individuals and prop-
19 erty on Federal land.

20 (b) **POWERS AND DUTIES OF LAW ENFORCEMENT**
21 **PERSONNEL.**—The agreement under subsection (a) be-
22 tween a State or unit of local government receiving a grant
23 or subgrant and the Secretary concerned shall authorize
24 designated law enforcement officers of the State or unit
25 of local government—

1 (1) to carry firearms on Federal land;

2 (2) make arrests without warrant for any of-
3 fense against the United States committed in the
4 presence of the law enforcement officer, or for any
5 felony cognizable under the laws of the United
6 States if the law enforcement officer has reasonable
7 grounds to believe that the individual to be arrested
8 has committed or is committing the felony, provided
9 the arrests occur on Federal land or within the State
10 or local jurisdiction of the law enforcement officer or
11 the individual to be arrested is fleeing from the Fed-
12 eral land;

13 (3) execute any warrant or other process issued
14 by a court or officer of competent jurisdiction for
15 the enforcement of the provisions of any Federal law
16 or regulation issued pursuant to law arising out of
17 an offense committed on Federal land or, where the
18 individual subject to the warrant or process is on
19 Federal land, in connection with any Federal of-
20 fense; and

21 (4) conduct investigations of offenses against
22 the United States committed on Federal land in the
23 absence of investigation of the offenses by any other
24 Federal law enforcement agency having investigative

1 jurisdiction over the offense committed or with the
2 concurrence of the other agency.

3 (c) INDEMNIFY AND SAVE HARMLESS.—The Sec-
4 retary concerned shall waive, in any agreement under sub-
5 section (a) with a State or unit of local government, all
6 civil claims against the State or unit of local government
7 and, subject to available appropriations, indemnify and
8 save harmless the State or unit of local government from
9 all claims by third parties for property damage or personal
10 injury, that may arise out of law enforcement functions
11 performed under the agreement.

12 (d) LAW ENFORCEMENT PERSONNEL NOT DEEMED
13 FEDERAL EMPLOYEES.—

14 (1) IN GENERAL.—Except as otherwise pro-
15 vided in this subsection, a law enforcement officer of
16 a State or unit of local government performing law
17 enforcement functions pursuant to an agreement
18 under subsection (a) shall not be deemed a Federal
19 employee and shall not be subject to the provisions
20 of law relating to Federal employment, including
21 those relating to hours of work, rates of compensa-
22 tion, leave, unemployment compensation, and Fed-
23 eral benefits.

24 (2) EXCEPTIONS.—A law enforcement officer of
25 a State or unit of local government performing law

1 enforcement functions pursuant to an agreement
2 under subsection (a) is deemed to be—

3 (A) a Federal employee for purposes of
4 sections 1346(b) and 2401(b) and chapter 171
5 of title 28, United States Code; and

6 (B) a civil service employee of the United
7 States within the meaning of the term “em-
8 ployee” as defined in section 8101 of title 5,
9 United States Code, for purposes of subchapter
10 I of chapter 81 of such title, relating to com-
11 pensation to Federal employees for work inju-
12 ries, and the provisions of subchapter I of chap-
13 ter 81 of such title shall apply.

14 (e) FEDERAL INVESTIGATIVE JURISDICTION AND
15 STATE CIVIL AND CRIMINAL JURISDICTION NOT PRE-
16 EMPTED.—This section shall not be construed or ap-
17 plied—

18 (1) to limit or restrict the investigative jurisdic-
19 tion of any Federal law enforcement agency other
20 than a covered law enforcement agency; and

21 (2) to affect any right of a State or unit of local
22 government to exercise civil and criminal jurisdiction
23 on Federal land.

24 (f) CONFORMING AMENDMENTS.—

1 (1) FOREST SERVICE.—Section 15003 of the
2 National Forest System Drug Control Act of 1986
3 (16 U.S.C. 559c) is repealed.

4 (2) BUREAU OF LAND MANAGEMENT.—Section
5 303(c)(2) of the Federal Land Policy and Manage-
6 ment Act of 1976 (43 U.S.C. 1733(c)(2)) is amend-
7 ed by striking “may authorize Federal personnel or”
8 and inserting “shall authorize”.

○