

114TH CONGRESS  
2D SESSION

# H. R. 4751

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2016

Mr. CHAFFETZ (for himself, Mr. BISHOP of Utah, Mr. STEWART, Mrs. LOVE, Mr. NEWHOUSE, 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

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## 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 of 2016”.

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; FORMULA.—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 only be allowed to be used to carry out law  
25 enforcement functions on Federal land.

1 (b) GRANT FORMULA.—

2 (1) PERCENTAGE OF FEDERAL LAND.—Subject  
3 to paragraph (2), a State shall receive a grant under  
4 subsection (a) in an amount that bears the same  
5 percentage to the amount appropriated for that fis-  
6 cal year under subsection (d) as the total acreage of  
7 Federal land in that State bears to the total acreage  
8 of Federal land in all States.

9 (2) MODIFICATION TO REFLECT VISITATION  
10 LEVELS.—The Secretary of the Interior shall modify  
11 the grant formula specified in paragraph (1) to take  
12 into account annual visitation levels at individual  
13 units of Federal land in each State so that States  
14 whose Federal land receive the highest number of  
15 recreational users receive additional funds for law  
16 enforcement. Not later than April 1, 2017, the Sec-  
17 retary shall submit to Congress the Secretary’s pro-  
18 posal for modifying the grant formula to reflect visi-  
19 tation levels.

20 (c) REPORT ON EXPENDITURES.—A State or unit of  
21 local government receiving a grant or subgrant under this  
22 section shall submit to the Secretary of the Interior an  
23 annual report—

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

4           (2) accounting for all expenditures incurred by  
5           the State or unit of local government in connection  
6           with performing such law enforcement functions on  
7           Federal land; and

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

10          (d) **AUTHORIZATION OF APPROPRIATIONS.**—For fis-  
11 cal year 2018 and each fiscal year thereafter, there is au-  
12 thorized to be appropriated to the Secretary of the Interior  
13 to make grants under this section—

14           (1) an amount equal to at least the total  
15           amount appropriated for all covered law enforcement  
16           agencies for fiscal year 2016; and

17           (2) such additional amounts as the Secretary  
18           considers to be necessary for law enforcement func-  
19           tions on Federal land.

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

22          (a) **AGREEMENT REQUIRED.**—As a condition of a  
23 grant or subgrant under section 4, the State or unit of  
24 local government receiving the grant or subgrant and the  
25 Secretary concerned shall enter into an agreement, con-

1 sistent with this section, to address the maintenance of  
2 law and order and the protection of individuals and prop-  
3 erty on Federal land.

4 (b) POWERS AND DUTIES OF LAW ENFORCEMENT  
5 PERSONNEL.—The agreement under subsection (a) be-  
6 tween a State or unit of local government receiving a grant  
7 or subgrant and the Secretary concerned shall authorize  
8 designated law enforcement officers of the State or unit  
9 of local government—

10 (1) to carry firearms on Federal land;

11 (2) make arrests without warrant for any of-  
12 fense against the United States committed in the  
13 presence of the law enforcement officer, or for any  
14 felony cognizable under the laws of the United  
15 States if the law enforcement officer has reasonable  
16 grounds to believe that the individual to be arrested  
17 has committed or is committing the felony, provided  
18 the arrests occur on Federal land or within the State  
19 or local jurisdiction of the law enforcement officer or  
20 the individual to be arrested is fleeing from the Fed-  
21 eral land;

22 (3) execute any warrant or other process issued  
23 by a court or officer of competent jurisdiction for  
24 the enforcement of the provisions of any Federal law  
25 or regulation issued pursuant to law arising out of

1 an offense committed on Federal land or, where the  
2 individual subject to the warrant or process is on  
3 Federal land, in connection with any Federal of-  
4 fense; and

5 (4) conduct investigations of offenses against  
6 the United States committed on Federal land in the  
7 absence of investigation of the offenses by any other  
8 Federal law enforcement agency having investigative  
9 jurisdiction over the offense committed or with the  
10 concurrence of the other agency.

11 (c) INDEMNIFY AND SAVE HARMLESS.—The Sec-  
12 retary concerned shall waive, in any agreement under sub-  
13 section (a) with a State or unit of local government, all  
14 civil claims against the State or unit of local government  
15 and, subject to available appropriations, indemnify and  
16 save harmless the State or unit of local government from  
17 all claims by third parties for property damage or personal  
18 injury, that may arise out of law enforcement functions  
19 performed under the agreement.

20 (d) LAW ENFORCEMENT PERSONNEL NOT DEEMED  
21 FEDERAL EMPLOYEES.—

22 (1) IN GENERAL.—Except as otherwise pro-  
23 vided in this subsection, a law enforcement officer of  
24 a State or unit of local government performing law  
25 enforcement functions pursuant to an agreement

1 under subsection (a) shall not be deemed a Federal  
2 employee and shall not be subject to the provisions  
3 of law relating to Federal employment, including  
4 those relating to hours of work, rates of compensa-  
5 tion, leave, unemployment compensation, and Fed-  
6 eral benefits.

7 (2) EXCEPTIONS.—A law enforcement officer of  
8 a State or unit of local government performing law  
9 enforcement functions pursuant to an agreement  
10 under subsection (a) is deemed to be—

11 (A) a Federal employee for purposes of  
12 sections 1346(b) and 2401(b) and chapter 171  
13 of title 28, United States Code; and

14 (B) a civil service employee of the United  
15 States within the meaning of the term “em-  
16 ployee” as defined in section 8101 of title 5,  
17 United States Code, for purposes of subchapter  
18 I of chapter 81 of such title, relating to com-  
19 pensation to Federal employees for work inju-  
20 ries, and the provisions of subchapter I of chap-  
21 ter 81 of such title shall apply.

22 (e) FEDERAL INVESTIGATIVE JURISDICTION AND  
23 STATE CIVIL AND CRIMINAL JURISDICTION NOT PRE-  
24 EMPTED.—This section shall not be construed or ap-  
25 plied—

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

4           (2) to affect any right of a State or unit of local  
5           government to exercise civil and criminal jurisdiction  
6           on Federal land.

7           (f) CONFORMING AMENDMENTS.—

8           (1) FOREST SERVICE.—Section 15003 of the  
9           National Forest System Drug Control Act of 1986  
10          (16 U.S.C. 559c) is repealed.

11          (2) BUREAU OF LAND MANAGEMENT.—Section  
12          303(c)(2) of the Federal Land Policy and Manage-  
13          ment Act of 1976 (43 U.S.C. 1733(c)(2)) is amend-  
14          ed by striking “may authorize Federal personnel or”  
15          and inserting “shall authorize”.

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